

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: City Operations & Neighborhood Ser. Date: June 28, 2010

Board of Supervisors Meeting

Date 7/13/10

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget Analyst Report
- Legislative Analyst Report
- Ethics Form 126
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

OTHER

(Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Victor Young

Date June 24, 2010

Completed by: Victor Young

Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

of a

1 [Liquor License, 1957 Union Street]

2

3 **Resolution determining that the issuance of a Type 20 On-Sale Beer and Wine**
4 **Public Premises Liquor License to Melissa Gisler Modanlou, for Spuntino di**
5 **Ottimista located at 1957 Union Street (District 2), will serve the public**
6 **convenience or necessity of the people of the City and County of San Francisco,**
7 **in accordance with Section 23958.4 of the California Business and Professions**
8 **Code, with conditions.**

9

10 WHEREAS, Melissa Gisler Modanlou is seeking issuance of a Type 20 On-Sale
11 Beer and Wine Public Premises Liquor License for Spuntino di Ottimista, located at
12 1957 Union Street; and,

13 WHEREAS, The Planning Department has verified that the area is properly
14 zoned and recommends approval with conditions; and,

15 WHEREAS, The Police Department recommends that the liquor license
16 application be approved with conditions; now, therefore, be it

17 RESOLVED, That in accordance with Section 23958.4 of the California Business
18 and Professions Code, the Board of Supervisors of the City and County of San
19 Francisco hereby determines for the foregoing reasons that the issuance of a Type 20
20 On-Sale Beer and Wine Public Premises Liquor License, to Gisler Modanlou, for
21 Spuntino di Ottimista located at 1957 Union Street, will serve the public convenience or
22 necessity of the people of the City and County of San Francisco.

23 Planning Department Conditions: 1) Pursuant to Planning Code Section 790.55 ABC
24 License Type 20 is permitted with the permitted principal use as a grocery/specialty
25 food store, gross floor area devoted to Alcoholic Beverages is limited to accessory use

1 limits set forth in Planning Code Section 703.2(b)(1)(C)(vi); 2) Occasional wine-tasting
2 would (a) occur during regular operating hours only, (b) take place no more than twice
3 each week for no more than four hours each occurrence and on further occasional
4 appointment-only basis, (c) not occur on a premises on which any type of permit from
5 the entertainment Commission is held, (d) not occur in an area physically separated
6 from the main grocery/specialty food store retail area by full-height partitions that
7 otherwise prevent clear visual access to and from the main retail area and (e) be limited
8 to one ounce servings and three servings per individual customer per day; 3) Pursuant
9 to Planning Code Section 725.27, the existing retail grocery/specialty food store is
10 allowed to operate between the hours of 6 a.m. until 2 a.m. as of right and requires
11 Conditional Use authorization to operate between the hours of 2 a.m. and 6 a.m. within
12 the Union Street Neighborhood Commercial Zone District.

13 Police Department conditions: 1) Wine-tasting shall occur only between the hours of
14 9:00 a.m. to 8:00 p.m. each day of the week; 2) There shall be no more than two (2)
15 Wine Tastings per week and for no more than four (4) hours per occurrence; 3)
16 Occasional Wine Tastings may occur on an appointment basis only. An appointment
17 log shall be maintained and made available for review upon request by local law
18 enforcement; 4) Wine Tasting shall be limited to the area licensed for on-sale
19 consumption as designated on ABC form 257 and access shall be limited to those age
20 21 years and older; 5) The licensee(s) shall not maintain or construct any type of
21 enclosed room intended to separate the Wine Tasting area from the interior space of
22 the licensed premises; 6) Wine Tastings shall be limited to one (1) ounce servings and
23 limited to three (3) servings per individual customer per day; 7) The on-sale
24 consumption of beer or malt beverages is strictly prohibited; 8) No open and or
25 resealed/re-corked containers of alcohol shall be removed from the premise; 9) The

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consumption of alcoholic beverages by customers shall be served from behind a counter where a clerk will obtain the product; no self-service of alcoholic beverages will be permitted; 10) There shall be no consumption of alcoholic beverages on the sidewalk area in front of or adjacent to the premise.

06/24/2010

20:32

SFPD VICE CRIMES -> B OF SUPERVISOR

NO.445

P21

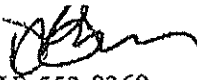


**San Francisco Police Department
ABC Liaison Unit**

Alcoholic Beverage License

To: The San Francisco Board of Supervisors' Committee on City Operations
& Neighborhood Services

**Supervisor Carmen Chu
Supervisor John Avalos
Supervisor Bevan Duffy**

From: Inspector Dave Falzon 
ABC Liaison Unit (ALU) 553-9369

Date: June 24, 2010

Subject: P.C.N. Investigation Regarding: Ms. Melissa Modaniou
Spunito di Ottimista
1957 Union Street
279-4555

Ms. Melissa Modaniou on behalf of Spunito di Ottimista has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 42 (On-sale Beer & Wine Public Premises-Public Premises) license for 1957 Union Street (located between Laguna Street and Buchanan Street).

Proposed Hours of Operation:

Sunday - Saturday 11:00 a.m. - 8:00 p.m.

Digest:

This premises is currently licensed as a Type 20 (Off-Sale Beer & Wine) and operates as a wine shop with a limited inventory of refrigerated beer products. If approved this license would allow the applicant to provide limited wine tasting (on-sale consumption).

Letters of Protest:

06/24/2010

20:32

SFPD VICE CRIMES → B OF SUPERVISOR

NO.445

022

Letters of Support:**No record****Police Calls for Service:**

From February 16, 2010 to June 16, 2010

5**Police Reports:**

From June 16, 2009 to June 16, 2010

3 **1- Embezzlement**
2- Attempt Burglary**San Francisco Plot Information:**This premise is located in Plot **519****135** Police Reports were recorded for this plot in **2009**This plot is **86** Police Report(s) *under* the citywide average (plus 20%) of **221** Police Reports.**State Census Tract Information:**This premise is located in Census Tract **130**Population for this tract is: **4130**On-sale license authorized by census tract: **14**
Active on-sale licenses: **30** with **3** pendingOff-sale licenses authorized by census tract: **5**
Active off-sale licenses: **10** with **0** pending**Departmental Recommendation:**

Points of consideration:

APPROVAL w/conditions recommendation forwarded by the ALU.Applicant premise is **not** located in a "high crime" area.

Applicant premise is located in an "undue concentration" area.

No Record letter of protest.

No Record letters of support.

Recommendation: APPROVAL w/conditions

Proposed Conditions:

1. Wine-tasting shall occur only between the hours of 9:00 a.m. to 8:00 p.m. each day of the week.
2. There shall be no more than two (2) Wine Tastings per week and for no more than four (4) hours per occurrence.
3. Occasional Wine Tastings may occur on an appointment basis only. An appointment log shall be maintained and made available for review upon request by local law enforcement.
4. Wine Tasting shall be limited to the area licensed for on-sale consumption as designated on ABC form 257 and access shall be limited to those age 21 yrs and older.
5. The licensee(s) shall not maintain or construct any type of enclosed room intended to separate the Wine Tasting area from the interior space of the licensed premises.
6. Wine Tastings shall be limited to one (1) ounce servings and limited to three (3) servings per individual customer per day.
7. The on-sale consumption of beer or malt beverages is strictly prohibited.
8. No open and or resealed/re-corked containers of alcohol shall be removed from the premise.
9. The consumption of alcoholic beverages by customers shall be served from behind a counter where a clerk will obtain the product; no self-service of alcoholic beverages will be permitted.
10. There shall be no consumption of alcoholic beverages on the sidewalk area in front of or adjacent to the premise.

end.

06/24/2010

20:32

SFPD VICE CRIMES -> B OF SUPERVISOR

NO.445

024

Page 1 of 1

Route

Print

FROM: ECADWEB
TO: PT00TUA

IGN: 00090 DATE: 06/24/10 TIME: 11:03:57 ADMIN MAG
OSN: 00006 DATE: 06/24/10 TIME: 11:04:05

EVENT HISTORY SUMMARY
PRIOR EVENTS AT LOCATION

	ENTRY	CLOSE	PRI	TYPE	UNIT	DIVPO	LOCATION
#0988	06/08/10 09:49	13:41	C	459	3E4A	REP	1957 UNION ST, SF WB
#1784	06/06/10 13:33	14:00	C	517	3E91D	ADV	1957 UNION ST, SF
#1026	05/25/10 09:53	13:49	C	459	3E1	REF	1957 UNION ST, SF WB
#3690	04/10/10 22:29	22:29	B	100			1957 UNION ST, SF
#3653	04/10/10 22:19	22:22	B	100A	3H15B	PAB	1957 UNION ST, SF

TOTAL NUMBER OF RECORDS: 5

06/24/2010 20:32 SFPD VICE CRIMES -> B OF SUPERVISOR

NO.445 025

Page 1 of 1

FROM: PT00TIUC ISN: 14 ITIME: 06/16/2010 16:39:39
TO: PPO0TIUZ OSN: 11 OTIME: 06/16/2010 16:39:39

Original Message

FROM: CABLE ISN: 27100 DATE: 06/16/10 TIME: 16:39:36 ADMIN MSG
TO: PT00TIUC OSN: 00012 DATE: 06/16/10 TIME: 16:39:38

71010 LOST/STOLEN LICENSE PLATE UNASG: 5C
INCACCNO:100326726/A OCCFROMTO:04/08/10/1357/04/08/10/1440
1957 UNION ST

CLEARED:

10045 EMBEZZLEMENT, GRAND THEFT BY EMPLOYEE
INCACCNO:080859645 DATE:08/14/08 LAST-SUFFIX:A UNIT-ASSIGNED:5D
PADDR:1957/UNION/ST
THIS RECORD NOT IN COMPUTER - IT IS AVAILABLE IN RECORD ROOM

05152 BURGLARY, STORE UNDER CONSTRUCTION, ATT. FORCIBLE UNASG: 3E
INCACCNO:100484302/A OCCFROMTO:05/22/10/1600/05/25/10/0940
1957 UNION ST, APT: B

CLEARED:

05152 BURGLARY, STORE UNDER CONSTRUCTION, ATT. FORCIBLE UNASG: 5D
INCACCNO:100530080/A OCCFROMTO:06/05/10/1330/06/08/10/0945
1957 UNION ST, APT: B

CLEARED:

06/24/2010 20:32 SFPD VICE CRIMES → B OF SUPERVISOR

NO.445 026

Page 1 of 1

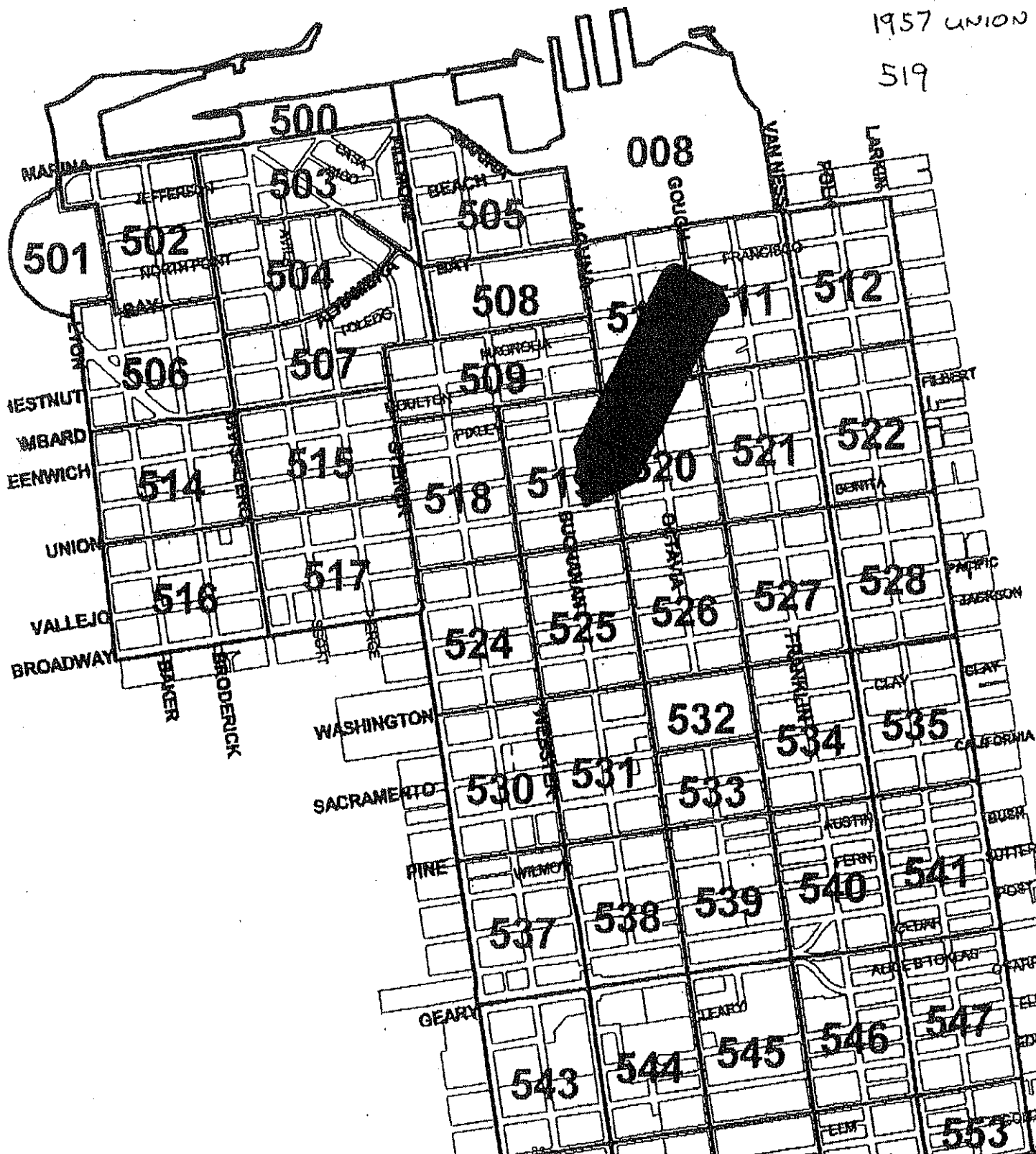
FROM: PT00TIUC ISN: 15 ITIME: 06/16/2010 16:39:42
TO: PF00TIUZ OSN: 12 OTIME: 06/16/2010 16:39:43

Original Message

FROM: CABLE ISN: 27101 DATE: 06/16/10 TIME: 16:39:37 ADMIN MSG
TO: PT00TIUC OSN: 00013 DATE: 06/16/10 TIME: 16:39:41

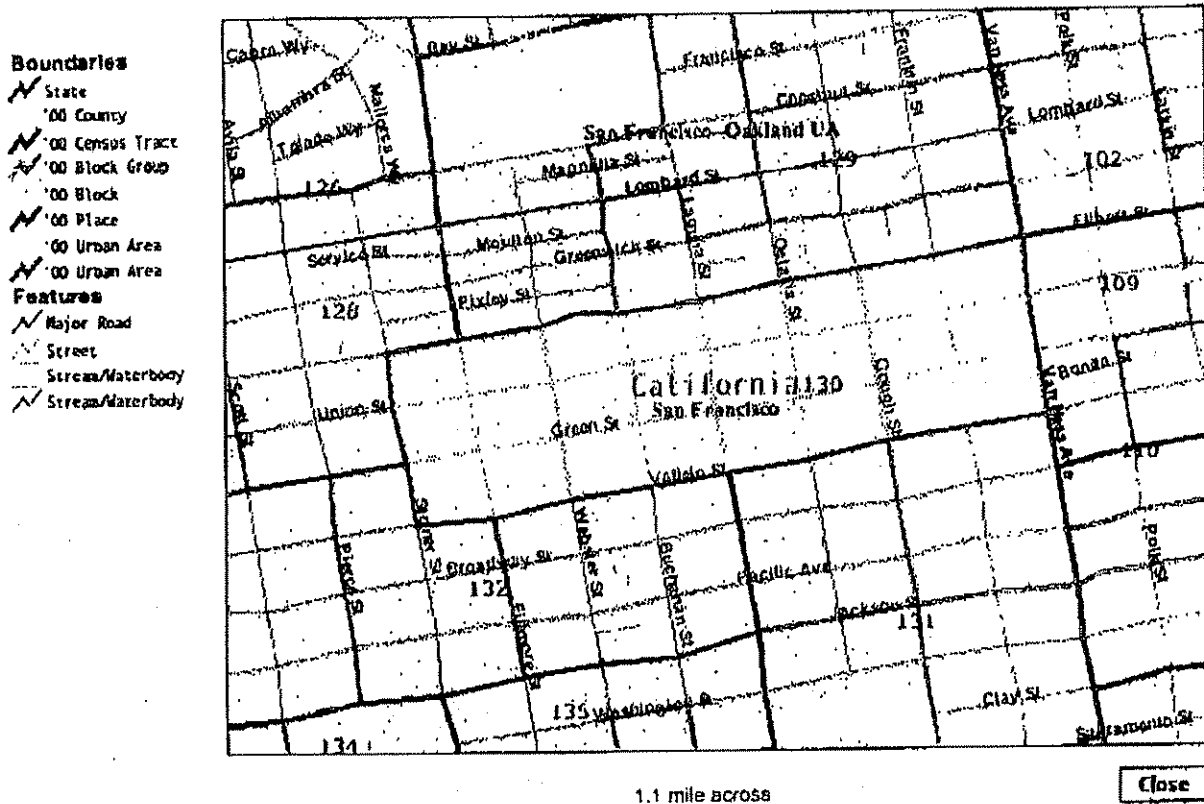
043-PGM=QACN REJ/ NO ACCIDENT REPORT ON FILE

NORTHERN DISTRICT Major Streets & Reporting Plots



Census Tract 130, San Francisco County, California - Reference Map - American FactFin... Page 1 of 1

Census Tract 130, San Francisco County, California



1957 Union St

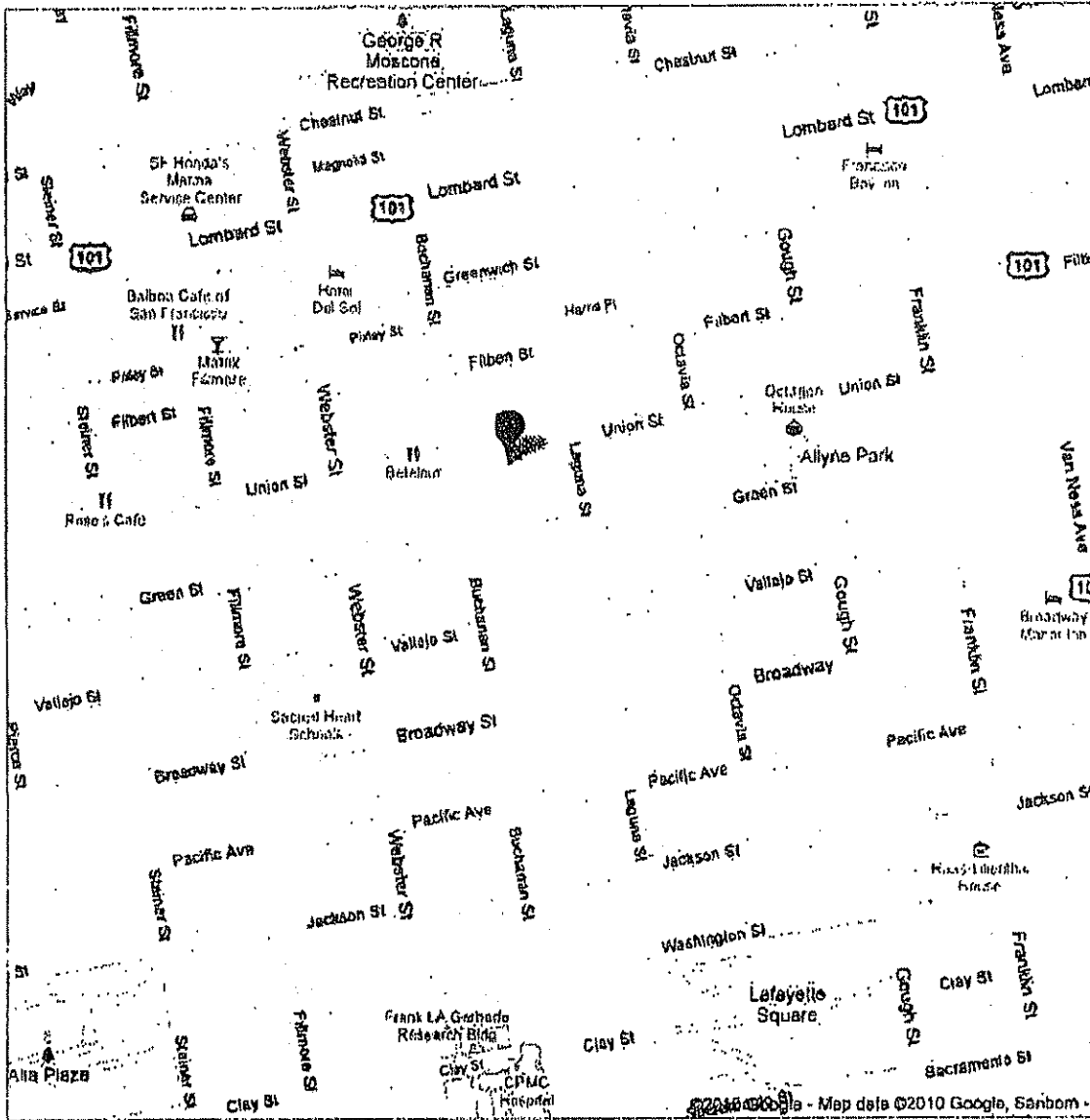
1957 union st, san francisco - Google Maps

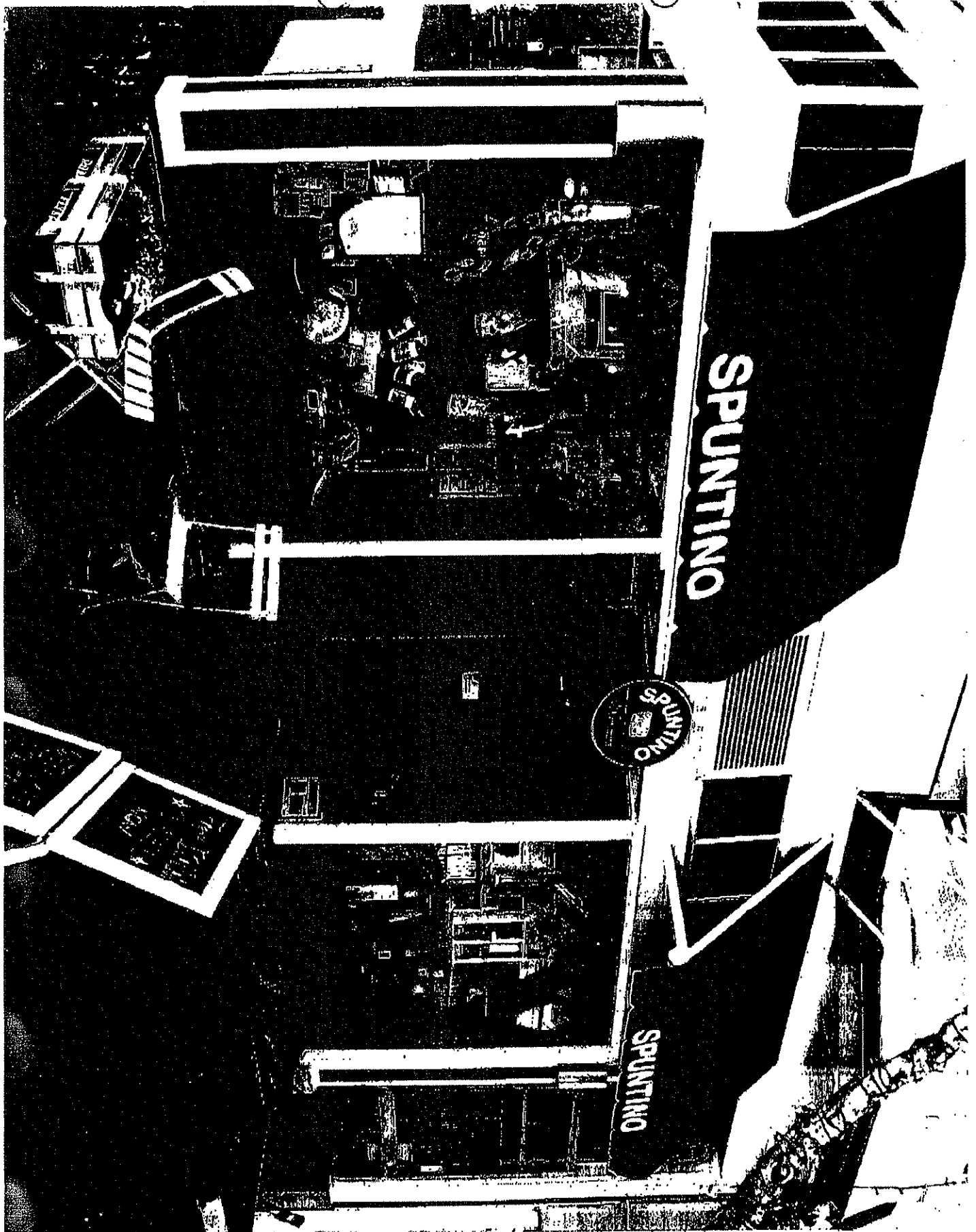
Page 1 of 1

Google maps

Address 1957 Union St
San Francisco, CA 94123

Get Google Maps on your phone
Text the word "GMAPS" to 466453





LIQUOR LICENSE REVIEW

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

File: 100684

BLOCK/LOT: 0542/025
ZONING: UNION ST NCD
QUAD: NW
MB# 1000573 (MB 1000446-
ABC License Referral for
License File No. 473915)

TO: Inspector Dave Falzon
Police Department
Fax No: 970-3088

DATE: April 13, 2010

This item is scheduled to be heard at a meeting on June 28 10, 2010. **PLEASE E-MAIL OUR RESPONSE BY: June 13, 2010**, to Victor Young, Clerk of City Operations and Neighborhood Services Committee.

E-Mail: victor.young@sfgov.org

Applicant Name: Melissa gisler Modaniou
Business Name: Spunito di Ottimista

Applicant Address: 1957 Union Street
and Phone No. 415-415-931-6410

PLANNING COMMENTS: Approval Denial

ABC License Type 20 & 42 is permitted to add occasional wine-tasting to an existing retail grocery/specialty food store, subject to Notice of Special Restrictions 2010I979574, recorded on 6/9/10. (Attached)

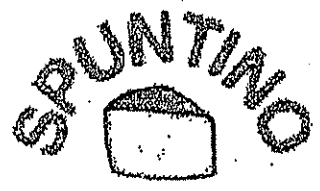
POLICE COMMENTS: Approval Denial

MAY-17-2010 11:47 From:MODANLOU

4159316907

To:1 415 554 7714

P.1/1



Attn: Victor Young 554-7714
Re.: PCN request

File 100684

May 17, 2010

CLERK OF THE BOARD
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco CA 94102

Dear Sir/Madam:

I currently have an Off Beer & Wine License No. 20-364884 at my cheese/gourmet grocery shop:

Spuntino di Ottimista
1957 Union Street, SF CA 94123
415-931-6410

I am applying to add a Type 42 On Beer & Wine License to enable customer wine tasting, a critical component to the successful operation of a wine shop that specializes in esoteric varietals and regions as we do.

Spuntino is an existing gourmet cheese and wine shop that opened on October 9th, 2008 in San Francisco's Cow Hollow neighborhood. Our hours of operation are Tuesday-Sunday from 11am-8pm. To date we have had no problems or complaints associated with the sale of wine or beer. Tasting portions would be confined to a separate area within the shop, and only offered during normal business hours, as per the conditions Planning has indicated they would impose to approve the license.

High quality Italian wine is an important component of Spuntino's offering, rounding out the selection of cheese, cured meats, prepared foods and Italian gourmet grocery products. These items simply go together, so it is a convenience for our customers to be able to pick up all of the items they need for preparing and enjoying a meal at home, or entertaining guests, all in one location. However, when customers are purchasing wine, especially a type they might not be familiar with or one that is a higher price point, they need to taste the wine to feel confident in the purchase. Since we at Spuntino specialize in unique Italian and other European wines that many customers haven't tried before, the ability to offer a taste of the wine is essential to both the customer's satisfaction and our success in these difficult economic times.

I also operate Ottimista, an Italian wine bar at 1838 Union Street, where we have been successful in introducing patrons to an esoteric Italian wine selection in a restaurant setting, largely because we can pour tastes of the wines at the bar before a customer commits. Similarly, we believe that we can gain customer confidence and create a better guest experience at Spuntino with the freedom to offer wine tasting in the shop.

Thank you for your consideration. Please feel free to contact me at 415-279-4555 should you have any questions or require additional information.

Sincerely,

Melissa Gister Modanlou
Managing Partner

Department of Alcoholic Beverage Control
INFORMATION AND INSTRUCTIONS -
SECTION 23958.4 B&P

State
 ARNOLD SCHWARZENEGG

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

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

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME Gusto Partners LLC

2. PREMISES ADDRESS (Street number and name, city, zip code) 1457 Union St., San Francisco, CA 94113 3. LICENSE TYPE 42

4. TYPE OF BUSINESS

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

6. COUNTY POPULATION 4130 6. TOTAL NUMBER OF LICENSES IN COUNTY On-Sale Off-Sale 7. RATIO OF LICENSES TO POPULATION IN COUNTY On-Sale Off-Sale

8. CENSUS TRACT NUMBER 0130 9. NO. OF LICENSES ALLOWED BY CENSUS TRACT 14 On-Sale Off-Sale 10. NO. OF LICENSES EXISTING IN CENSUS TRACT 31/14 On-Sale Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)
 Yes, the number of existing licenses exceeds the number allowed
 No, the number of existing licenses is lower than the number allowed 3x publication

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?
 Yes (Go to Item #13) No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER 519 14. TOTAL NUMBER OF REPORTING DISTRICTS 054 15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS 120,307

16. AVERAGE NO. OF OFFENSES PER DISTRICT 184 17. 120% OF AVERAGE NUMBER OF OFFENSES 221 18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT 57

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all reporting districts within the jurisdiction of the local law enforcement agency)
 Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
 No, the total number of offenses in the reporting district is lower than the total number in item #17 PC & N required

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

a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.

b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.

c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

RECEIVED

Dept. of Alcoholic Beverage Control
 San Francisco

Governing Body/Designated Subordinate Name: Board of Supervisors

FOR DEPARTMENT USE ONLY
 PREPARED BY (Name of Department Employee):

CAJ 4/30/10

ABC-245 (12/03)

PART 2 - TO BE COMPLETED. THE APPLICANT (if box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is just this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.

22. APPLICANT SIGNATURE

23. DATE SIGNED

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (if box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes

No

See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity)

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

ABC-245 REVERSE (12/03)

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY)

And When Recorded Mail to)

Name: Melissa Gisle)

Modanlou)

Address: 1957 Union)

City: San Francisco)

State: CA)

CONFORMED COPY of document recorded on,

06/09/2010.20101979574

as of
This document has not been compared with the original
SAN FRANCISCO ASSESSOR RECORDER

Space Above This Line For Recorder's Use

I (We) Melissa Gisle Modanlou
for GUSTO PATRIZ LLC, 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):

1957 Union St.

BEING Assessor's Block 0542, Lot 025, hereby given notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said restrictions consist of conditions attached to the approval of **Alcohol Beverage Control License Referral No. 1000446 / License File No. 473915**, by the San Francisco Planning Department and are conditions that had to be so attached in order that said application could be approved under the Planning Code. The present application at **1957 Union Street** to add occasional wine-tasting to an existing retail grocery / specialty food store dba Spuntino Di Ottimista with Alcohol Beverage Control License Type 20 (off-sale beer and wine) and Alcohol Beverage Control License Type 42 (on-sale beer and wine for public premises) within the Union Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District.

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

1. Pursuant to Planning Code Section 790.55 ABC License Type 20 is permitted with the permitted principal use as a grocery / specialty food store, gross floor area devoted to Alcoholic Beverages is limited to accessory use limits set forth in Planning Code Section 703.2(b)(1)(C)(vi).
2. Occasional wine-tasting would (a) occur during regular operating hours only, (b) take place no more than twice each week for no more than four hours each occurrence and on a further occasional appointment-only basis, (c) not occur on a premises on which any type of permit from

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

the Entertainment Commission is held, (d) not occur in an area physically separated from the main grocery / specialty food store retail area by full-height partitions or partitions that otherwise prevent clear visual access to and from the main retail area and (e) be limited to one once servings and three servings per individual customer per day.

- 3. Pursuant to Planning Code Section 725.27, the existing retail grocery / specialty food store is allowed to operate between the hours of 6 a.m. until 2 a.m. as of right and requires Conditional Use authorization to operate between the hours of 2 a.m. and 6 a.m. within the Union Street Neighborhood Commercial Zoning District.

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 herein 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.

Dated: June 9, 2010 at San Francisco, California

GUSTO PARTNERS LLC
X Melissa Gister Modanlou
(Owner's Signature)

(Agent's Signature)

This signature must be notarized prior to recordation; add Notary Public Certification and Official Notarial Seal below.

State of California

County of San Francisco

On June 9th 2010 before me, Anthony Guerrero Notary Public
(Here insert name and title of the officer)

personally appeared Melissa Gister Modanlou

who 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 certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Anthony Guerrero
Signature of Notary Public

(Notary Seal)

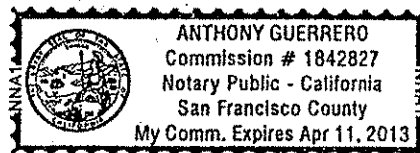


EXHIBIT "A"

F091683

1959 UNION STREET, SAN FRANCISCO

An undivided one-half (1/2) interest in all that certain real property situated in the City and County of San Francisco, State of California, described as follows:

COMMENCING at a point on the southerly line of Union Street distant thereon 155 feet easterly from the southeasterly corner of Union and Buchanan Streets; running thence easterly along said line of Union Street 25 feet; thence at a right angle southerly 73 feet; thence at a right angle westerly 25 feet; thence at a right angle northerly 73 feet to the point of commencement.

Being a portion of Western Addition Block Number 244.

MAY-17-2010 11:47 From:MODANLOU

4159316987

To:1 415 554 7714

P.1/1

*di Ottimista*

Attn: Victor Young 554-7714
 Re.: PCN request

File 100684

May 17, 2010

CLERK OF THE BOARD
 San Francisco Board of Supervisors
 1 Dr. Carlton B. Goodlett Place, Room 244
 San Francisco CA 94102

Dear Sir/Madam:

I currently have an Off Beer & Wine License No. 20-364884 at my cheese/gourmet grocery shop:

Spuntino di Ottimista
 1957 Union Street, SF CA 94123
 415-931-6410

I am applying to add a Type 42 On Beer & Wine License to enable customer wine tasting, a critical component to the successful operation of a wine shop that specializes in esoteric varietals and regions as we do.

Spuntino is an existing gourmet cheese and wine shop that opened on October 9th, 2008 in San Francisco's Cow Hollow neighborhood. Our hours of operation are Tuesday-Sunday from 11am-8pm. To date we have had no problems or complaints associated with the sale of wine or beer. Tasting portions would be confined to a separate area within the shop, and only offered during normal business hours, as per the conditions Planning has indicated they would impose to approve the license.

High quality Italian wine is an important component of Spuntino's offering, rounding out the selection of cheese, cured meats, prepared foods and Italian gourmet grocery products. These items simply go together, so it is a convenience for our customers to be able to pick up all of the items they need for preparing and enjoying a meal at home, or entertaining guests, all in one location. However, when customers are purchasing wine, especially a type they might not be familiar with or one that is a higher price point, they need to taste the wine to feel confident in the purchase. Since we at Spuntino specialize in unique Italian and other European wines that many customers haven't tried before, the ability to offer a taste of the wine is essential to both the customer's satisfaction and our success in these difficult economic times.

I also operate Ottimista, an Italian wine bar at 1838 Union Street, where we have been successful in introducing patrons to an esoteric Italian wine selection in a restaurant setting, largely because we can pour tastes of the wines at the bar before a customer commits. Similarly, we believe that we can gain customer confidence and create a better guest experience at Spuntino with the freedom to offer wine tasting in the shop.

Thank you for your consideration. Please feel free to contact me at 415-279-4555 should you have any questions or require additional information.

Sincerely,

Melissa Gister Modanlou
 Managing Partner

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained holding file or applicant's district file.
 - Part 2 is to be completed by the applicant, and returned to ABC.
 - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

Gusto Partners LLC

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

1957 Union St., San Francisco, CA 94123

3. LICENSE TYPE

42

4. TYPE OF BUSINESS

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

6. COUNTY POPULATION

4130

6. TOTAL NUMBER OF LICENSES IN COUNTY

On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale Off-Sale

8. CENSUS TRACT NUMBER

0130

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

14

On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

31/14

On-Sale Off-Sale

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

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

3x publication

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

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

13. CRIME REPORTING DISTRICT NUMBER

519

14. TOTAL NUMBER OF REPORTING DISTRICTS

654

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

120,307

16. AVERAGE NO. OF OFFENSES PER DISTRICT

184

17. 120% OF AVERAGE NUMBER OF OFFENSES

221

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

57

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

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

PC & N regained

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

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

RECEIVED

Dept of Alcoholic Beverage Control
San Francisco

Governing Body/Designated Subordinate Name:

Board of Supervisors

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

CAJ 4/30/10

ABC-245 (12/03)

003 P 6699 366 6699

