

## 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

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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](mailto:victor.young@sfgov.org)**

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**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



**City and County of San Francisco**  
**Master Report**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

<b>File Number:</b> 100684	<b>File Type:</b> Hearing	<b>Status:</b> Pending Committee Action
<b>Enacted:</b>	<b>Effective:</b>	
<b>Version:</b> 1	<b>In Control:</b> City Operations and Neighborhood Services Committee	
<b>File Name:</b> Liquor License - 1957 Union Street	<b>Date Introduced:</b> 05/25/2010	
<b>Requester:</b>	<b>Cost:</b>	<b>Final Action:</b>
<b>Comment:</b>	<b>Title:</b> Hearing to consider the issuance of a Type 42 on-sale beer and wine public premises license to Melissa Gisler Modanlou for Spuntino di Ottimista located at 1957 Union Street (District 2), will serve the convenience of the people of the City and County of San Francisco.	

**Indexes:**

**History of Legislative File 100684**

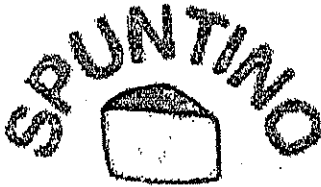
Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	05/17/2010	RECEIVED AND ASSIGNED	City Operations and Neighborhood Services Committee		

MAY-17-2010 11:47 From:MODANLOU

4159316907

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 9<sup>th</sup>, 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**

Stat  
 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) *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 <i>4130</i>	6. TOTAL NUMBER OF LICENSES IN COUNTY <input type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	7. RATIO OF LICENSES TO POPULATION IN COUNTY <input type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale
8. CENSUS TRACT NUMBER <i>0130</i>	8. NO. OF LICENSES ALLOWED IN CENSUS TRACT <i>14</i> <input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	10. NO. OF LICENSES EXISTING IN CENSUS TRACT <i>31/14</i> <input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> 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 <i>519</i>	14. TOTAL NUMBER OF REPORTING DISTRICTS <i>054</i>	15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS <i>120,307</i>
16. AVERAGE NO. OF OFFENSES PER DISTRICT <i>184</i>	17. 120% OF AVERAGE NUMBER OF OFFENSES <i>221</i>	18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT <i>57</i>

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 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)

*Ad 4/30/10*

ABC-245 (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 No. 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 Partners 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

X GUSTO PARTNERS LLC  
Melissa Gistler 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 9<sup>th</sup> 2010 before me, Anthony Guerrero Notary Public.  
(Here insert name and title of the officer)

personally appeared Melissa Gistler 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)

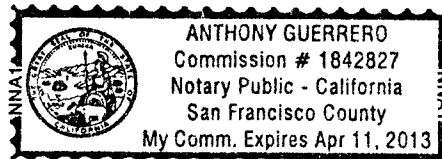


EXHIBIT "A"

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.