

File No. 101149

Committee Item No. 1

Board Item No. \_\_\_\_\_

**COMMITTEE/BOARD OF SUPERVISORS  
AGENDA PACKET CONTENTS LIST**

Committee: **City Operations & Neighborhood  
Services Committee**

Date 9/27/10

Board of Supervisors Meeting

Date \_\_\_\_\_

**LIQUOR LICENSE HEARING**

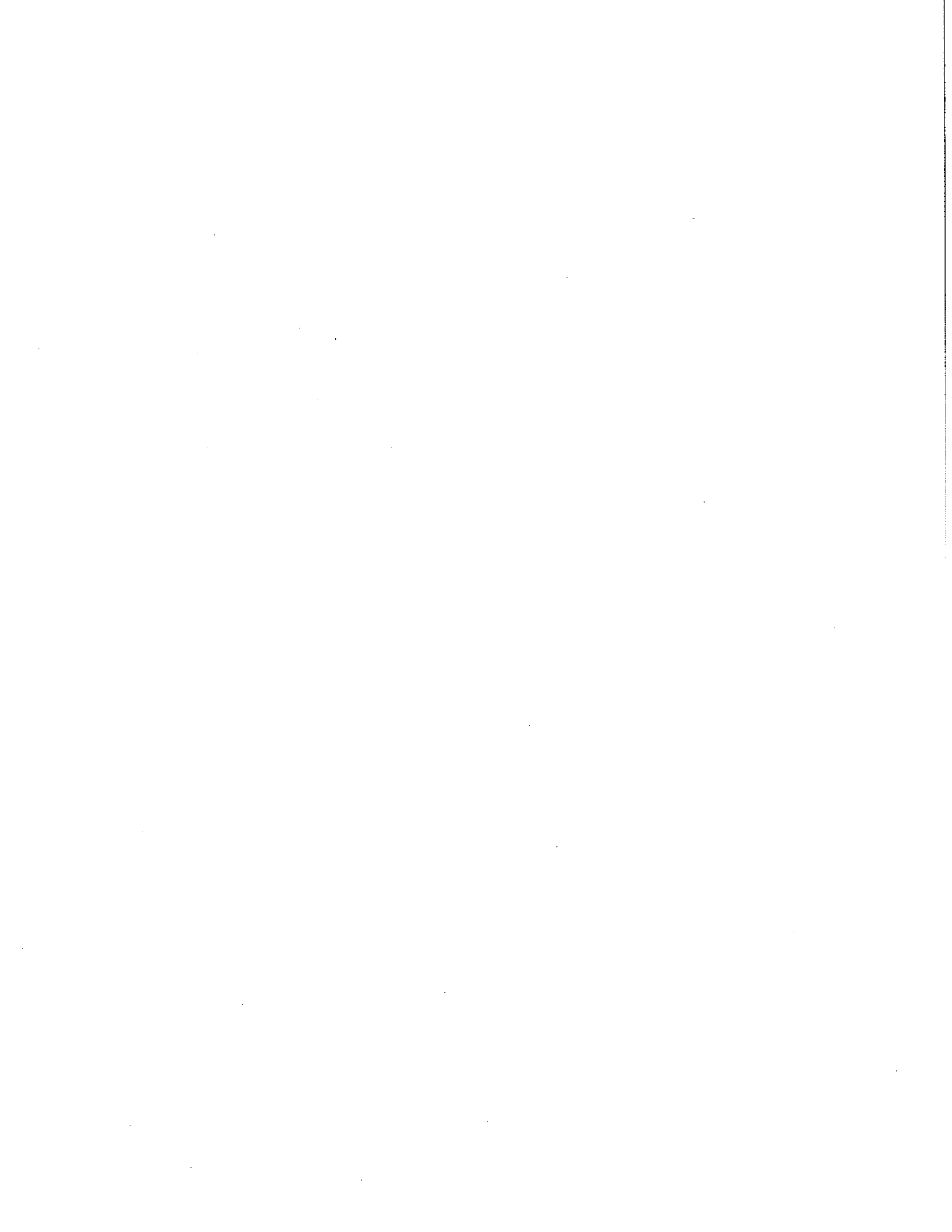
Cmte Board

- |                                     |                          |                            |
|-------------------------------------|--------------------------|----------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Applicant's Letter         |
| <input type="checkbox"/>            | <input type="checkbox"/> | Police Department Report   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Planning Department Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | Clerk's Correspondence     |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Other                      |

- \_\_\_\_\_
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Completed by Gail Johnson  
Completed by \_\_\_\_\_

Date 9/23/10  
Date \_\_\_\_\_





Christy Bergman  
<cbergman@gmail.com>  
12/24/2009 08:33 AM

To Annette Lonich <Annette.Lonich@sfgov.org>  
cc cbergman@gmail.com  
bcc  
Subject Fwd: liquor license

Hi Annette,

Below is the info requested.

Thanks and regards,  
Christy

-----  
Name: Christy Bergman  
Phone: 415-290-4782  
Type of license: 42 (beer & wine)  
Business Name: The Secret Wineshop  
Location: 1097 Howard St. #209, SF, CA 94103  
Business Hours: Tues-Sat 3-7pm  
Website: <http://thesecretwineshop.com/>

How the license serves the public convenience and necessity both in the neighborhood and citywide

"The Secret Wineshop" will be a Tasting room, wine shop and art gallery displaying collectible antique glass, art & photography. It will be on the 2nd floor. Access to our building is restricted and people need to get buzzed in to enter. There will be a sign in the upstairs window so people on the sidewalk who are looking for the shop will be able to find it. It won't be possible for minors or other at risk people to accidentally walk into the shop.

The focus of the wine shop will be local, small production, hand crafted California wines with special tasting and education events featuring local wine makers. In this way, I'll be different from my neighbor wine bar Terroir which focuses on European wine. Also different from the Wine Club on 5th & Harrison, they carry mostly European bulk imports. Also different from K&L (4th & Townsend) since they also sell bulk wine and have multiple locations throughout the Bay Area. The Secret Wineshop will be beneficial to our community by bringing more diversity, choices, and education about how local California wine is made and what the cycle is in CA from vine to grape to glass. We also want to highlight talented local artists and give them a chance to be seen.

What it's not: This is not an "entertainment" space. There will not be loud music. This will not be a nightclub. The shop will close at 7pm except for special tasting events perhaps once/week. Those tasting events will end at an early hour of the evening, well before 10pm. Also, the events are geared for a more select crowd. I expect maximum event turnout to be less than 35 people. I live in the building with art and furniture in my space, so I have a

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2010 SEP 14 PM 4:40  
BY

vested interest in carefully controlling noise level and limiting access to the shop.

What it is for our neighborhood: The Filipino association has many members who are minority, small business wine makers. Currently they do not have a tasting room or place to gather to showcase their wines. The Secret Wineshop could be such a place for that local community.

The area between Market to Folsom & 8th to 6th streets is beginning to fill with new businesses (e.g. Sightglass coffee, Ritual coffee, Terroir Wine Merchant, many new restaurants) and new residents (e.g. Soma Grand). There's also a stream of professionals working in the area during the day (e.g. Superior Court of Appeals, the Federal Building, Hall of Justice, and many small tech startups). Providing a retail space encourages people to walk around their neighborhood, making it safer. Providing an art gallery, tasting room, and wine education gives people activities and a destination right after work. It's also a place to meet your neighbors.

What it is for our city: There are many small, boutique family owned wineries in California. Many of the grapes are grown on historic lands, some with vines dating back to the late 1800's. The fruit is 100% hand picked, hand sorted, hand "punched" daily to mix in the tannins. All the decisions are made painstakingly by the wine maker one vintage at a time. In a word, California is full of small production, quality hand crafted wines, mostly without a voice in their closest big metropolitan area of San Francisco.

Many wines are starting to be made within San Francisco city limits itself at independent crushpads. These wines also would find a new home in the Secret Wineshop as a venue to reach a larger audience.

Other benefits for the City: Permit fees, Business licenses fees, and the whole chain of providing a sales outlet to local wineries, additional wine list choices for local restaurants, and more choices for local residents.

Who I am: I am a minority female aspiring to be a small business owner. I grew up on a farm in Northern California, and my father taught agriculture at the community college. I studied mathematics at Stanford University and more recently wine making and viticulture at UC Davis. I've worked at various wineries in the Bay Area as well as interned for 2009 harvest.

I will be open to consideration of conditions to address community or law enforcement concerns.

Respectfully,

Christy Bergman,  
Owner of "the Secret Wineshop"

On Wed, Dec 23, 2009 at 4:33 PM, Annette Lonich <[Annette.Lonich@sfgov.org](mailto:Annette.Lonich@sfgov.org)> wrote:

Please submit so we can open a file. You can email/fax or mail it back.

(See attached file: berg.pdf)

Also Dave Falzon (Police Department) changed his phone number 553-9369.

thank you

annette lonich

Board of Supervisors Clerk's Office

email [annette.lonich@sfgov.org](mailto:annette.lonich@sfgov.org)

Phone 554-7706

Fax 554-7714

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.

[http://www.sfgov.org/site/bdsupvrs\\_form.asp?id=18548](http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548)



# INFORMATION AND INSTRUCTIONS -

## SECTION 23958.4 B&P

10 0031

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

### PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

WINE B & B CO.

2. PREMISES ADDRESS (Street number and name, city, zip code)

1097 HOWARD ST. SAN FRANCISCO CA 94103

3. LICENSE TYPE

42

4. TYPE OF BUSINESS

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant      | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge     | <input type="checkbox"/> Private Club      |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club       | <input type="checkbox"/> Night Club          | <input type="checkbox"/> Veterans Club     |
| <input type="checkbox"/> Cafe/Coffee Shop             | <input type="checkbox"/> Brew Pub          | <input type="checkbox"/> Tavern: Beer        | <input type="checkbox"/> Fraternal Club    |
| <input type="checkbox"/> Bed & Breakfast:             | <input type="checkbox"/> Theater           | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only                    | <input type="checkbox"/> All               |  |  |
- 
- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Supermarket        | <input type="checkbox"/> Membership Store  | <input type="checkbox"/> Service Station               | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store       | <input type="checkbox"/> Department Store  | <input type="checkbox"/> Convenience Market            | <input type="checkbox"/> Drive-in Dairy        |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline |  |
| <input type="checkbox"/> Other - describe:  |  |  |  |

5. COUNTY POPULATION

5829

6. TOTAL NUMBER OF LICENSES IN COUNTY

On-Sale  Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale  Off-Sale

8. CENSUS TRACT NUMBER

0178

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

19  On-Sale  Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

44  On-Sale  Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed
- No, the number of existing licenses is lower than the number allowed

3X PUB

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13)  No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

232

14. TOTAL NUMBER OF REPORTING DISTRICTS

654

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

120367

16. AVERAGE NO. OF OFFENSES PER DISTRICT

184

17. 120% OF AVERAGE NUMBER OF OFFENSES

221

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

487

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

BOARD OF SUPERVISORS

### FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

WILLIE BULANADI

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SAN FRANCISCO  
2009 DEC 23 PM 12:49







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# Welcome to The Secret Wineshop

Coming soon (hopefully) Spring 2010\*

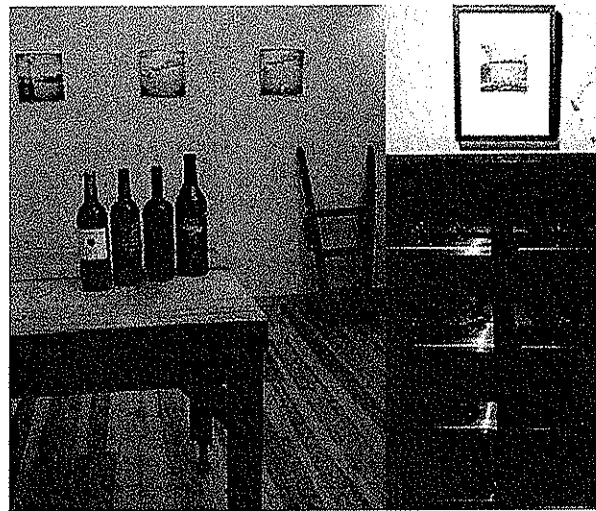
"The Secret Wineshop" will be located on the corner of 7th & Howard in the SOMA neighborhood of San Francisco. It will be a tasting room, wine shop & art gallery displaying collectible antique glass, art & photography.

The focus of the wine shop will be local, small production, hand crafted California wines with special tasting events featuring local wine makers. The Secret Wineshop will be beneficial to our community by bringing more diversity, choices, and education about how local California wine is made and what the cycle is in CA from vine to grape to glass. We also want to highlight talented artists and give them a chance to be seen.

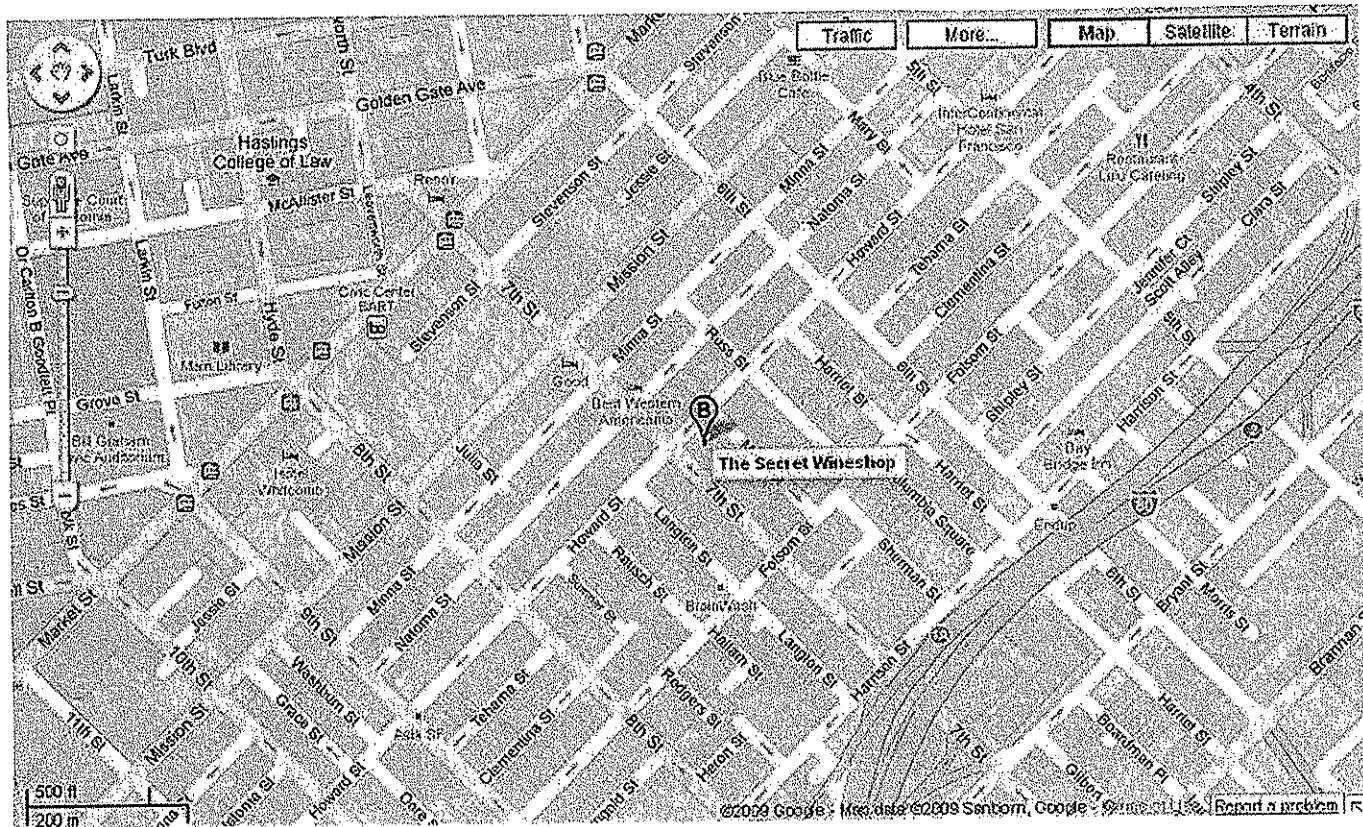
\* depending on San Francisco city permits

Shop Hours - Coming soon (hopefully) Spring 2010\*

Tuesday-Saturday 3-7pm  
To schedule a private tasting, please call (415) 625-3285.



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Our Story

## Our Story

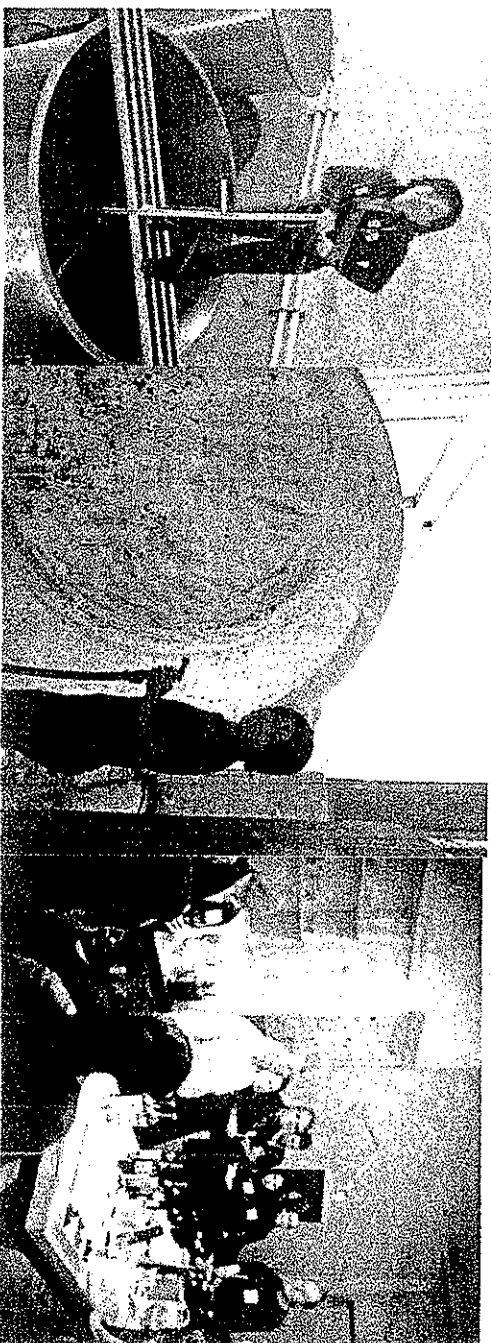
The Secret Wineshop is the dream of Christy Bergman. She grew up on a farm in Northern California's Humboldt County, and her father taught agriculture at the community college. She studied mathematics at Stanford University. Later in life, she lived 5 years in Paris, France, gastronomic capital of the world. Paris is where Christy first learned about and began to appreciate wine. It was the Salon des Grands Vins, Paris 2003. The wines were absolutely amazing, many were actually affordable, and the connoisseurs there were oh so serious about their wine. Over the years, she developed her French sensibilities for food & wine (and clothes) and they have since become part of her everyday life. In Paris, Christy lived the quintessential bohemian life of artist, writer, & composer, all the while never forgetting her agricultural roots.

Returning to the USA, she started taking wine making & viticulture classes at UC Davis. She also started working at various wineries in Sonoma. What she realized working Harvest 2009 was that CA wine is way under appreciated. Wine documentaries such as *Mondo Vino*, portrayed European wineries as small, time honored family wineries; while American wineries were portrayed as mega-corporations such as Gallo and Mondavi.

There are many small, boutique family owned wineries in California. Many of the grapes are grown on historic lands, some with vines dating back to the late 1800's. The fruit is 100% hand picked, hand sorted, hand "punched" daily to mix in the tannins. All the decisions are made painstakingly by the wine maker one vintage at a time. In a word, California (and even San Francisco) is full of small production, quality hand crafted wines, mostly without a voice in their closest big metropolitan area of San Francisco.

That's where the Secret Wineshop will come in. We can't promise to always carry exactly the same wine. We can't promise you'll be able to find those wines anywhere else in San Francisco. What we can promise is a hand selected choice of wines that represent the best of what CA has to offer at prices that are actually affordable.

We'll throw in a few of the bigger wineries perhaps or a few famous imports for tasting comparisons. But the uniqueness of the shop will be in providing a place for small production wineries to reach a larger audience. We'll host educational tasting events monthly, maybe a little more often during peak seasons. We'll invite the wine makers to pour & talk about their wines. We really want you, the wine fans, to learn as much as you'd like about each wine, and get a chance to buy some really unique bottles.



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## Our Story

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# Stanford Giro d'Italia: Sangiovese Wine Education & Tasting

## Monday, December 7<sup>th</sup>, 2009

### 1. Muscardini Rosato di Sangiovese, Monte Rosso vineyard, Sonoma Valley 2008

- WINEMAKING This Rosato was made by bleeding off the free run juice from our Sangiovese fermentation just 20 hours after crush. This gave the wine its blush color and tropical bouquet. The wine was fermented and aged for 5 months in neutral French oak barrels until dry.
- AWARDS Best of Class 2009 Sonoma Valley Wine Competition
- TASTING/PAIRING NOTES Floral bouquet of strawberry, melon and roses, with a refreshing grapefruit finish. Pairs perfectly with grilled artichokes and crab goat cheese dip.
- 208 cases produced, \$22/bottle

### 2. Sangiovese Rosato, estate DaVero Farms 2007

- WINEMAKING harvested fully ripe (separate Rosato harvest). Whole-berry crushed & pressed. Taken off skins right away, leaving just a hint of tannin and relatively high acid. Fermented in stainless steel, stored in neutral oak barrels. Just before bottling, we blend in a touch of Sangiovese red from the same vintage and cold stabilize.
- TASTING/PAIRING NOTES The result is what we like to call "a red wine that's pink." It has rich flavors backed by great acidity and structure. It's a delicious aperitif. Shines when paired with rich foods like duck confit, Thanksgiving turkey and even grilled salmon.
- 112 cases produced, \$16/bottle

### 3. Sangiovese Rosso, estate DaVero Farms 2006

- WINEMAKING We crop the vineyard very lightly (1-2 tons per acre), and harvest by flavor rather than grape chemistry. Cold fermented in full contact with skins for 14 days in small, open-topped fermenter. The cap was punched down rather than pumped over to minimize interference, using a "bell curve" model: once the first day, twice the second, and so on up to 4x daily, then back down. Following fermentation, the wine was aged in neutral oak barrels for 9 months.
- TASTING/PAIRING NOTES A nose redolent with dark fruit like cherries, blackberries, and currants. It's nicely balanced on the palate, with a hint of chocolate in the finish that is attributable to the tiny percentage of cabernet franc we blended in just before bottling.
- 153 cases produced, \$34/bottle

### 4. Muscardini Sangiovese, Pauli Ranch, Ukiah Valley, Mendocino County 2007

- WINEMAKING The grapes came in on October 11, 2007, late in the season. They were rushed to the winery, cold-soaked for 3 days, then slowly fermented for 16 days. Barrel-aged for 12 months in 30% new American oak barrels.
- AWARDS Gold 2009 San Francisco Chronicle Wine Competition, Double Gold 2009 CA State Fair
- TASTING/PAIRING NOTES Aromas of blackberries, dark chocolate, vanilla, and a hint of forest floor. Bright raspberry, cherry fruit in the mouth. Great with tomato-based dishes, pastas, pizza, or anything from salmon to lamb.
- 208 cases produced, \$34/bottle

### 5. Querceto Chianti DOCG 2008

- Production zone: Colline del Valdarno within the Chianti Classico region, Grapes: Sangiovese, Canaiolo, Trebbiano. Fermentation: maceration on the skins for about 7 days at 28°C. (82°F.) Alcohol: about 12%
- IMPORTED BY Prestige Wine Imports, DISTRIBUTED BY Southern Wine & Spirits (strict monopoly of imported wines in all Western US States (West of CO & Texas + various East Coast, total 29 States).
- TASTING/PAIRING NOTES Dark cherry, plum, spice and tea leaf. Youthful & fruity, can be enjoyed with simple meals on simple occasions.

### 6. Noceto Sangiovese, Sierra Foothills 2007

- WINEMAKING Final blend includes twenty separate lots of Sangiovese. Gently crushed, cold soak 1-2 days, 75-85o Fahrenheit, 7-10 days. Aged 14 months in 10% new French puncheons, 70% used French & American puncheons, 20% used French barrels.
- TASTING/PAIRING NOTES Cherryberry nose, dark plum and cranberry fruit flavors throughout accented by subtle oak and a dash of peppery spice. Pair with grilled or roasted meats, pasta, pizza, or Mediterranean cuisine.
- 3780 cases produced, \$16/bottle

### 7. Noceto Sangiovese, Dos Oakies, Shenandoah Valley 2006

- WINEMAKING Picked at 26 brix, pH 3.31, TA .66. 40-50% whole berry, 65-80 o Fahrenheit, 10 days. Aged 1<sup>st</sup> 5 mos: 25% French oak barrels & puncheons (50% new), 75% stainless. Next 14 mos: 100% French oak barrels & puncheons (30% new).
- TASTING/PAIRING NOTES Classic Italian, Sangiovese flavors – dark cherry, earthy, touch of oak, leather and cassis. Pairs well with grilled or roasted meats (Steak Fiorentina) or a rich pasta.
- 306 cases produced, \$26/bottle

## LIQUOR LICENSE REVIEW

TO: Planning Department  
AnMarie Rodgers/CTYPLN/SFGOV  
Georgia Powell/CTYPLN/SFGOV@SFGOV  
Fax No: 558-6409

File: 101149

Block/Lot: 3731/128

Zoning: MUG

Quad: SE

MB # 1001025

TO: Inspector Dave Falzon  
Police Department  
Fax No: 553-1463

DATE: September 15, 2010

---

This item is scheduled to be heard at a meeting on September 27, 2010.  
**PLEASE E-MAIL YOUR RESPONSE BY: September 23, 2010 to Gail Johnson,**  
Clerk, City Operations and Neighborhood Services Committee.  
**Gail.Johnson@sfgov.org - Fax No: 554-7714**

---

**Applicant Name:** Christy Bergman  
**and Business Name:** The Secret Wine Shop

**Applicant Address:** 1097 Howard St., #209  
**and Phone No.** 415-290-4782

**PLANNING COMMENTS:**  Approval  Denial

PER Motion No. 18147  
(ATTACHED w/ EMAIL)

*[Signature]*  
J. BANALES  
9/16/10

**POLICE COMMENTS:**  Approval  Denial



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- |  |  |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315)         | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139)            | <input type="checkbox"/> Other                             |

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## Planning Commission Motion No. 18147

HEARING DATE: JULY 15, 2010

Date: July 8, 2010  
Case No.: 2009.1062C  
Project Address: 1097 HOWARD STREET UNIT #209  
Zoning: MUG (Mixed Use, General)  
65-X Height and Bulk District  
SUD: SOMA Youth and Family  
Block/Lot: 3731/140  
Project Sponsor: Christy Bergman  
1097 Howard Street #209  
San Francisco, CA 94103  
Staff Contact: Diego R Sánchez – (415) 575-9082  
[diego.sanchez@sfgov.org](mailto:diego.sanchez@sfgov.org)  
Recommendation: Approval with Conditions

**ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 249.40A AND 840.47 OF THE PLANNING CODE TO ALLOW A BAR (DBA THE SECRET WINE SHOP) WITHIN THE MUG (MIXED USE, GENERAL) DISTRICT, THE SOMA YOUTH AND FAMILY SPECIAL USE DISTRICT AND A 65-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On November 12, 2009 Christy Bergman (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section 249.40A and 840.47.24 of the Planning Code to allow a bar (dba The Secret Wine Shop) within the MUG (Mixed Use, General) District, the SOMA Youth and Family Special Use District and a 65-X Height and Bulk District.

On July 15, 2010, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.1062C.

The Project was determined by the Department to be Categorical Exempt from the California Environmental Quality Act ("CEQA") as a Class 1(a) exemption under CEQA Guidelines as described in

the determination contained in the Planning Department files for this project. The Commission has reviewed and concurs with said determination.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2009.1062C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

### FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the second floor of a three story condominium building at the southeast corner of 7<sup>th</sup> and Howard Streets and is currently the primary residence of the project sponsor. The building permit application for the conversion of this building from industrial and office uses to live/work units was submitted in 1995 and received approval for occupancy from the Department of Building Inspection in 1999. The Department of Building Inspection granted the Certification of Final Completion for the unit in which the project is proposed, unit #209, in 2002:
3. **Surrounding Properties and Neighborhood.** The proposal is located at the intersection of 7th and Howard Streets within the South of Market Area neighborhood and the Mixed Use, General, Zoning District. The area is characterized by mixed used developments, with retail/commercial uses on the ground floor and residential uses above. There are also many single and two story buildings whose main use is for commercial or light industrial purposes. To the south of the project, along Moss alley, there are numerous multi-storied buildings wholly residential in nature. Properties in the immediate vicinity of the proposal are zoned SLR (Service/Light Industrial), MUG (Mixed Use, General) and RED (Residential Enclave District).
4. **Project Description.** The project proposes to establish a retail wine shop, dba The Secret Wine Shop, with public tastings within a Live/Work unit that is currently used exclusively for residential purposes. The project sponsor intends to sell local, small production, hand crafted wines in a retail capacity and conduct wine tastings and wine education/appreciation classes on a scheduled basis approximately four times a month. The loft is approximately 1,030 square feet. 655 square feet will be dedicated to the wine tasting and retail use of the proposal. The project sponsor also intends to continue using the balance of the space, 375 square feet, as a primary residence. The project is considered a bar under Planning Code Section 790.22 because the wine tasting aspect of the proposal requires an ABC license type 42, authorizing the sale of wine for consumption on or off the premises.



5. **Public Comment.** The Department has received multiple letters in support of the proposed project. Those writing in support claim the project will enhance the immediate area, the goods and services provided will be beneficial and that the project sponsor will prudently manage the operations of the project so as to mitigate any possible negative effects of such a use.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Useable Open Space.** Planning Code Section 135.3 states that, for uses other than dwellings units within the Eastern Neighborhoods Mixed Use Districts, all newly constructed structures, all structures to which gross floor area equal to 20 percent or more of existing gross floor area is added and all structures for which floor area is converted to office use, other than office use accessory to a non-office, shall provide and maintain useable open space for that part of the new, additional or converted square footage.

*While the project is converting gross square footage to a new use, it is not subject to this provision as there is no new office space proposed and there is no new construction or addition to the existing structure.*

- B. **Parking.** Planning Section 151.1 of the Planning Code establishes maximum amounts for off-street parking within the Mixed Use, General (MUG) Zoning District at no more than one space for each 1,500 square feet of gross floor area for retail uses.

*The proposal does not provide off-street parking and therefore complies with the off-street parking requirements under Section 151.1.*

- C. **SOMA Youth and Family Special Use District.** Section 249.4A of the Planning Code establishes the SOMA Youth and Family Special Use District. With this Special Use District the establishment of a bar use, as defined in Planning Code Section 890.22, requires Conditional Use authorization.

*The proposal seeks to establish a bar and is seeking Conditional Use authorization as required by Planning Code Section 249.40A.*

- D. **Neighborhood Notification.** Planning Code 312 requires neighborhood notification in the Eastern Neighborhoods Mixed Use Districts for a change in use from any one land use category to another land use category.

*The proposal seeks to change the use of space from the Residential Uses land use category to the Retail Sales and Services land use category. Neighborhood notification was done in conjunction with the notification for the request for Conditional Use authorization.*



- E. **Eastern Neighborhood Impact Fees.** Planning Code 327 applies impact fees on projects within the Eastern Neighborhoods Plan Area that contribute to a 20 percent increase of non-residential space in an existing structure.

*The proposal seeks to change the use of space from the Residential Uses land use category to the Retail Sales and Services land use category and contributes to a 60 percent (835 square feet of 1,380 total square feet) increase in non-residential space in an existing structure. Prior to the issuance by the Department of Building Inspection of first site permit or building permit, the sponsor will pay to the Treasurer of the City and County of San Francisco impact fees at a Tier 2 level for non-residential space.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*Because the proposal is situated entirely within an existing Live/Work unit, there will no enlargement of building envelope or any other enlargement visible from the public right of way. The proposal seeks to convert a portion of an existing Live/Work unit into a bar (for wine tastings) and retail wine shop that will also hold small wine appreciation courses. This use, and its proposed size and intensity, are found to be necessary and desirable for the neighborhood and will be compatible with the mixed use character of the South of Market Area neighborhood.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The proposal will be with an existing Live/Work unit and will not expand the building envelope or the unit envelope. Within the context of the greater neighborhood, the proposal should not create any new detrimental effects as the context is of a mix of residential uses coexisting with commercial and light industrial uses.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*The Planning Code does not require parking or loading for this proposal. Given the intensity of the use and the proximity to major public transit, it is not anticipated that the use will exacerbate problems with the traffic patterns in the area.*

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*The proposed use is subject to the standard conditions of approval for retail establishments serving food and or beverages as outlined in Exhibit A. Conditions 7, 8 and 9 specifically obligates the project sponsor to mitigate odor and noise generated by the proposed use.*

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

*Because the proposal is within an existing building there are no opportunities to provide additional landscaping or screening of the use and there are no off-street parking or loading spaces to screen as well.*

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

- 8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

## **COMMERCE AND INDUSTRY**

### **Objectives and Policies**

#### **OBJECTIVE 3:**

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

#### **Policy 1.1:**

Assist newly emerging economic activities.

*The proposal is an emerging variety of retail wine shop that focuses on the local, small production wines and that provides educational/appreciation opportunities for the local public. It is an economic activity that is new and that can provide employment opportunities for city residents.*

## **EAST SOMA AREA PLAN**

### **Objectives and Policies**

#### **OBJECTIVE 1.1:**

ENCOURAGE PRODUCTION OF HOUSING AND OTHER MIXED-USE DEVELOPMENT IN EAST SOMA WHILE MAINTAINING ITS EXISTING SPECIAL MIXED-USE CHARACTER.

**Policy 1.1.8:**

Permit small and moderate size retail establishments in mixed use areas of East SoMa, but permit larger retail only as part of a mixed-use development.

*The proposed development is a retail establishment of small size, approximately 835 square feet, within the Mixed Use General (MUG) Zoning District, a mixed use district.*

**OBJECTIVE 1.3:**

INSTITUTE FLEXIBLE "LEGAL NONCONFORMING USE" PROVISIONS TO ENSURE A CONTINUED MIX OF USES IN EAST SOMA.

**Policy 1.3.1:**

Continue existing legal nonconforming rules, which permit pre-existing establishments to remain legally even if they no longer conform to new zoning provisions, as long as the use was legally established in the first place.

*The proposal will continue its non-conforming Live/Work status as only a fraction of existing space will be used as a retail establishment. The Department of Building Inspection approved the permit to change the legal use of the subject property to Live/Work in 1995. Live/Work uses in the SOMA neighborhood had historically allowed work activities that were principally or conditionally permitted in the district.*

**OBJECTIVE 4.2:**

ESTABLISH PARKING POLICIES THAT IMPROVE THE QUALITY OF NEIGHBORHOODS AND REDUCE CONGESTION AND PRIVATE VEHICLE TRIPS BY ENCOURAGING TRAVEL BY NON-AUTO MODES

**Policy 4.3.2:**

For new non-residential development, provide flexibility by eliminating minimum off-street parking requirements and establishing caps generally equal to the previous minimum requirements. For office uses in East SoMa, parking requirements should be commensurate with general downtown parking standards.

*The proposal does not propose any new off-street parking, as parking is not required in this zoning district, and is implicitly encouraging patrons to utilize non-private automobile means of transport, in line with the Transportation Objectives of the East SOMA plan.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The proposal will enhance the neighborhood serving retail base by providing a retail wine shop with wine tasting that would complement the existing retail uses in the area. The business would be locally owned.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The existing units in the in the building and within the surrounding neighborhood will not be adversely affected given the Conditions of Approval regulating the operation of the proposal. The proposal will blend well into the existing mixed use character of the area. The addition of such a retail wine shop that focuses on the provision of locally made wine will preserve and enhance the cultural and economic diversity of the City.*

- C. That the City's supply of affordable housing be preserved and enhanced,

*No housing is removed for this Project.*

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*Given the site's proximity to Market Street, the multiple public transit lines that run along Market Street and the intended number of patrons to be served by the use at any one time, it is not anticipated that the private automobile use by patrons will impede MUNI transit or overburden off-street parking.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*All alterations as a part of this proposal will meet the seismic code to insure, to the greatest extent possible, that any injury or loss of life in an earthquake is minimized.*

- G. That landmarks and historic buildings be preserved.

*The project does not include alterations to the exterior.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.
- The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.*
10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2009.1062C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on November 12, 2009 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18147. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on July 15, 2010.

Linda D. Avery  
Commission Secretary

AYES: Commissioners Antonini, Lee, Miguel, Moore, Olague and Sugaya

NAYS: None

ABSENT: Commissioner Borden

ADOPTED: July 15, 2010

## Exhibit A

### Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 303, 249.40A, and 840.47 of the Planning Code to allow a bar (dba The Secret Wine Shop) within the MUG (Mixed Use, General) District, the SOMA Youth and Family District and a 65-X Height and Bulk District, in general conformance with plans filed with the Application as received on November 11, 2009 and stamped "EXHIBIT B" included in the docket for Case No. 2009.1062C, reviewed and approved by the Commission on July 15, 2010.
2. Prior to the issuance of the Building Permit for the Project the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the City and County of San Francisco for the premises (Assessor's Block 3731, Lot 140; Unit #209), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion.
3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Planning Code Section 176.
4. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. Signs for the business shall be reviewed and approved by the Planning Department before they are installed.
6. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
7. The project sponsor shall maintain appropriate odor control equipment to prevent any significant noxious or offensive odors from escaping the premises.
8. The project sponsor shall operate the proposed use such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.
9. The hours of operation shall not exceed 10 PM. daily.
10. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning

**Motion No. 18147**  
**Hearing Date: July 15, 2010**

**CASE NO 2009.1062C**  
**1097 Howard Street #209**

Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.