

File No. 171244

Committee Item No. 1

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

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: February 14, 2018

Board of Supervisors Meeting:

Date: \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER

**(Click the text below for a direct link to the document)**

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>SFPD ALU Response - Received February 7, 2018</u>            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Department Response - Received January 25, 2018</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Notice of Special Restrictions</u>                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Comm. Motion No. 20017 - CUA - December 7, 2017</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral Letter - December 12, 2017</u>                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PC or N Request Letter - December 12, 2017</u>               |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>ABC License Query - December 11, 2017</u>                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>ABC Form ABC-211 - March 29, 2017</u>                        |

Prepared by: John Carroll

Date: February 9, 2018

Prepared by: John Carroll

Date: \_\_\_\_\_

## Carroll, John (BOS)

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**From:** Carroll, John (BOS)  
**Sent:** Wednesday, February 07, 2018 2:57 PM  
**To:** Lambright, Koledon (BOS); Karunaratne, Kanishka (MYR)  
**Cc:** 'justin.gebb@abc.ca.gov'; 'Meyer, Rose @ABC'; Gordon, Nelly (POL); George, Gigi (POL); Macchi, Patrick (POL); CPC.Referrals; 'derrick@vervewine.com'; 'dustin@vervewine.com'; 'rickwarren@pacbell.net'  
**Subject:** Liquor License PC or N - Liquor License - 2358 Fillmore Street - Verve  
**Categories:** 171244, 2018.02.14 - PSNS

Good afternoon,

The Police Department has completed their review of the subject application, and has forwarded their recommendation for approval with conditions. For your convenience, I have their review available from the link below:

[Police Department Response - February 7, 2018](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171244](#)

This request for findings of public convenience or necessity may be heard at a future regular meeting of the Public Safety and Neighborhood Services Committee.

Thanks for the review.

**John Carroll**

**Assistant Clerk**

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*




San Francisco Police Department  
**ABC Liaison Unit**



Alcoholic Beverage License -  
*Public Convenience and  
Necessity Recommendation*

**To:** The San Francisco Board of Supervisors' Committee on Public Safety  
and Neighborhood Services

**Supervisor Hillary Ronen**  
**Supervisor Jeff Sheehy**  
**Supervisor Sandra Lee Fewer**

**From:** A/C Lieutenant Nelly Gordon   
Officer in Charge  
ABC Liaison Unit (ALU) 415-553-1115

**Date:** February 7, 2017

**Subject:** P.C.N. Investigation Regarding: Verve Holdings, LLC  
DBA: Verve  
2358 Fillmore Street  
Richard D. Warren

Mr. Richard Warren on behalf of Verve Holdings, LLC; DBA: Verve has filed an application with the California Department of Alcoholic Beverage Control seeking a -Type 21 (Off- Sale Beer, Wine and Distilled Spirit) License for 2358 Fillmore Street (located between Washington Street and Clay Street).

Hours of Operation:

7 Days a Week: 9:00 a.m.-11:00 p.m.

End

**Digest:**

Verve Holdings is wine store which will be located at 2358 Fillmore Street in the Northern district. Verve is transferring this license from 395 Geary Blvd in the Central district to the above address. Verve currently has a store in Manhattan, NY and this will be there first store in San Francisco Bay area. If approved, this license will allow Verve to sell Off-Sale Beer, Wine and Distilled Spirit.

**Letters of Protest:**

**0 Valid Protest**

**Letters of Support:**

**0 Valid Support**

**Police Calls for Service:**

From March 2016 to March 2017

**0 calls for service**

**Police Reports:**

From March 2016 to March 2017

**0 police reports**

**San Francisco Plot Information:**

This premise is located in Plot: **295**

A High Crime area is defined as **78** or more police incident in a plot for the year of **2016**.

This plot had **191** police incident for **2016**, which is **113** over the **Citywide "High Crime"** average.

**State Census Tract Information:**

This premise is located in Census Tract: **135.00**  
Population for this tract is: **2,556**

On-sale license authorized by census tract: **9**  
Active on-sale licenses: **11** with **0** pending

Off-sale licenses authorized by census tract: **2**  
Active off-sale licenses: **8** with **0** pending

**Departmental Recommendation:**

Points of consideration: **6**

No opposition from **Northern Station**

Applicant premise is located in a “**High Crime**” area.

Applicant premise is located in an “**undue concentration**” area.

**0** - Record of protest.

**0** - Record of support.

ALU Recommendation: **Approval following conditions:**

1. Sales of alcoholic beverages shall be permitted between the hours of 9:00 am to 11:00 p.m.daily.
2. Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti with 72 hours following the beginning of the next week day.
3. Loitering (loitering is defined as “to stand idly about; linger aimlessly without lawful business”) is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee as depicted on the ABC-257.
4. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on the ABC-257.

❖ **It should be noted that the Applicant agrees with the above recommended conditions.**

Google Maps 2357 Fillmore St

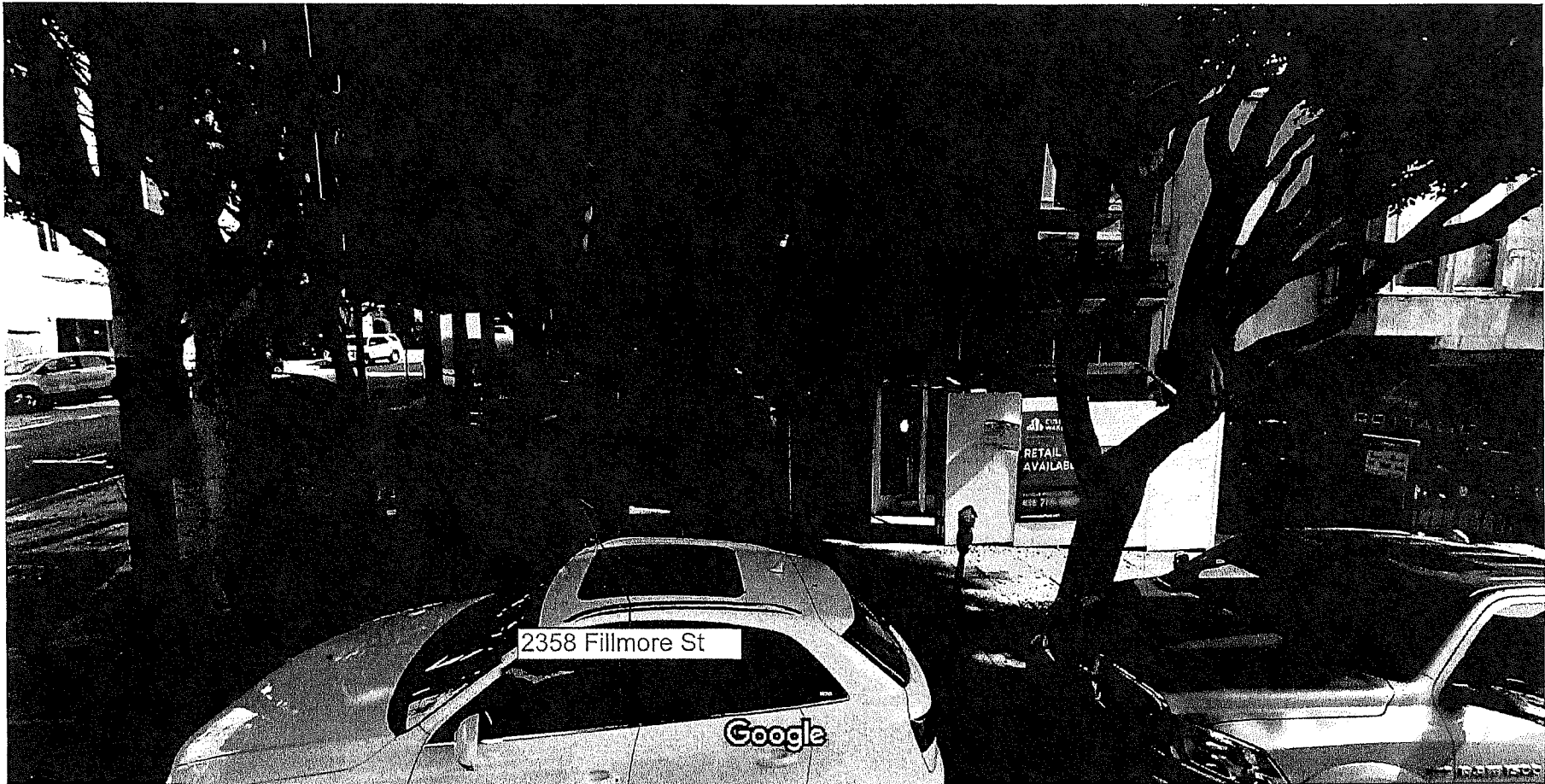


Image capture: Nov 2016 © 2017 Google

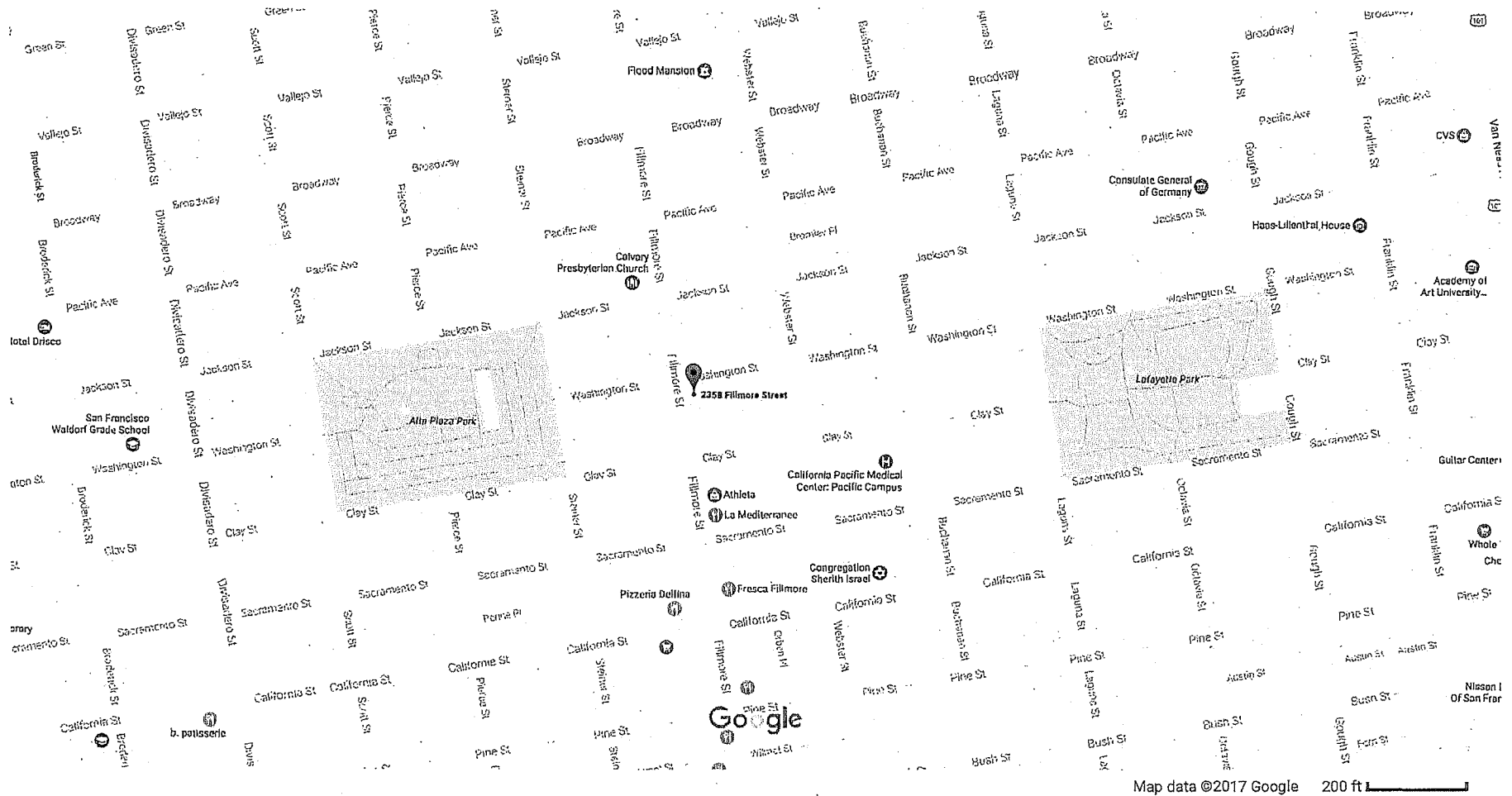
San Francisco, California

Street View - Nov 2016

Green St

Vallejo St

# Google Maps 2358 Fillmore St



## Carroll, John (BOS)

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**From:** Carroll, John (BOS)  
**Sent:** Thursday, January 25, 2018 4:32 PM  
**To:** Gordon, Nelly (POL); George, Gigi (POL); Macchi, Patrick (POL)  
**Cc:** (carolyn.goossen@sfgov.org); Powell, Georgia (CPC); CPC.Referrals; 'Meyer, Rose @ABC'; 'justin.gebb@abc.ca.gov'; 'derrick@vervewine.com'; 'dustin@vervewine.com'; 'rickwarren@pacbell.net'  
**Subject:** Liquor License PC or N Referral - 2358 Fillmore Street - Verve

Good afternoon,

The Office of the Clerk of the Board of Supervisors for the City and County of San Francisco has received completed Planning Department review of the subject public convenience or necessity request; the Planning Department has forwarded their recommendations for approval. For your convenience, I have their review available from the link below:

[Planning Dept. Response - Received January 25, 2018](#)


With this message, I am forwarding the matter to the Police Department's Alcohol Liaison Unit for review. Upon receipt of the SFPD's recommendations, the matter may be eligible for hearing before the Public Safety and Neighborhood Services Committee of the Board of Supervisors.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171244](#)

Thanks for the review.

**John Carroll**  
**Assistant Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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C

# LIQUOR LICENSE REVIEW

TO: Planning Department File: 171244  
 AnMarie Rodgers/CTYPLN/SFGOV  
 Georgia Powell/CTYPLN/SFGOV@SFGOV  
 Fax No.: (415) 558-6409

TO: Police Department  
 Inspector Nelly Gordon  
 Phone: (415) 837-7273

DATE: December 12, 2017

RECEIVED  
 DEC 12 2017  
 CITY & COUNTY OF S.F.  
 BLOCK/lot: 0612/02  
 zoning: NCD  
 Quad: NW  
 Record # 20170158  
 MIS

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Please submit your response in four to six weeks for the matter to be heard.  
**PLEASE EMAIL YOUR RESPONSE BY:** January 23, 2018, to John Carroll,  
 Public Safety and Neighborhood Services Committee Clerk.  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) - Fax No: 554-5163

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**Applicant Name:** Verve Holdings, LLC

**Business Name:** Verve

**Application Address:** 2358 Fillmore Street  
 San Francisco, CA 94115

**and contact info:** Contact:  
 Richard D. Warren  
 510-528-4423

**PLANNING COMMENTS:**  Approval  Denial  
*liquor store in*

Type-21 ABC license permitted in Upper Fillmore NCD per P.C. Motion No. 20071. Must comply with all conditions of NSR# 2018K 5-68978

*David Weissglass* (415) 575-9177  
 1/25/2018

**POLICE COMMENTS:**  Approval  Denial

Richard D. Warren  
Attorney at Law

929 Fresno Avenue, Berkeley CA 94707  
Tel 510.528.4423 Fax 510.217.4393  
[rickwarren@pacbell.net](mailto:rickwarren@pacbell.net)  
[www.abc-lawyer.com](http://www.abc-lawyer.com)

BY FEDEX

December 11, 2107

Clerk of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: Verve Holdings CA, LLC  
Dbas Verve  
2358 Fillmore Street (near Washington St)  
San Francisco, CA 94115  
ABC File No. 21-579994 (pending)  
Application for Public Convenience and Necessity (PCN) Determination for Off  
Sale General Alcohol Beverage License

2017 DEC 12 AM 11:19

Dear Clerk and Honorable Supervisors

On behalf of Verve Holdings CA, LLC ("Verve"), I am applying for a Public Convenience and Necessity (PCN) determination by the Board of Supervisors for an Off Sale General Alcohol business to operate at 2358 Fillmore Street, near Washington Street. The proprietors of Verve are a veteran wine importer/retailer and a master sommelier.

Verve's application to the California Department of Alcoholic Beverage Control (ABC) for the transfer of the Type 21 Off Sale General ABC license is pending as ABC File No. 579994, and has been approved by San Francisco Police Department subject to conditions accepted by Verve (copy attached). The ABC has also approved Verve's application subject to obtaining a Conditional Use Authorization (CUA) from the Planning Commission and the PCN determination from this Board. The CUA application was approved unanimously by the Planning Commission on December 7, 2017.

Verve will also be applying this week for a Type 86 Instructional Tasting License from the ABC, but a Type 86 license does not require a PCN.

The ABC license is being transferred from 395 Geary Blvd., San Francisco, CA 94102.

Verve's permitted hours of operation will be 9:00 a.m. to 11:00 p.m. Verve will normally be open from 10:00 a.m. to 8:00 p.m., but it plans to provide instructional tastings to be offered in the evenings to accommodate its patrons, and those events may extend later than 8:00 p.m.

VERVE WILL SERVE THE NEIGHBORHOOD AND THE CITY

Verve will provide the neighborhood and City with expertly selected beer, wines and spirits through this retail store and its online platform. The distinctive wines and spirits to be offered may be found at [www.vervewines.com](http://www.vervewines.com).

Verve is a liquor store founded by Master Sommelier Dustin Wilson and wine merchant Derrick Mize. They opened their first store in December 2016 at 24 Hubert Street in the Tribeca neighborhood of New York. Verve's founders personally taste all products offered in stores and provide recommendations to all customers based on taste preferences. They plan to offer on-site tastings of some of their products with a Type 86 Instructional Tasting ABC license.

Verve will serve the neighborhood patrons, encouraging walk-in customers by offering delivery options. San Francisco resident employment opportunities will be provided.

Verve will serve the City by offering expertly selected wine and spirit varieties not commonly found, and by introducing San Francisco residents to wine makers and custom distillers through instructional tasting events.

I invite your questions, and request your support of Verve's ABC license application by approving a determination that Verve will provide public convenience.

Respectfully submitted,

Richard  
D Warren  
D Warren

Digitally signed by Richard  
D Warren  
DN: cn = Richard D Warren  
email = rdwarren@cityofsf.org,  
c = US, ou = Law  
Certificate of Richard D Warren  
Date: 2017.12.11 12:29:27 -0800

Rick Warren

Cc: John Carroll, Public Safety and Neighborhood Committee  
Rosette Flores, ABC (by email only)

Attachments: ABC License Conditions  
CUA Staff Report  
Verve Press Kit  
Rendering of Store Display

**BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA**

IN THE MATTER OF THE APPLICATION OF

VERVE HOLDINGS CA, LLC  
VERVE  
2358 FILLMORE ST  
SAN FRANCISCO, CA 94115-1813

} FILE 21-579994  
}  
} REG.  
}  
}  
}  
}  
} PETITION FOR CONDITIONAL  
} LICENSE

For Issuance of an Off-Sale General - License  
Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, the proposed premises and/or parking lot, operated in conjunction therewith, are located within 100 feet of residences(s); and,

WHEREAS, issuance of the applied-for license without the below-described conditions would interfere with the quiet enjoyment of the property by nearby residents and constitute grounds for the denial of the application under the provisions of Rule 61.4, of Chapter 1, Title 4, of the California Code of Regulations; and,

WHEREAS, the proposed premises is within 600 feet from consideration points; and,

WHEREAS, pursuant to Section 23958 of the Business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses; and,

WHEREAS, the proposed premises are located in Census Tract #135 where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and

WHEREAS, the proposed premises are located in a crime reporting district that has a 20% greater number of reported crimes, as defined in subdivision (c) of Section 23958.4 of the Business and Professions Code, than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency; and,

WHEREAS, the petitioners stipulate that by reason of the aforementioned high crime and overconcentration of licenses, grounds exist for denial of the applied-for license; and,

DWM  
Initials

WHEREAS, the San Francisco Police Department has protested the unconditional issuance of the license; and,

WHEREAS, the issuance of an unrestricted license at the applied-for location would tend to aggravate the existing law enforcement problem; and,

WHEREAS, the San Francisco Police Department withdrew its protest based upon the imposition of the below-listed conditions; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

- 1 Sales of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. and 11:00 p.m. each day of the week.
- 2 The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
- 3 Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee as depicted on the ABC-257 dated 03/27/2017.
- 4 Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti with 72 hours following the beginning of the next week day.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 5<sup>th</sup> DAY OF June, 2017.

*Derek Mize*  
Applicant/Petitioner

*Derrick Mize*  
Applicant/Petitioner



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: DECEMBER 7, 2017

*Date:* November 30, 2017  
*Case No.:* 2017-008461CUA  
*Project Address:* 2358 Fillmore Street  
*Zoning:* Upper Fillmore Neighborhood Commercial District  
40-X Height and Bulk District  
*Block/Lot:* 0612 / 022  
*Project Sponsor:* Richard Warren  
929 Fresno Avenue  
Berkeley, CA 94707  
*Staff Contact:* David Weissglass – (415) 575-9177  
[david.weissglass@sfgov.org](mailto:david.weissglass@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### PROJECT DESCRIPTION

The project sponsor proposes to open a Liquor Store (d.b.a. "Verve") in a currently vacant retail space at the ground floor of the two-story commercial building located at 2358 Fillmore Street. The business would operate with a Type-21 ABC license (Off-sale General), selling a variety of wines and spirits to customers from the hours of 10:00 a.m. – 10:00 p.m. This will be the second "Verve" location in the world. The first store opened in December 2016 at 24 Hubert Street in the Tribeca neighborhood of New York, New York.

The operators are also seeking a Type-86 ABC license to allow on-site tastings of certain wines and spirits in the store. They plan to continue to sell their products online, which is permitted by the Department of Alcoholic Beverage Control. The project also includes interior tenant improvements and signage alterations. The existing tenant space measures approximately 810 square feet, and the size would not change as a result of the project.

### SITE DESCRIPTION AND PRESENT USE

The project site is located on the southeast corner of Fillmore and Washington Streets, Block 0612, Lot 022 in Pacific Heights. The subject property is located within the Upper Fillmore Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The property is developed with a late 19<sup>th</sup> century two-story commercial building, with the only other ground-floor tenant being a women's clothing store (d.b.a. "Curve") adjacent to the subject tenant space. The tenant space at 2358 Fillmore Street is currently vacant; the most recent tenant of the space was "Gimme Shoes," a shoe retailer which vacated the space in early 2017.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Upper Fillmore NCD, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. Buildings in the vicinity typically range from one to three stories in height. Upper floors of buildings are generally occupied by offices or residential units. Surrounding areas are primarily zoned RH-2, and RM-1, and these areas are predominantly residential in nature.

## ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	November 17, 2017	November 17, 2017	20 days
Posted Notice	20 days	November 17, 2017	November 17, 2017	20 days
Mailed Notice	20 days	November 17, 2017	November 17, 2017	20 days

The required Section 312 neighborhood notification process was conducted as part of this Project's Conditional Use Notice.

## PUBLIC COMMENT/COMMUNITY OUTREACH

- To date, the Department has not received any correspondence regarding this proposal.

## ISSUES AND OTHER CONSIDERATIONS

- The tenant space at 2358 Fillmore Street is currently vacant; the most recent tenant of the space was "Gimme Shoes," a shoe retailer which vacated the space in early 2017.
- The property is a two-story commercial building with two retail spaces on the ground floor. The other retail space is a women's clothing store (d.b.a. "Curve"). The second story is occupied by offices.
- The establishment plans to employ approximately 5 employees, with 2-3 employees working at any given time.

## REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a liquor store within the Upper Fillmore NCD, pursuant to Planning Code Section 718.



**BASIS FOR RECOMMENDATION**

- The project promotes the operation of small businesses in Neighborhood Commercial Districts and contributes to the viability of the overall Upper Fillmore NCD.
- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood.
- The hybrid nature of the business, offering sales of wine and spirits as well as on-site tastings, will activate the Fillmore Street streetscape throughout the day and evening.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

<b>RECOMMENDATION:</b> Approval with Conditions
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**Attachments:**

Block Book Map

Sanborn Map

Aerial Photographs

ABC License Conditions

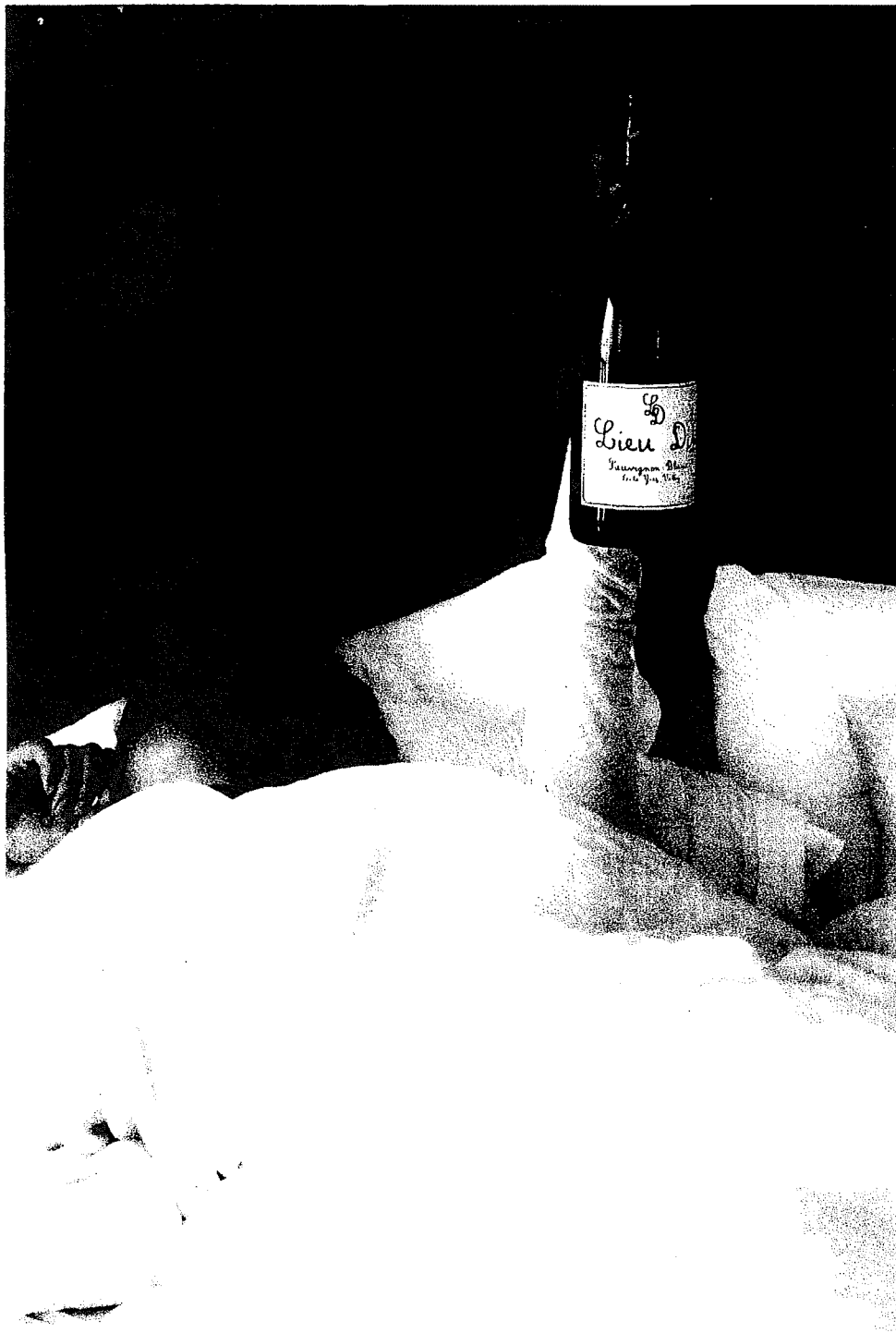
Project Sponsor Submittal

Plans

# Verve Wine

PRESS KIT 2017





## ABOUT

Verve Wine is an entirely new way to buy and discover wine.

Founded by a Master Sommelier and a veteran wine merchant, Verve Wine offers a smart and streamlined wine-buying experience that is perfectly tailored to your unique tastes, price point and sense of adventure. The result is exciting, thoroughly delicious bottles of wine landing on your doorstep in time for your fanciest dinner party, your laziest Sunday evening, and everything in between.

Whether you're exploring Verve Wine's elegant online platform or browsing the shelves at their charming brick and mortar location at 24 Hubert Street in Manhattan's TriBeCa neighborhood, the Verve Wine experience is transparent, friendly, informative, and perfectly curated to your wine needs and interests.

## PHILOSOPHY

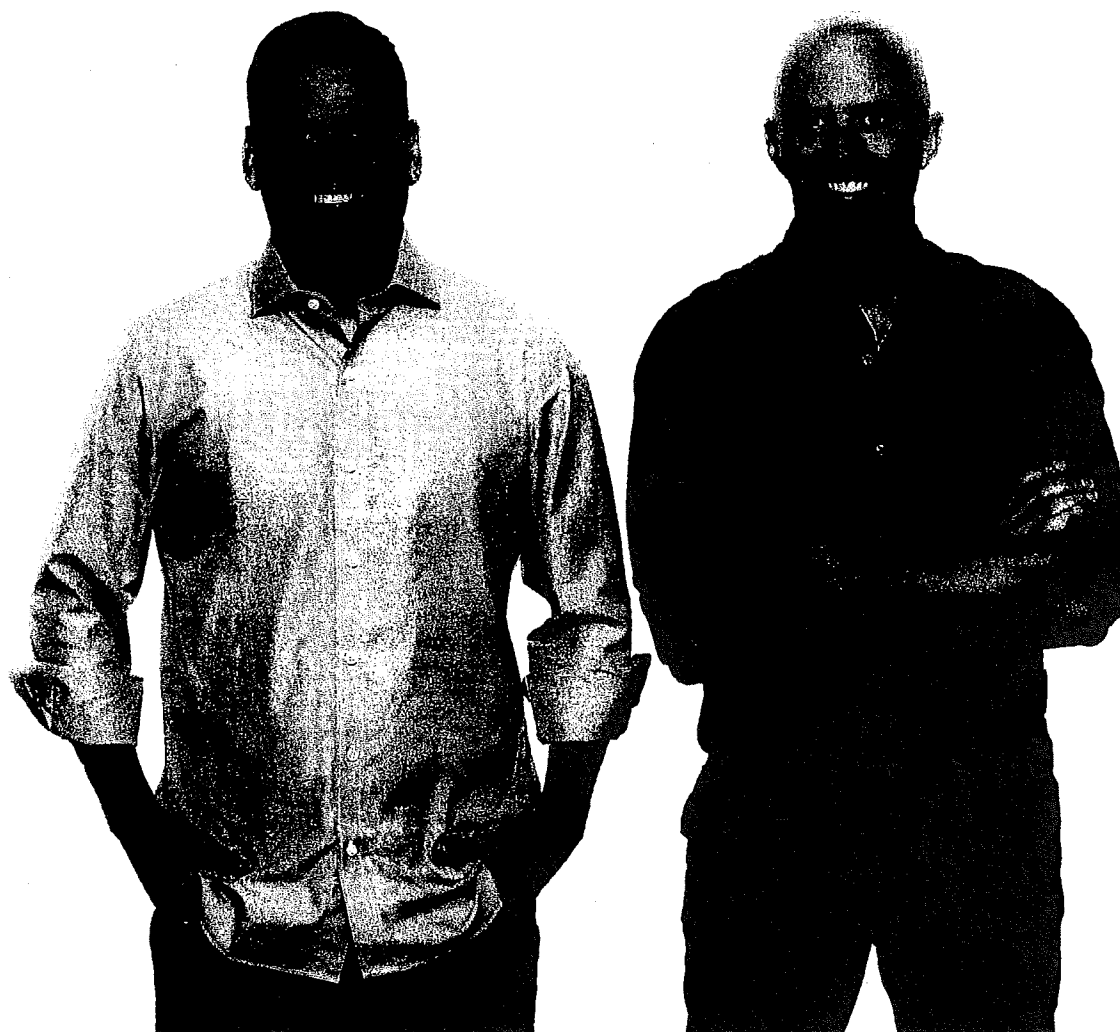
Verve Wine founders Dustin Wilson and Derrick Mize know a lot about wine—and they know that there's a lot of complicated jargon that can be difficult to understand: from the vast number of grapes and regions to funky tasting notes and never-ending wine lists. So they decided to kick it off the pedestal. They founded Verve Wine to make discovering interesting wine accessible to everyone, from the casual rose drinker to the serious connoisseur.

Verve Wine believes that you shouldn't have to be an expert to find and enjoy unique, compelling wines, and that the beverages you choose to drink are just as important to consider as the food you choose to eat. The wines at Verve Wine are made by passionate people around the world who respect their land and use a hands-off, sustainable approach to farming and production. Each wine has been tasted by Dustin and Derrick, and chosen because they think it's worth getting to know. They won't sell anything they wouldn't drink themselves or recommend to their own friends or family.

The Verve Wine team believes that buying and drinking wine should be about much more than a commercial transaction; it should be an experience, an education, an opportunity for connection and—most importantly—delicious good fun.

## THE TEAM

Derrick Mize and Dustin Wilson founded Verve Wine with the goal of using their extensive mutual knowledge of the wine industry—from wine importing and retail sales to wine production, hospitality, and the bottle-by-bottle expertise expected of a Master Sommelier—to make the industry they love more transparent, engaging and fun for everyone involved.





## **DERRICK MIZE**

is a veteran wine merchant with over twenty years of experience. His resume includes roles at the acclaimed Italian wine importer, Vinifera Imports, and as head wine buyer at Ristorante Paoletti in Highlands, NC. In 2002, Derrick joined Mario Batali and Joe Bastianich's NYC-based Italian Wine Merchants and later co-founded the wine retailer New York Vintners in 2006. Derrick's experience has given him a vast knowledge of European wines and an understanding of the relationships necessary to procure unique, high quality selections in today's marketplace.



## **DUSTIN WILSON**

is a Master Sommelier based in New York City. His career spans some of the top restaurants across the US—Frasca Food & Wine in Boulder, CO; The Little Nell, in Aspen; and RN74 in San Francisco. Dustin is best known for his position as Wine Director of the 3 Michelin-starred restaurant, Eleven Madison Park. This expertise led him to have a leading role in the critically acclaimed wine documentary, SOMM, and he was later featured in the film's sequel, SOMM: Into the Bottle.

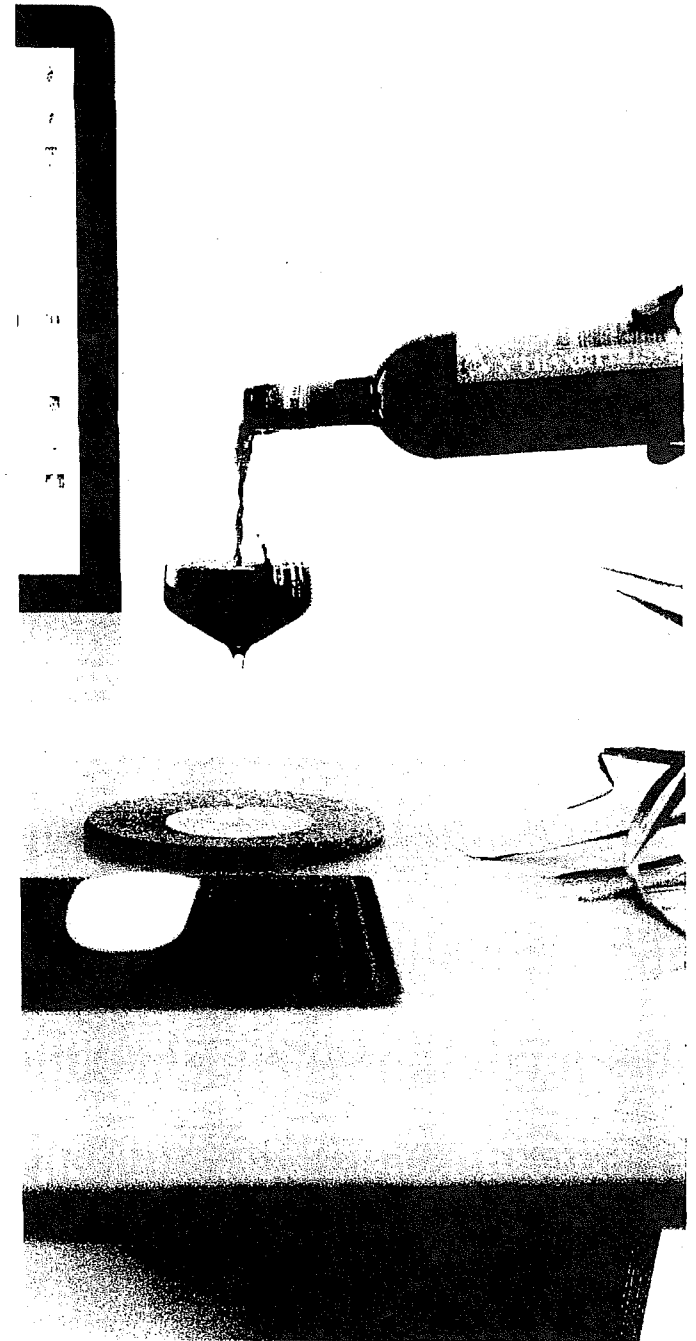
# ABOUT THE PLATFORM

Verve Wine makes discovering great wine as easy as buying an outfit, booking a flight or ordering pizza online. Its seamless online platform is both elegant and approachable, designed to guide users to the perfect wine for any mood, meal, or occasion.

The site features a rotating selection of seasonal recommendations along with Wilson's favorite bottles at every price point. Users can filter their searches by flavor, grape, style or region, as well as by occasions ranging from holiday parties to home cooked dinners and movie nights in. Pairings are offered for staple foods like pizza, tacos and pasta, as well as for flavor profiles such as salty, spicy and sweet.

Every bottle at Verve Wine has a story to tell, and each wine features a detail page with clever tasting notes, fun food pairings and straightforward explanations of the bottle's origin and style. Users can track their order history to remember wines they loved, build wish lists for future purchase, and contact a sommelier with questions and requests.

In 2017 Verve Wine plans to launch a recommendation feature that will use technology to expand the reach and influence of Wilson's extensive knowledge of wine. The algorithm will suggest wines based on customers' likes, dislikes, palates and preferences -as if you were ordering from a somm at a restaurant.





## 24 HUBERT STREET

Verve Wine's first brick and mortar shop is located at 24 Hubert Street in Manhattan's TriBeCa neighborhood.

Like Verve Wine's online platform, the wine selection at 24 Hubert Street features a thoughtfully curated, handpicked selection of Derrick and Dustin's global greatist hits. The shop also serves as the site of a range of wine classes and events hosted by Derrick, Dustin, and the rest of the Verve Wine team.



# CONNECT WITH US



 [vervewine](#)

 [vervewine](#)

 [vervewine](#)

 [Nina at press@vervewine.com](mailto:Nina at press@vervewine.com)



NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY

And When Recorded Mail To:

Name: Richard D Warren

Address: 929 Fresno Ave.

City: Berkeley

State: CA ZIP: 94707



San Francisco Assessor-Recorder  
Carmen Chu, Assessor-Recorder  
DOC- 2018-K568978-00  
Monday, JAN 22, 2018 09:57:53  
Ttl Pd \$104.00 Rcpt # 0005748886  
oes/ES/1-6

(Space Above This Line For Recorder's Use)

I (We) Ronald A. Paolini and Susan M. Bellach the owner(s) of that certain real property situated in the City and County of San Francisco, State of California more particularly described as follows: (or see attached sheet marked "Exhibit A" on which property is more fully described):

**BEING ASSESSOR'S BLOCK: 0612; LOT: 022;**

**COMMONLY KNOWN AS: 2358 FILLMORE STREET;**

hereby give notice that there are special restrictions on the use of said property under the Planning Code.

Said Restrictions consist of conditions attached to **Conditional Use Authorization No. 2017-008461CUA** authorized by the Planning Commission of the City and County of San Francisco on **December 7, 2017**, as set forth in Planning Commission Motion No. 20071, to allow a **Liquor Store (d.b.a. "Verve")** located at **2358 Fillmore Street, Lot 022 of Block 0612** pursuant to **Planning Code Sections 303 and 718** within the **Upper Fillmore Neighborhood Commercial District** and a **40-X Height and Bulk District**.

**The restrictions and conditions of which notice is hereby given are:**

**AUTHORIZATION**

This authorization is for a conditional use to allow a **Liquor Store (d.b.a. "Verve")** located at **2358 Fillmore Street, Lot 022 of Block 0612** pursuant to **Planning Code Sections 303 and 718** within the **Upper Fillmore Neighborhood Commercial District** and a **40-X Height and Bulk District**; in general conformance with plans, dated **June 28, 2017**, and stamped **"EXHIBIT B"** included in the docket for Case No. **2017-008461CUA** and subject to conditions of approval reviewed and approved by the Commission on

## **NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE**

**December 7, 2017** under Motion No20071. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the issuance of the building permit or commencement of use 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 subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **December 7, 2017** under Motion No20071.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20071 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### **SEVERABILITY**

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### **CHANGES AND MODIFICATIONS**

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

# NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

### DESIGN

6. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

### MONITORING

7. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

8. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### OPERATION

9. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

10. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

11. **Hours of Operation.** The subject establishment is limited to the following hours of operation: 10:00 a.m. to 10:00 p.m. daily.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.

  
(Signature)

Ronald A. Paolini  
(Printed Name)

Dated: January 19, 2018 at Kenwood, California.  
(Month, Day) (City)

  
(Signature)

Susan M. Bellach  
(Printed Name)

Dated: January 19, 2018 at Kenwood, California.  
(Month, Day) (City)

  
(Signature)

SUSAN M. BELLACH  
(Printed Name)

Dated: 1-19-18, 2018 at KENWOOD, California.  
(Month, Day) (City)

**Each signature must be acknowledged by a notary public before recordation; add Notary Public Certification(s) and Official Notarial Seal(s).**

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

State of California

County of SONOMA

On JAN. 19, 2018, before me, John C. Fortner, Notary Public<sup>1</sup>, personally appeared

SUSAN MARIE BELLACH (FWD) RONALD ANTHONY PAOLINI

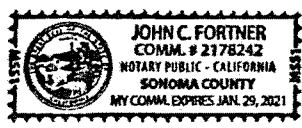
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I declare under PENALTY OF PERJURY under the laws of the State of California that the foregoing statement is true and correct.

Executed on JAN 19, 2018 at KENWOOD, California.

WITNESS my hand and official seal.

[Signature]  
Notary Public signature



This CERTIFICATE is attached to:

Title of Document: NOTICE OF SPECIAL RESTRICTIONS UNDER PLAN. COHE

Document Date: JAN 19, 2018 Number of Pages: 05

<sup>1</sup> California Commission #2178242, expires January 29, 2021  
ACKNOWLEDGMENT Per California Civil Code, Sections 1185, 1189, effective 1/1/2014.

**CERTIFIED COPY**



This is a true certified copy of the record  
if it bears the seal, imprinted in purple ink,  
of the Assessor-Recorder

CARMEN CHU

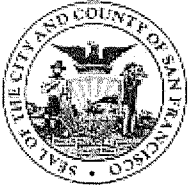
JAN 22 2018



.....  
ASSESSOR - RECORDER  
SAN FRANCISCO COUNTY CALIFORNIA

BY 

CERTIFIED COPY



# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

- |  |  |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <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. 20071

HEARING DATE: DECEMBER 7, 2017

*Case No.:* 2017-008461CUA  
*Project Address:* 2358 FILLMORE STREET  
*Zoning:* Upper Fillmore Neighborhood Commercial District (NCD)  
40-X Height and Bulk District  
*Block/Lot:* 0612 / 022  
*Project Sponsor:* Richard Warren  
929 Fresno Avenue  
Berkeley, CA 94707  
*Staff Contact:* David Weissglass – (415) 575-9177  
[david.weissglass@sfgov.org](mailto:david.weissglass@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 718 OF THE PLANNING CODE TO ALLOW THE ESTABLISHMENT OF A LIQUOR STORE WITHIN THE UPPER FILLMORE NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On July 5, 2017, Richard Warren (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303 and 718 to allow the establishment of a Liquor Store (d.b.a. "Verve") within the Upper Fillmore Neighborhood Commercial District and a 40-X Height and Bulk District.

On December 7, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-008461CUA.

The project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption.

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. 2017-008461CUA, 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 site is located at the southeast corner of Fillmore and Washington Streets, Block 0612, Lot 022 in Pacific Heights. The property is located within the Upper Fillmore Neighborhood Commercial District (NCD) within a 40-X height and bulk district. The property is developed with a late 19<sup>th</sup> century two-story commercial building, with the only other ground-floor tenant being a women's clothing retailer (d.b.a. "Curve") adjacent to the subject tenant space. The tenant space at 2358 Fillmore Street is currently vacant; the most recent tenant of the space was "Gimme Shoes," a shoe retailer which vacated the space in early 2017. The second story is occupied by offices.
3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of Fillmore and Washington Streets. The area surrounding the project site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Upper Fillmore NCD, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. Buildings in the vicinity typically range from one to three stories in height. Upper floors of buildings are generally occupied by offices or residential units. Surrounding areas are primarily zoned RH-2, and RM-1, and these areas are predominantly residential in nature.
4. **Project Description.** The applicant proposes to change the use of the tenant space from a shoe store, defined as a Retail Sales and Services Use, to a Liquor Store. The most recent tenant was "Gimme Shoes," a shoe retailer. The proposal includes minor tenant improvements under Building Permit No. 2017.0718.2143, as well as signage alterations which conform to the requirements of Article 6 of the Planning Code. The existing commercial space is 810 square feet in size.

The proposed use is the second worldwide location of a liquor store business. The proposed use is not a Formula Retail use. The proposal requires a change of use and Section 312 neighborhood notification was conducted in conjunction with the Conditional Use Authorization notification. The proposed use is a neighborhood-serving use.

The operators plan to employ approximately 5 employees. The subject site is well served by public transit so that potential customers should not adversely affect the traffic flow.

Verve is a liquor store founded by Master Sommelier Dustin Wilson and wine merchant Derrick Mize. They opened their first store in December 2016 at 24 Hubert Street in the Tribeca neighborhood of New York, New York. Verve's founders personally taste all products offered in stores personally and provide recommendations to all customers shopping in person at the stores or using the online delivery platform based on taste preferences. They plan to offer on-site tastings of some of their products with a Type-86 ABC license.

5. **Public Comment.** The Department received no correspondence regarding the project.
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. **Hours of Operation.** Planning Code Section 718 states that non-residential uses are permitted to operate between the hours of 6:00 a.m. to 2a.m. daily.

*The proposed hours of operation for the establishment are 10:00 a.m. to 10:00 p.m. daily.*

- B. **Parking.** Planning Code Section 151 does not require non-residential uses to provide off-street parking spaces if the occupied floor area is less than 5,000 square feet.

*The tenant space contains less than 5,000 square feet and thus no parking spaces are required.*

- C. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

*The subject commercial space has approximately 19 feet 3 inches of frontage along Fillmore Street and the majority of the frontage is glazed. The glazing is not to be obscured and all signage will be required to comply with Article 6 of the Planning Code.*

- D. **Signage.** The Planning Department has reviewed preliminary signage plans and has confirmed that the signage is in conformance with the requirements of Article 6 of the Planning Code. A separate sign permit will nonetheless be required.
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.

*The size of the proposed use is in keeping with other storefronts on the block face. The proposed liquor store will not impact traffic or parking in the District. The proposed use will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the Upper Fillmore neighborhood by providing an upscale liquor retailer.*

- 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 height and bulk of the existing building will remain the same and the project will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope.*

- 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 a commercial establishment of this size. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.*

- 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 liquor stores and outlined in Exhibit A. The project is not expected to produce noxious or offensive emissions related to noise, glare, and dust.*

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

*The project would not alter the site's landscaping, open spaces, parking and loading areas, service areas, or lighting. All new signage will be made to comply with the requirements of Article 6 of the Planning Code.*

- 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.*

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*The proposed project is consistent with the stated purpose of the Upper Fillmore Neighborhood Commercial District in that the intended use is located at the ground floor and will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime and early evening hours.*

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

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

#### **OBJECTIVE 1:**

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

#### **Policy 1.1:**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

#### **Policy 1.2:**

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

#### **Policy 1.3:**

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The proposed use will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.*

#### **OBJECTIVE 2:**

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

**Policy 2.1:**

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The Project will provide the City and the Upper Fillmore Street commercial corridor with new commercial activity to satisfy demand.*

**OBJECTIVE 6:**

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

**Policy 6.1:**

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

*No long-term commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.*

**Policy 6.2:**

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

*An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.*

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 would enhance the district by providing an upscale liquor store in an area that is not over concentrated by similar uses. The business would be locally owned and the proposed alterations are within the existing building footprint.*

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

*Residential units in the surrounding neighborhood would not be adversely affected by the project. The proposed establishment's operations are not expected to have any negative impacts on the neighborhood or its character.*

- 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.

*The site is on Fillmore Street and is well served by transit. Employees will be encouraged to commute by foot or transit thereby mitigating possible effects on street parking. The location is within ¼ mile of ten MUNI bus lines (1, 1AX, 1BX, 22, 24, 3, 31AX, 31BX, 38AX, 38BX).*

- 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.

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The project will have no negative effects on existing parks and 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**

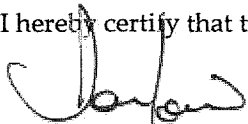
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2017-008461CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 28, 2017, 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. 20071. 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.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on December 7, 2017.



Jonas P. Ionia  
Commission Secretary

AYES: Hillis, Richards, Fong, Koppel, Melgar, Moore

NAYS: None

ABSENT: Johnson

ADOPTED: December 7, 2017

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a Liquor Store (d.b.a. "Verve") located at 2358 Fillmore Street, Lot 022 of Block 0612 pursuant to Planning Code Sections 303 and 718 within the **Upper Fillmore Neighborhood Commercial** District and a 40-X Height and Bulk District; in general conformance with plans, dated June 28, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2017-008461CUA and subject to conditions of approval reviewed and approved by the Commission on **December 7, 2017** under Motion No20071. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use 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 subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **December 7, 2017** under Motion No20071.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20071 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

## DESIGN

6. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of

recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

## MONITORING

- 7. Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

- 8. Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

## OPERATION

- 9. Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

- 10. Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

- 11. Hours of Operation.** The subject establishment is limited to the following hours of operation: 10:00 a.m. to 10:00 p.m. daily.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

# LIQUOR LICENSE REVIEW

**TO:** Planning Department  
AnMarie Rodgers/CTYPLN/SFGOV  
Georgia Powell/CTYPLN/SFGOV@SFGOV  
Fax No.: (415) 558-6409

**File:** 171244

**TO:** Police Department  
Inspector Nelly Gordon  
Phone: (415) 837-7273

**DATE:** December 12, 2017

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Please submit your response in four to six weeks for the matter to be heard.  
**PLEASE EMAIL YOUR RESPONSE BY:** January 23, 2018, to John Carroll,  
Public Safety and Neighborhood Services Committee Clerk.  
**[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) - Fax No: 554-5163**

---

**Applicant Name:** Verve Holdings, LLC

**Business Name:** Verve

**Application Address:** 2358 Fillmore Street  
San Francisco, CA 94115

**and contact info:** Contact:  
Richard D. Warren  
510-528-4423

**PLANNING COMMENTS:**       Approval       Denial

**POLICE COMMENTS:**       Approval       Denial

## Carroll, John (BOS)

---

**From:** Carroll, John (BOS)  
**Sent:** Tuesday, December 12, 2017 4:34 PM  
**To:** Rodgers, AnMarie; CPC.Referrals; Gordon, Nelly (POL)  
**Cc:** (carolyn.goossen@sfgov.org); Gebb, Justin@ABC; Meyer, Rose @ABC; 'Rosette.Flores@ABC.ca.gov'; 'derrick@vervewine.com'; 'dustin@vervewine.com'; 'rickwarren@pacbell.net'; Montejano, Jess (jess.montejano@sfgov.org); Karunaratne, Kanishka (BOS); Kelly, Margaux (margaux.kelly@sfgov.org)  
**Subject:** Liquor License PC or N Referral - 2358 Fillmore Street - Verve  
**Categories:** 171244

Good afternoon,

The office of the Clerk of the Board has received a letter requesting public convenience or necessity findings for a liquor license transfer. This matter is being referred to you for response via the following linked document:

[Referral Letter to Planning and Police Departments](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171244](#)

After receiving review from the Planning and Police Departments, the Public Safety and Neighborhood Services Committee may hear and consider public convenience or necessity findings for the application, to be forwarded to the California Department of Alcoholic Beverage Control for their consideration in the license matter.

**I request the department's response before January 23, 2018. Please confirm receipt of this message.**

Thanks for the review.

**John Carroll**

**Assistant Clerk**


Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

Richard D. Warren  
Attorney at Law

929 Fresno Avenue, Berkeley CA 94707  
Tel 510.528.4423 Fax 510.217.4393  
[rickwarren@pacbell.net](mailto:rickwarren@pacbell.net)  
[www.abc-lawyer.com](http://www.abc-lawyer.com)

BY FEDEX

December 11, 2107

Clerk of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: Verve Holdings CA, LLC  
Dba Verve  
2358 Fillmore Street (near Washington St)  
San Francisco, CA 94115  
ABC File No. 21-579994 (pending)  
Application for Public Convenience and Necessity (PCN) Determination for Off  
Sale General Alcohol Beverage License

2017 DEC 12 AM 11:19  
Board of Supervisors  
Clerk of the Board

Dear Clerk and Honorable Supervisors

On behalf of Verve Holdings CA, LLC ("Verve"), I am applying for a Public Convenience and Necessity (PCN) determination by the Board of Supervisors for an Off Sale General Alcohol business to operate at 2358 Fillmore Street, near Washington Street. The proprietors of Verve are a veteran wine importer/retailer and a master sommelier.

Verve's application to the California Department of Alcoholic Beverage Control (ABC) for the transfer of the Type 21 Off Sale General ABC license is pending as ABC File No. 579994, and has been approved by San Francisco Police Department subject to conditions accepted by Verve (copy attached). The ABC has also approved Verve's application subject to obtaining a Conditional Use Authorization (CUA) from the Planning Commission and the PCN determination from this Board. The CUA application was approved unanimously by the Planning Commission on December 7, 2017.

Verve will also be applying this week for a Type 86 Instructional Tasting License from the ABC, but a Type 86 license does not require a PCN.

The ABC license is being transferred from 395 Geary Blvd., San Francisco, CA 94102.

Verve's permitted hours of operation will be 9:00 a.m. to 11:00 p.m. Verve will normally be open from 10:00 a.m. to 8:00 p.m., but it plans to provide instructional tastings to be offered in the evenings to accommodate its patrons, and those events may extend later than 8:00 p.m.

Hon. Board of Supervisors  
December 11, 2107  
Page 2

## VERVE WILL SERVE THE NEIGHBORHOOD AND THE CITY

Verve will provide the neighborhood and City with expertly selected beer, wines and spirits through this retail store and its online platform. The distinctive wines and spirits to be offered may be found at [www.vervewines.com](http://www.vervewines.com).

Verve is a liquor store founded by Master Sommelier Dustin Wilson and wine merchant Derrick Mize. They opened their first store in December 2016 at 24 Hubert Street in the Tribeca neighborhood of New York. Verve's founders personally taste all products offered in stores and provide recommendations to all customers based on taste preferences. They plan to offer on-site tastings of some of their products with a Type 86 Instructional Tasting ABC license.

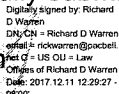
Verve will serve the neighborhood patrons, encouraging walk-in customers by offering delivery options. San Francisco resident employment opportunities will be provided.

Verve will serve the City by offering expertly selected wine and spirit varieties not commonly found, and by introducing San Francisco residents to wine makers and custom distillers through instructional tasting events.

I invite your questions, and request your support of Verve's ABC license application by approving a determination that Verve will provide public convenience.

Respectfully submitted,

Richard  
D Warren



D Warren

Digitally signed by Richard D Warren  
DN: CN = Richard D Warren  
email = rickwarren@postbell.net  
C = US OU = Law  
Office of Richard D Warren  
Date: 2017.12.11 12:29:27 -0800

Rick Warren

Cc: John Carroll, Public Safety and Neighborhood Committee  
Rosette Flores, ABC (by email only)

Attachments: ABC License Conditions  
CUA Staff Report  
Verve Press Kit  
Rendering of Store Display



**BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA**

IN THE MATTER OF THE APPLICATION OF

VERVE HOLDINGS CA, LLC  
VERVE  
2358 FILLMORE ST  
SAN FRANCISCO, CA 94115-1813

} FILE 21-579994  
}  
} REG.  
}  
}  
}  
}  
} **PETITION FOR CONDITIONAL**  
} **LICENSE**

For Issuance of an Off-Sale General - License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, the proposed premises and/or parking lot, operated in conjunction therewith, are located within 100 feet of residences(s); and,

WHEREAS, issuance of the applied-for license without the below-described conditions would interfere with the quiet enjoyment of the property by nearby residents and constitute grounds for the denial of the application under the provisions of Rule 61.4, of Chapter 1, Title 4, of the California Code of Regulations; and,

WHEREAS, the proposed premises is within 600 feet from consideration points; and,

WHEREAS, pursuant to Section 23958 of the Business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses; and,

WHEREAS, the proposed premises are located in Census Tract #135 where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and

WHEREAS, the proposed premises are located in a crime reporting district that has a 20% greater number of reported crimes, as defined in subdivision (c) of Section 23958.4 of the Business and Professions Code, than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency; and,

WHEREAS, the petitioners stipulate that by reason of the aforementioned high crime and overconcentration of licenses, grounds exist for denial of the applied-for license; and,

  
Initials

WHEREAS, the San Francisco Police Department has protested the unconditional issuance of the license; and,

WHEREAS, the issuance of an unrestricted license at the applied-for location would tend to aggravate the existing law enforcement problem; and,

WHEREAS, the San Francisco Police Department withdrew its protest based upon the imposition of the below-listed conditions; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

- 1 Sales of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. and 11:00 p.m. each day of the week.
  - 2 The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
  - 3 Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee as depicted on the ABC-257 dated 03/27/2017.
  - 4 Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti with 72 hours following the beginning of the next week day.
-

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

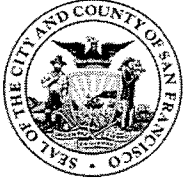
Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 5<sup>th</sup> DAY OF June, 2017.

*Derek Mize*  
Applicant/Petitioner

*Derrick Mize*  
Applicant/Petitioner



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: DECEMBER 7, 2017

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Date:* November 30, 2017  
*Case No.:* 2017-008461CUA  
*Project Address:* 2358 Fillmore Street  
*Zoning:* Upper Fillmore Neighborhood Commercial District  
40-X Height and Bulk District  
*Block/Lot:* 0612 / 022  
*Project Sponsor:* Richard Warren  
929 Fresno Avenue  
Berkeley, CA 94707  
*Staff Contact:* David Weissglass – (415) 575-9177  
[david.weissglass@sfgov.org](mailto:david.weissglass@sfgov.org)  
*Recommendation:* **Approval with Conditions**

### PROJECT DESCRIPTION

The project sponsor proposes to open a Liquor Store (d.b.a. "Verve") in a currently vacant retail space at the ground floor of the two-story commercial building located at 2358 Fillmore Street. The business would operate with a Type-21 ABC license (Off-sale General), selling a variety of wines and spirits to customers from the hours of 10:00 a.m. – 10:00 p.m. This will be the second "Verve" location in the world. The first store opened in December 2016 at 24 Hubert Street in the Tribeca neighborhood of New York, New York.

The operators are also seeking a Type-86 ABC license to allow on-site tastings of certain wines and spirits in the store. They plan to continue to sell their products online, which is permitted by the Department of Alcoholic Beverage Control. The project also includes interior tenant improvements and signage alterations. The existing tenant space measures approximately 810 square feet, and the size would not change as a result of the project.

### SITE DESCRIPTION AND PRESENT USE

The project site is located on the southeast corner of Fillmore and Washington Streets, Block 0612, Lot 022 in Pacific Heights. The subject property is located within the Upper Fillmore Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The property is developed with a late 19<sup>th</sup> century two-story commercial building, with the only other ground-floor tenant being a women's clothing store (d.b.a. "Curve") adjacent to the subject tenant space. The tenant space at 2358 Fillmore Street is currently vacant; the most recent tenant of the space was "Gimme Shoes," a shoe retailer which vacated the space in early 2017.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Upper Fillmore NCD, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. Buildings in the vicinity typically range from one to three stories in height. Upper floors of buildings are generally occupied by offices or residential units. Surrounding areas are primarily zoned RH-2, and RM-1, and these areas are predominantly residential in nature.

## ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	November 17, 2017	November 17, 2017	20 days
Posted Notice	20 days	November 17, 2017	November 17, 2017	20 days
Mailed Notice	20 days	November 17, 2017	November 17, 2017	20 days

The required Section 312 neighborhood notification process was conducted as part of this Project's Conditional Use Notice.

## PUBLIC COMMENT/COMMUNITY OUTREACH

- To date, the Department has not received any correspondence regarding this proposal.

## ISSUES AND OTHER CONSIDERATIONS

- The tenant space at 2358 Fillmore Street is currently vacant; the most recent tenant of the space was "Gimme Shoes," a shoe retailer which vacated the space in early 2017.
- The property is a two-story commercial building with two retail spaces on the ground floor. The other retail space is a women's clothing store (d.b.a. "Curve"). The second story is occupied by offices.
- The establishment plans to employ approximately 5 employees, with 2-3 employees working at any given time.

## REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a liquor store within the Upper Fillmore NCD, pursuant to Planning Code Section 718.

**BASIS FOR RECOMMENDATION**

- The project promotes the operation of small businesses in Neighborhood Commercial Districts and contributes to the viability of the overall Upper Fillmore NCD.
- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood.
- The hybrid nature of the business, offering sales of wine and spirits as well as on-site tastings, will activate the Fillmore Street streetscape throughout the day and evening.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
--

**Attachments:**

- Block Book Map
- Sanborn Map
- Aerial Photographs
- ABC License Conditions
- Project Sponsor Submittal Plans

# Verwe Wine

PRESS KIT 2017





## ABOUT

**Verve Wine is an entirely new way to buy and discover wine.**

Founded by a Master Sommelier and a veteran wine merchant, Verve Wine offers a smart and streamlined wine-buying experience that is perfectly tailored to your unique tastes, price point and sense of adventure. The result is exciting, thoroughly delicious bottles of wine landing on your doorstep in time for your fanciest dinner party, your laziest Sunday evening, and everything in between.

Whether you're exploring Verve Wine's elegant online platform or browsing the shelves at their charming brick and mortar location at 24 Hubert Street in Manhattan's TriBeCa neighborhood, the Verve Wine experience is transparent, friendly, informative, and perfectly curated to your wine needs and interests.



## PHILOSOPHY

Verve Wine founders Dustin Wilson and Derrick Mize know a lot about wine—and they know that there’s a lot of complicated jargon that can be difficult to understand: from the vast number of grapes and regions to funky tasting notes and never-ending wine lists. So they decided to kick it off the pedestal. They founded Verve Wine to make discovering interesting wine accessible to everyone, from the casual rose drinker to the serious connoisseur.

Verve Wine believes that you shouldn’t have to be an expert to find and enjoy unique, compelling wines, and that the beverages you choose to drink are just as important to consider as the food you choose to eat. The wines at Verve Wine are made by passionate people around the world who respect their land and use a hands-off, sustainable approach to farming and production. Each wine has been tasted by Dustin and Derrick, and chosen because they think it’s worth getting to know. They won’t sell anything they wouldn’t drink themselves or recommend to their own friends or family.

The Verve Wine team believes that buying and drinking wine should be about much more than a commercial transaction; it should be an experience, an education, an opportunity for connection and—most importantly—delicious good fun.

## THE TEAM

Derrick Mize and Dustin Wilson founded Verve Wine with the goal of using their extensive mutual knowledge of the wine industry—from wine importing and retail sales to wine production, hospitality, and the bottle-by-bottle expertise expected of a Master Sommelier—to make the industry they love more transparent, engaging and fun for everyone involved.







## **DERRICK MIZE**

is a veteran wine merchant with over twenty years of experience. His resume includes roles at the acclaimed Italian wine importer, Vinifera Imports, and as head wine buyer at Ristorante Paoletti in Highlands, NC. In 2002, Derrick joined Mario Batali and Joe Bastianich's NYC-based Italian Wine Merchants and later co-founded the wine retailer New York Vintners in 2006. Derrick's experience has given him a vast knowledge of European wines and an understanding of the relationships necessary to procure unique, high quality selections in today's marketplace.



## **DUSTIN WILSON**

is a Master Sommelier based in New York City. His career spans some of the top restaurants across the US—Frasca Food & Wine in Boulder, CO; The Little Nell, in Aspen; and RN74 in San Francisco. Dustin is best known for his position as Wine Director of the 3 Michelin-starred restaurant, Eleven Madison Park. This expertise led him to have a leading role in the critically acclaimed wine documentary, SOMM, and he was later featured in the film's sequel, SOMM: Into the Bottle.

# ABOUT THE PLATFORM

Verve Wine makes discovering great wine as easy as buying an outfit, booking a flight or ordering pizza online. Its seamless online platform is both elegant and approachable, designed to guide users to the perfect wine for any mood, meal, or occasion.

The site features a rotating selection of seasonal recommendations along with Wilson's favorite bottles at every price point. Users can filter their searches by flavor, grape, style or region, as well as by occasions ranging from holiday parties to home cooked dinners and movie nights in. Pairings are offered for staple foods like pizza, tacos and pasta, as well as for flavor profiles such as salty, spicy and sweet.

Every bottle at Verve Wine has a story to tell, and each wine features a detail page with clever tasting notes, fun food pairings and straightforward explanations of the bottle's origin and style. Users can track their order history to remember wines they loved, build wish lists for future purchase, and contact a sommelier with questions and requests.

In 2017 Verve Wine plans to launch a recommendation feature that will use technology to expand the reach and influence of Wilson's extensive knowledge of wine. The algorithm will suggest wines based on customers' likes, dislikes, palates and preferences -as if you were ordering from a somm at a restaurant.







## 24 HUBERT STREET


Verve Wine's first brick and mortar shop is located at 24 Hubert Street in Manhattan's TriBeCa neighborhood.


Like Verve Wine's online platform, the wine selection at 24 Hubert Street features a thoughtfully curated, handpicked selection of Derrick and Dustin's global greatist hits. The shop also serves as the site of a range of wine classes and events hosted by Derrick, Dustin, and the rest of the Verve Wine team.





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 [Nina at press@vervewine.com](mailto:Nina%20at%20press@vervewine.com)







**California Department of Alcoholic Beverage Control**  
**License Query System Summary as of 12/11/2017**

<b>License Information</b>					
License Number:	579994				
Primary Owner:	VERVE HOLDINGS CA, LLC				
ABC Office of Application:	24 - SAN FRANCISCO				
<b>Business Name</b>					
VERVE					
<b>Business Address</b>					
2358 FILLMORE ST					
SAN FRANCISCO, CA. 94115					
County: SAN FRANCISCO	Census Tract: 0135.00				
<b>Licensee Information</b>					
Licensee: VERVE HOLDINGS CA, LLC					
<b>Company Information</b>					
OFFICER: VERVE MANAGEMENT LLC (MANAGER)					
MEMBER: VERVE HOLDINGS, LLC					
<b>License Types</b>					
1) License Type:	21 - OFF-SALE GENERAL				
License Type Status:	PENDING				
Status Date:	29-MAR-2017	Term:	12 Month(s)		
Original Issue Date:		Expiration Date:			
Master:	Y	Duplicate:	0	Fee Code:	P40
License Type was Transferred On:		From:	21-433145	To:	
License Type was Transferred On:		To:			
<b>Operating Restrictions</b>					
... No Operating Restrictions found ...					
<b>Disciplinary Action</b>					
... No Active Disciplinary Action found ...					
<b>Disciplinary History</b>					
... No Disciplinary History found ...					
<b>Hold</b>					
Hold Date:	29-MAR-2017	Type:	FORM 220		
<b>Escrows</b>					
Escrow:	FIDELITY NATIONAL TITLE COMPANY, 405 PRIMROSE RD BURLINGAME, CALIFORNIA 94010				

For a definition of codes, view our glossary.



Department of Alcoholic Beverage Control  
**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)**  
ABC 211 (6/99)

State of California

**RICHARD WARREN**

**TO:** Department of Alcoholic Beverage Control  
33 NEW MONTGOMERY STREET  
SUITE 1230  
SAN FRANCISCO, CA 94105  
(415) 356-6500

File Number: **579994** (415) 305-4980  
Receipt Number: **2419498**  
Geographical Code: **3800**  
Copies Mailed Date: **March 29, 2017**  
Issued Date:

**DISTRICT SERVING LOCATION: SAN FRANCISCO**  
**First Owner: VERVE HOLDINGS CA, LLC**  
**Name of Business: VERVE**  
**Location of Business: 2358 FILLMORE ST**  
**SAN FRANCISCO, CA 94115-1813**  
**County: SAN FRANCISCO**  
**Is Premise inside city limits? Yes**  
**Mailing Address: 655 REDWOOD HWY**  
**(If different from MILL VALLEY, CA 94941**  
**premises address)**  
**Type of license(s): 21**

Census Tract **0135.00**

Transferor's license/name: **433145 / SIRHED ENTERPRISES LLC** Dropping Partner: Yes  No

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
21 - Off-Sale General	ANNUAL FEE	NA	Y	0	03/29/17	\$582.00
21 - Off-Sale General	PREMISE TO PREMISE TRANSFER	NA	Y	0	03/29/17	\$100.00
21 - Off-Sale General	PERSON-TO-PERSON TRANSFER	NA	Y	0	03/29/17	\$1,250.00
Total						\$1,932.00

Have you ever been convicted of a felony? **No**

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of SAN FRANCISCO

Date: March 29, 2017

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

VERVE HOLDINGS CA, LLC

See 211 Signature Page

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

Clerk of the Board

**Subject:**

Liquor License - 2358 Fillmore Street - Verve

**The text is listed below or attached:**

Hearing to consider that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Verve Holdings CA, LLC, doing business as Verve located at 2358 Fillmore Street (District 2), will serve the public convenience or necessity of the City and County of San Francisco.

Signature of Sponsoring Supervisor: \_\_\_\_\_

*Allia Gomez*

For Clerk's Use Only: