

File No. 11133

Committee Item No. 3

Board Item No. 6

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

Committee: **City Operations & Neighborhood Services Committee**      Date 12/5/11

Board of Supervisors Meeting      Date 12/13/11

**LIQUOR LICENSE HEARING**

Cmte Board

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

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Completed by Gail Johnson      Date 12/1/11  
 Completed by [Signature]      Date 12/7/11

1 [Liquor License, 1541 Grant Avenue]

2  
3 **Resolution determining that the issuance of a Type 20 off-sale beer and wine**  
4 **license to Jay Esopenko for Little Vine, located at 1541 Grant Avenue (District 3),**  
5 **will serve the public convenience or necessity of the people of the City and**  
6 **County of San Francisco, in accordance with Section 23958.4 of the California**  
7 **Business and Professions Code, with conditions.**

8  
9 WHEREAS, Jay Esopenko is seeking issuance of a Type 20 Off-Sale Beer and  
10 Wine Liquor License for Little Vine, located at 1541 Grant Avenue; and,

11 WHEREAS, The Planning Department has verified that the area is properly  
12 zoned; and,

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

15 RESOLVED, That in accordance with Section 23958.4 of the California Business  
16 and Professions Code, the Board of Supervisors of the City and County of San  
17 Francisco hereby determines for the foregoing reasons that the issuance of a Type 20  
18 Off-Sale Beer and Wine Liquor License, to Jay Esopenko for Little Vine, located at 1541  
19 Grant Avenue, will serve the public convenience or necessity of the people of the City  
20 and County of San Francisco.

21 Conditions: (1) Sales of alcoholic beverages shall be permitted only between the  
22 hours of 9:00 a.m. to 9:00 p.m. daily. (2) No more than 5% of the square footage of the  
23 premises will be used for the display of alcoholic beverages. (3) The monthly gross  
24 sales of alcoholic beverages shall not exceed 25% of the total gross sales.  
25

Little Vine  
1541 Grant Avenue, San Francisco, CA 94133  
415-272-7567  
Contact: Jay Esopenko

File 111133  
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 OCT 17 PM 3:24

To the Clerk of the Board:

Our specialty grocery store Little Vine, opened on August 15th, 2011 at 1541 Grant Avenue. We have purchased a Type 20 (Off-Sale Beer & Wine ABC License No. 20-52223) from Boudin French Sourdough at 156 Jefferson Street, just 8 blocks away.

Our focus at Little Vine is primarily on farm fresh produce and meats, farmstead cheeses and other specialty food items. The projected wine sales, which under the North Beach NCD is limited to 15% of the store square footage, will be focused on family owned, small production Northern California wines, with an emphasis on great customer service. There is no other store in North Beach devoted to selling small production boutique wines. The reaction from the neighborhood has been nothing but positive, and we feel we are adding a much wanted business to a neglected yet historic block. We have met with the North Beach Neighbors, North Beach Merchants Association & the Telegraph Hill Dwellers and have the support of all three. There seems to be a consensus that Little Vine is a very positive addition to the neighborhood. Our hours of operation are 11:00 AM to 7:00 PM and we believe that our business would not be disruptive in any way to our neighbors, but rather enhance the enjoyment of the block.

In San Francisco there are only a handful of wine shops devoted to sourcing wines from small production family owned wineries. These wineries need the support from small shops like ours in order to keep afloat. Their production is not big enough to sell nationally or to the bigger chains. Little Vine, and small businesses like ours, serve not only a public convenience, but are necessary to preserve the San Francisco way of life, and by allowing us to sell wine keeps our business viable and will help keep our neighborhoods free of big box stores and national chains.

On a personal note, my wife and I have lived in San Francisco for 10 years, and have been homeowners in North Beach for 5 years. We have been disappointed with the lack of a wine shop in our area with an eclectic and affordable selection. I am a certified sommelier from the Court of Master Sommeliers and am excited to bring my expertise in sourcing these wines to my neighborhood. I know that the neighborhood is excited too!

Thank you for your time.

Sincerely,  
Jay Esopenko





San Francisco Police Department  
**ABC Liaison Unit**



Alcoholic Beverage License -  
*Public Convenience and  
Necessity Recommendation*

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

Supervisor Avalos  
Supervisor Mar  
Supervisor Elsbernd

**From:** Inspector Joe Fong  
ABC Liaison Unit (ALU) 553-1049

**Date:** November 30, 2011

**Subject:** P.C.N. Investigation Regarding: Little Vine LLC  
Little Vine  
1541 Grant Avenue  
Mr. Jay Esopenko  
(415) 272-7567

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 DEC - 1 PM 1:16

Mr. Esopenko on behalf of Little Vine LLC, has filed an application with the California Department of Alcoholic Beverage Control seeking for a person-to person (Existing license, new owner) and Premise to Premise transfer ( Existing license, new location) of an ABC license, License -Type 20 (On-Sale Beer and Wine) Address: 1541 Grant Avenue between Union and Filbert Streets.

Hours of Operation:

Tuesday to Sunday: 11 a.m. to 7 p.m.  
Monday: Close.

**Digest:**

The original type-20 license is being transfer from 156 Jefferson Street, Fisherman's Wharf Sour dough French to this location. This license was surrendered to the California Department of Alcoholic Beverage Control.

If approved; this license will allow the applicant to sell off-sale beer and wine at its current location.

**Letters of Protest:**

None

**Letters of Support:**

None

**Police Calls for Service:**

From September 2010 to September 2011

No record

**Police Reports:**

From September 2010 to September 2011

No record

**San Francisco Plot Information:**

This premise is located in Plot 120

211 Police Reports were recorded for this plot in 2010

This plot is 4 Police Report(s) **under** the citywide average (plus 20%) of 215 Police Reports.

**State Census Tract Information:**

This premise is located in Census Tract 106

Population for this tract is: 4279

On-sale license authorized by census tract: 16

Active on-sale licenses: 71 with 8 pending

Off-sale licenses authorized by census tract: 5

Active off-sale licenses: 6

**Departmental Recommendation:**

Points of consideration:

No opposition from **Central Station** if agrees to recommended conditions

Applicant premise is **NOT** located in a "high crime" area.

An applicant premise **IS** located in an "undue concentration" area.


**No - Record** of protest.

**No - Record** of support.

ALU Recommendation: **Approval w/conditions**

1. Sales of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. to 9:00 p.m. daily.
2. No more than 5% of the square footage of the premises will be used for the display of alcoholic beverages.
3. The monthly gross sales of alcoholic beverages shall not exceed 25% of the total gross sales.

end.

export To  **New!**

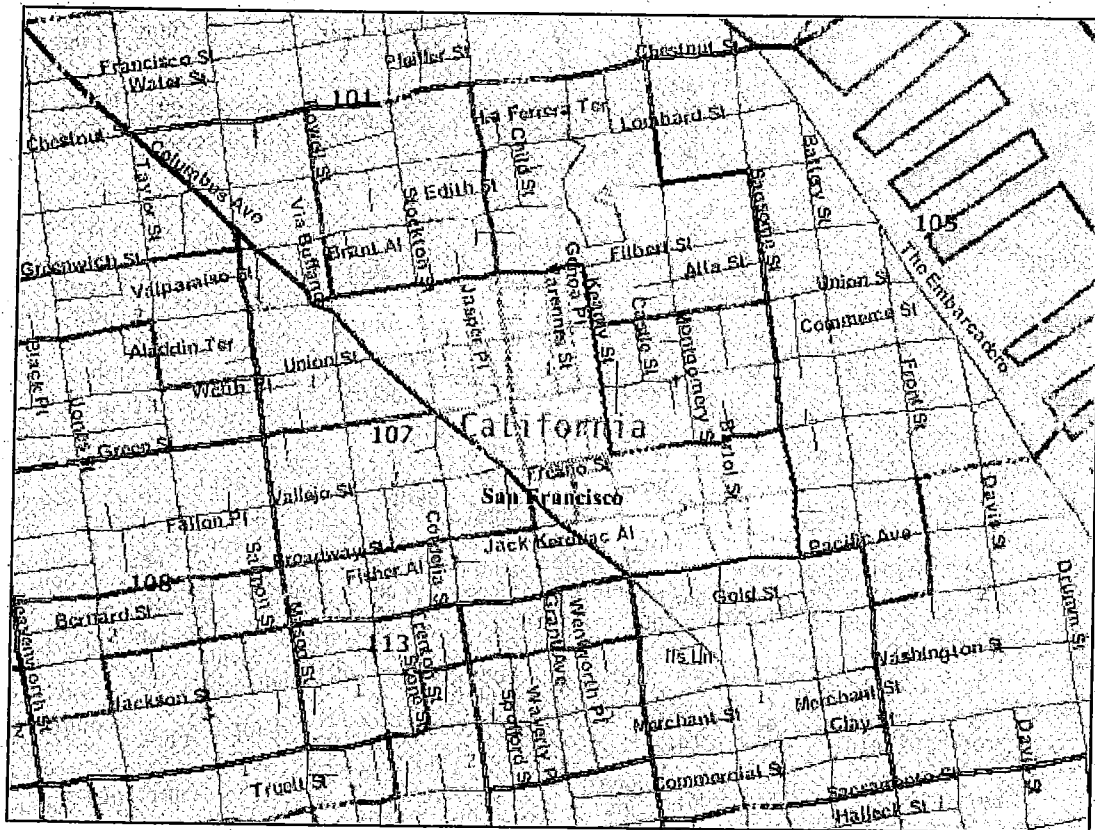
Records **1** through **1** of **1**

Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
<u>112390600</u>		08/27/2011	05:03:14	C	459	3A4E	HAN	1541 GRANT AV

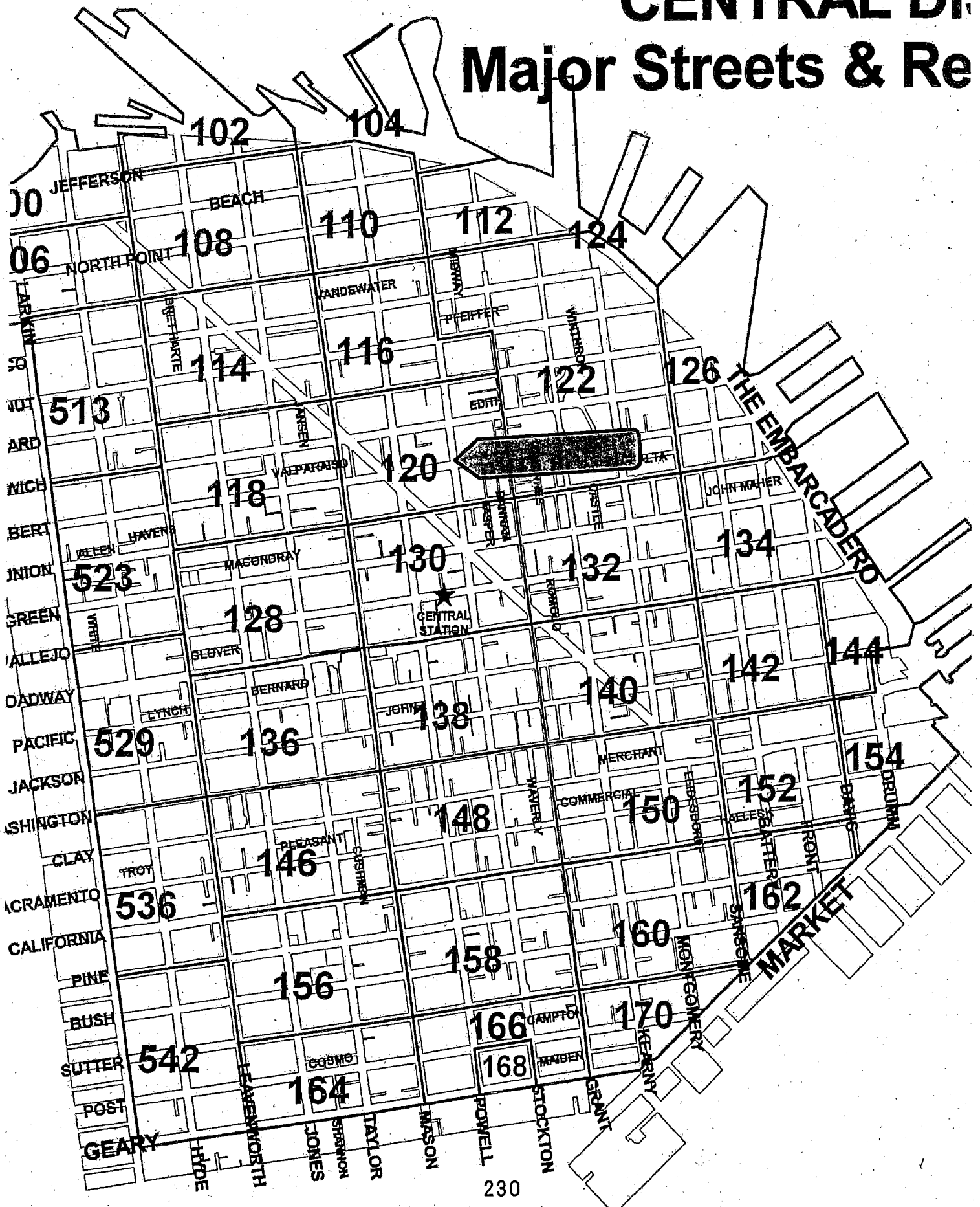
---

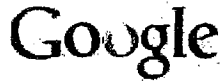
**End of document**





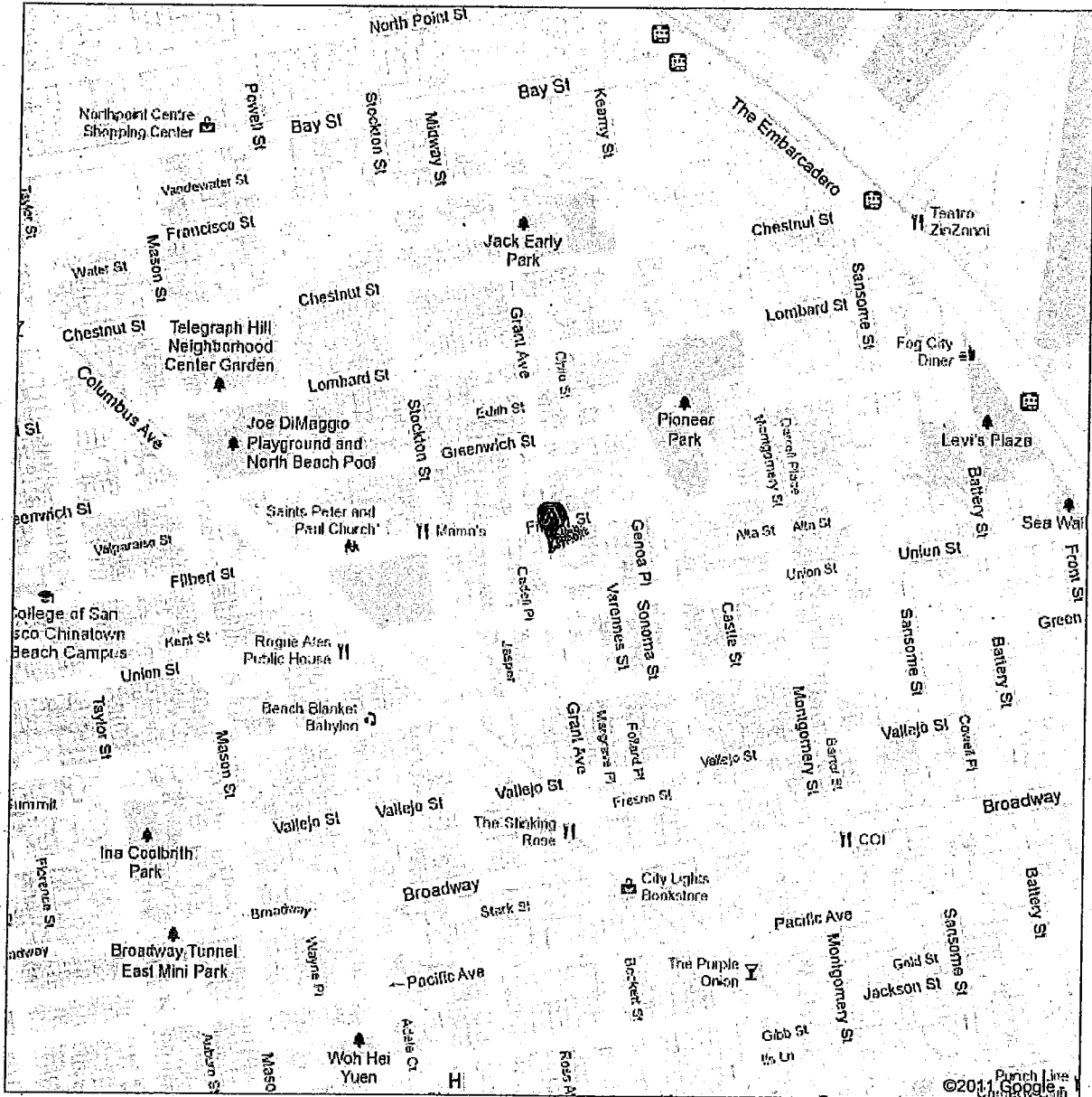
# CENTRAL DISTRICT Major Streets & Re





Address 1541 Grant Ave  
San Francisco, CA 94133

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



©2011 Google

10/04/2011

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
**PUBLIC NOTICE OF APPLICATION  
TO SELL ALCOHOLIC BEVERAGES**

APPLICANT LITTLE VINE LLC  
TYPE OF LICENSE 20 OFF-SALE BEER & WINE  
BUSINESS NAME LITTLE VINE  
ADDRESS OF PREMISES 1041 GRANT AVE. S.F. CA 94133-3523  
APPLICANT HAS FILED FOR:  NEW LICENSE  PREMISES TO PREMISES TRANSFER /  CHANGE IN LICENSE PRIVILEGES

IT IS FURTHER PROTECTED TO BE MADE SUBJECT TO APPLICATION; IT MUST BE RECEIVED BY ANY OFFICE OF THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL, 1401 LEMNAH BLVD., SUITE 100, SACRAMENTO, CALIFORNIA 95834, BY THE PROPER PARTY AND BE VERIFIED. FURTHER INFORMATION REGARDING APPLICATION AND VERIFICATION PROCEDURES MAY BE OBTAINED AT

WWW.DBA.CA.GOV  
1-800-955-3889  
WWW.DBA.CA.GOV

WARNING  
10/04/2011

Nov. 1. 2011 8:18AM

No. 0277 P. 1  
RECEIVED

OCT 25 2011

### LIQUOR LICENSE REVIEW

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
TAC TEAM

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

File: 111133

*0103 039*  
*Block/Lot 0104/031*  
*Zoning NO. BEACH*  
*Quad NE*  
*MSB # 1101828*

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

**DATE:** October 24, 2011

This item is scheduled to be heard at a meeting on December 12, 2011.  
**PLEASE EMAIL YOUR RESPONSE BY:** December 7, 2011, to Gail Johnson,  
Clerk, City Operations and Neighborhood Services Committee.  
**Gail.Johnson@sfgov.org - Fax No: 554-7714**

**Applicant Name:** Jay Esopenko  
**and Business Name:** Little Vine (1541 Grant Avenue)  
**Applicant Address:** 1541 Grant Avenue  
San Francisco, CA 94133  
**and Phone No.** (415) 272-7567

**PLANNING COMMENTS:**  Approval  Denial

*Permitted per Planning Code sections 722.40 and 703.2(b)(1)(c)(vi) provided alcoholic beverage sales occupy less than 15% of the gross floor area of the establishment.*

*Rick Crawford 10/28/11*

**POLICE COMMENTS:**  Approval  Denial



# SAN FRANCISCO PLANNING DEPARTMENT

## Letter of Determination

April 29, 2011

Marsha Garland  
Garland Public & Community Relations  
535 Green Street  
San Francisco, CA 94133

Address: 1541 Grant Avenue.  
Block/Lot: Block: 0103 Lot: 039  
Zoning District: North Beach Neighborhood Commercial District  
Staff Contact: Rick Crawford, (415) 558-6388 or [rick.crawford@sfgov.org](mailto:rick.crawford@sfgov.org)

Dear Ms. Garland:

This letter is in response to your request for a letter of determination regarding the establishment of a specialty retail grocery store at 1541 Grant Avenue, Lot 039 of Assessors Block 0103. The property is located within the North Beach Neighborhood Commercial District (NCD) and the 40-X Height and Bulk District. Planning Code Section 722.40 allows Other Retail Sales and Services as defined in Planning Code Section 790.102 as a principally permitted use on the first and second floors within the North Beach NCD. Section 790.102 includes specialty grocery, which is defined as an individual retail food establishment that:

1. Offers specialty food products, such as baked goods, pasta, cheese, confections, coffee, meat, seafood, produce, artisanal goods and other specialty food products, and may also offer additional food and non-food commodities related or complementary to the specialty food products;
2. May provide beer, wine, and/or liquor sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi);
3. Prepares minor amounts or no food on-site for immediate consumption; and
4. Markets the majority of its merchandise at retail prices.

Planning Code Section 703.2(b)(1)(C)(vi) allows accessory sales of beer, wine, and/or liquor sales for the consumption off the premises with a State of California Alcoholic Beverage Control ("ABC") Board License type 20 (off-sale beer and wine) or type 21 (off-sale general) which occupy less than 15% of the gross square footage of the establishment (including all areas devoted to the display and sale of alcoholic beverages) in a general grocery store, specialty grocery store, or self-service specialty food use.

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Marsha Garland  
Garland Public and Community Relations  
535 Green Street  
San Francisco CA 94133

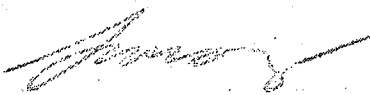
April 29, 2011  
1541 Grant Avenue

Planning Code Section 722.21 principally permits nonresidential uses in the North Beach NCD of up to 1,999 square feet in area, requires Conditional Use authorization for nonresidential uses of between 2,000 to 3,999 square feet in area, and prohibits nonresidential uses greater than 3,999 square feet in area.

Your proposed use, a specialty grocery store in a space less than 400 square feet in area with accessory sales of alcoholic beverages limited to 15% of the gross square footage of the establishment, is principally permitted on the first or second floors of the building at the subject property.

**APPEAL:** If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez  
Zoning Administrator

cc: John Chan and Raymond Young  
Rick Crawford, Planner

G:\DOCUMENTS\WE Cases\WE Determ\1541 Grant lod.doc

Marsha Garland  
Garland Public and Community Relations  
535 Green Street  
San Francisco CA 94133

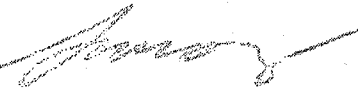
April 29, 2011  
1541 Grant Avenue

Planning Code Section 722.21 principally permits nonresidential uses in the North Beach NCD of up to 1,999 square feet in area, requires Conditional Use authorization for nonresidential uses of between 2,000 to 3,999 square feet in area, and prohibits nonresidential uses greater than 3,999 square feet in area.

Your proposed use, a specialty grocery store in a space less than 400 square feet in area with accessory sales of alcoholic beverages limited to 15% of the gross square footage of the establishment, is principally permitted on the first or second floors of the building at the subject property.

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez  
Zoning Administrator

cc: John Chan and Raymond Young  
Rick Crawford, Planner

G:\DOCUMENTS\INE Cases\NE Determ\1541 Grant fod.doc



**INFORMATION AND INSTRUCTIONS -**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2011 OCT 17 PM 3:20

**SECTION 23958.4 B&P**

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

**PART 1 - TO BE COMPLETED BY ABC**

1. APPLICANT'S NAME LITTLE VINE LLC

2. PREMISES ADDRESS (Street number and name, city, zip code) 1541 GRANT AVE., S.F. CA 94133-3323

3. LICENSE TYPE 20

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

5. COUNTY POPULATION 812,820

6. TOTAL NUMBER OF LICENSES IN COUNTY 284  On-Sale  Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY  On-Sale  Off-Sale

CENSUS TRACT NUMBER 106

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT 5  On-Sale  Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT 6  On-Sale  Off-Sale

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

Yes, the number of existing licenses exceeds the number allowed

No, the number of existing licenses is lower than the number allowed

3x PUB

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

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

13. CRIME REPORTING DISTRICT NUMBER 120

14. TOTAL NUMBER OF REPORTING DISTRICTS 654

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS 117,571

16. AVERAGE NO. OF OFFENSES PER DISTRICT 179

17. 120% OF AVERAGE NUMBER OF OFFENSES 214.8

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT 211

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

Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17

No, the total number of offenses in the reporting district is lower than the total number in item #17

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

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

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

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

Governing Body/Designated Subordinate Name: BOARD OF SUPERVISORS

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

WILLIE BULAHADI

**PART 2 - TO BE COMPLETED BY 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 or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do *not* proceed to Part 3.

See Attached Letter

22. APPLICANT SIGNATURE

23. DATE SIGNED

10/18/2011

**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