

File No. 100032

Committee Item No. 2

Board Item No. 6

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: City Operations & Neighborhood Ser. Date: February 22, 2010

Board of Supervisors Meeting

Date 3/02/10

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" 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 Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input checked="" 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"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

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Completed by: Victor Young

Date February 18, 2010

Completed by: Victor Young

Date 2-24-10

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

el/ee/s

1 [Liquor License, 461 Pacific Avenue]

2

3 **Resolution determining that the issuance of a Type 42 On-Sale beer and wine**
4 **public premises license to Jim Howell, for the Barrel Cellar, LLC located at 461**
5 **Pacific Avenue, will serve the public convenience or necessity of the people of**
6 **the City and County of San Francisco, in accordance with Section 23958.4 of the**
7 **California Business and Professions Code, with conditions.**

8

9 WHEREAS, Jim Howell is seeking issuance of a Type 42 On-Sale beer and wine
10 public premises license for the Barrel Cellar, LLC, located at 461 Pacific 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 42
18 On-Sale beer and wine public premises license, to Jim Howell for the Barrel Cellar, LLC,
19 located at 461 Pacific Avenue will serve the public convenience or necessity of the
20 people of the City and County of San Francisco.

21 Conditions: (1) The sales, service and consumption of alcoholic shall be
22 permitted only between the hours of 11:00 a.m. to 10:00 p.m. daily; (2) No open and or
23 resealed/re-corked containers of alcoholic beverages shall be removed from the
24 premises; (3) No noise shall be audible beyond the area under the control of the
25 licensee(s); (4) No wine shall be sold with an alcoholic content greater than 15% by

1 volume except "Dinner Wines" which have been aged two years or more and
2 maintained in corded bottles; (5) There shall be no consumption of alcoholic beverages
3 on the sidewalk area in front of or adjacent to the premises; (6) Petitioner shall not make
4 structural changes in the premises interior without prior written approval from the
5 Department; (7) The interior lighting maintained therein shall be sufficient to make easily
6 discernible the appearance and conduct of all persons and patrons in that portion of the
7 premises where alcoholic beverages are sold, served, delivered or consumed; (8) The
8 exterior of the premises shall be equipped with lighting of sufficient power to illuminate
9 and make easily discernible the appearance and conduct of all persons on or about the
10 premises. Additionally, the position of such lighting shall not disturb the normal privacy
11 and use of any neighboring residences; (9) Loitering (loitering is defined as, "to stand
12 idly about; linger aimlessly without lawful business") is prohibited on any sidewalk or
13 property adjacent to the licensed premises under the control of the licensee; (10) The
14 petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the
15 premises over which they have control; (11) Graffiti shall be removed from the
16 premises and all parking lots under the control of the licensee within 72 hours of
17 application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the
18 licensee shall remove the graffiti with 72 hours following the beginning of the next
19 weekday.

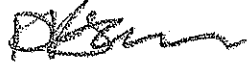


San Francisco Police Department
Vice Crimes Division

Alcoholic Beverage License

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

Supervisor Carmen Chu
Supervisor John Avalos
Supervisor Sean Elsbernd

From: Inspector Dave Falzon 
Vice Crimes Division 415/553-9369

Date: February 19, 2010

Subject: P.C.N. Investigation Regarding: Jim Howell
dba The Barrel Cellar, LLC
461 Pacific Avenue
408/836-5341

Mr. Jim Howell on behalf of The Barrel Cellar, LLC has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 42 (On-Sale beer & wine public premises) license for 461 Pacific Avenue (located between Church Street and 15th Street).

Proposed Hours of Operation:

Sunday-Monday	Closed
Tuesday - Thursday	11:00 p.m. – 11:00 p.m.
Friday - Saturday	11:00 a.m. – 12:00 midnight

Digest

If approved, this license will allow the applicant(s) to serve on-sale/off-sale beer and wine. No person under the age of 21 years shall enter or remain in this public premises.

Letters of Protest:

No record

Letters of Support:

No record

Police Calls for Service:

From November 2, 2009 to February 2, 2010

No Record

Police Reports:

From February 2, 2009 to February 2, 2010

No Record

San Francisco Plot Information:

This premise is located in Plot 140

605 Police Reports were recorded for this plot in 2009

This plot is 384 Police Report(s) over the citywide average (plus 20%) of 221 Police Reports.

State Census Tract Information:

This premise is located in Census Tract 0115

Population for this tract is: 759

On-sale license authorized by census tract: 3

Active on-sale licenses: 44 with 0 pending

Off-sale licenses authorized by census tract: 2

Active off-sale licenses: 2 with 0 pending

District Station Recommendation:

Central Police Station recommendation: *Approval w/conditions*

Vice Crime Division Recommendation:

Points of consideration:

APPROVAL w/conditions recommendation forwarded by **Central** Police Station.

Applicant premise **is** located in a “high crime” area.

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

No Record letters of protest.

No Record letters of support.

Vice Crimes Division concurs with the **APPROVAL w/conditions** recommendation forwarded by **Central** Police Station.

Proposed Conditions:

- 1) The sales, service and consumption of alcoholic shall be permitted between only between the hours of 11:00 a.m. to 10:00 p.m. daily.
- 2) No open and or resealed/re-corked containers of alcoholic beverages shall be removed from the premises.
- 3) No noise shall be audible beyond the area under the control of the licensee(s).
- 4) No wine shall be sold with an alcoholic content greater than 15% by volume except “Dinner Wines” which have been aged two years or more and maintained in corded bottles.
- 5) There shall be no consumption of alcoholic beverages on the sidewalk area in front of or adjacent to the premises.
- 6) Petitioner shall not make structural changes in the premises interior without prior written approval from the Department.
- 7) The interior lighting maintained therein shall be sufficient to make easily discernible the appearance and conduct of all persons and patrons in that portion of the premises where alcoholic beverages are sold, served, delivered or consumed.
- 8) The exterior of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.

9) Loitering (loitering is defined as, "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalk or property adjacent to the licensed premises under the control of the licensee.

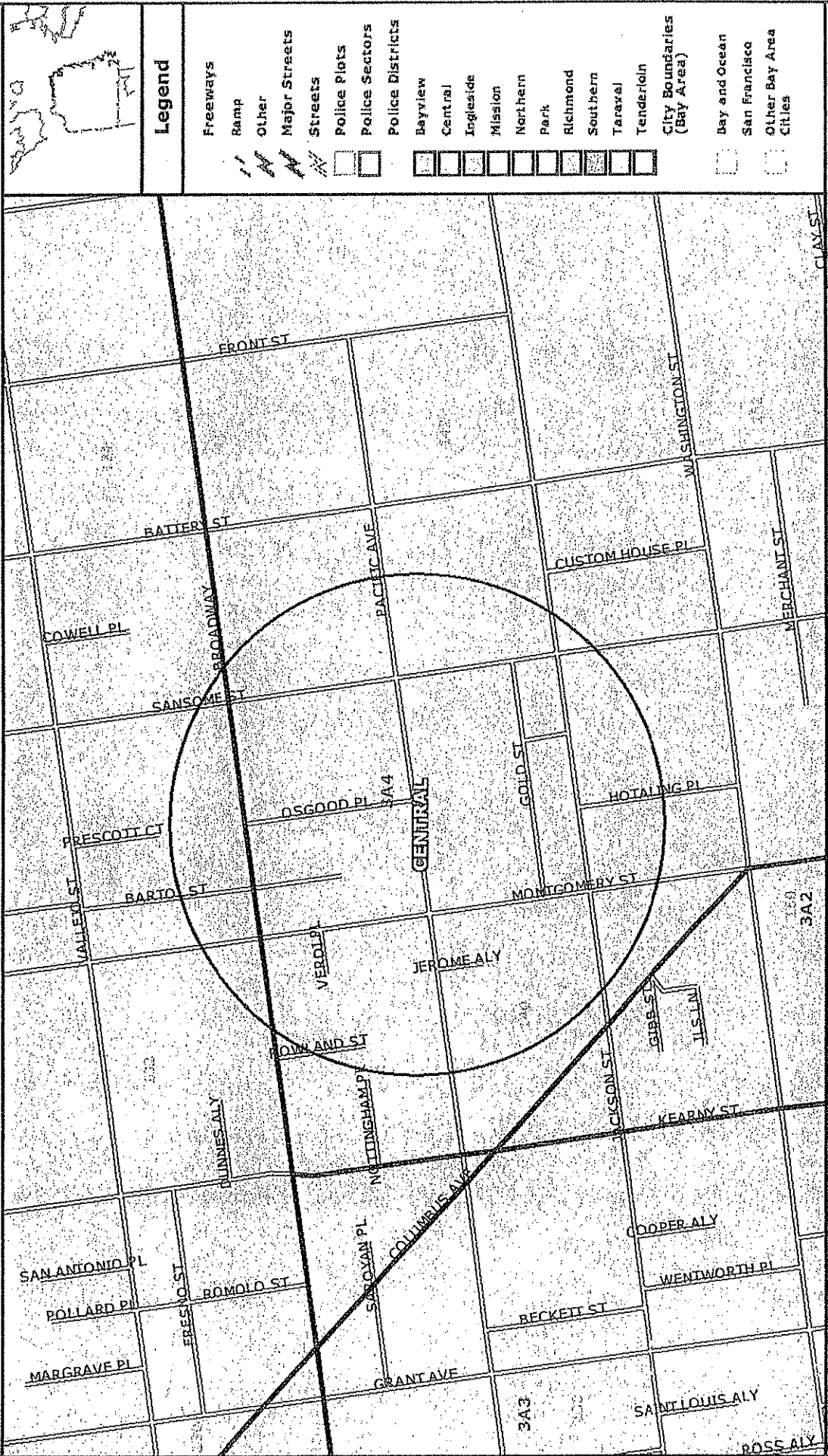
10) The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.

11) 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 within 72 hours following the beginning of the next weekday.

end.

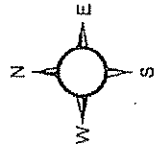
461 Pacific Ave

500'



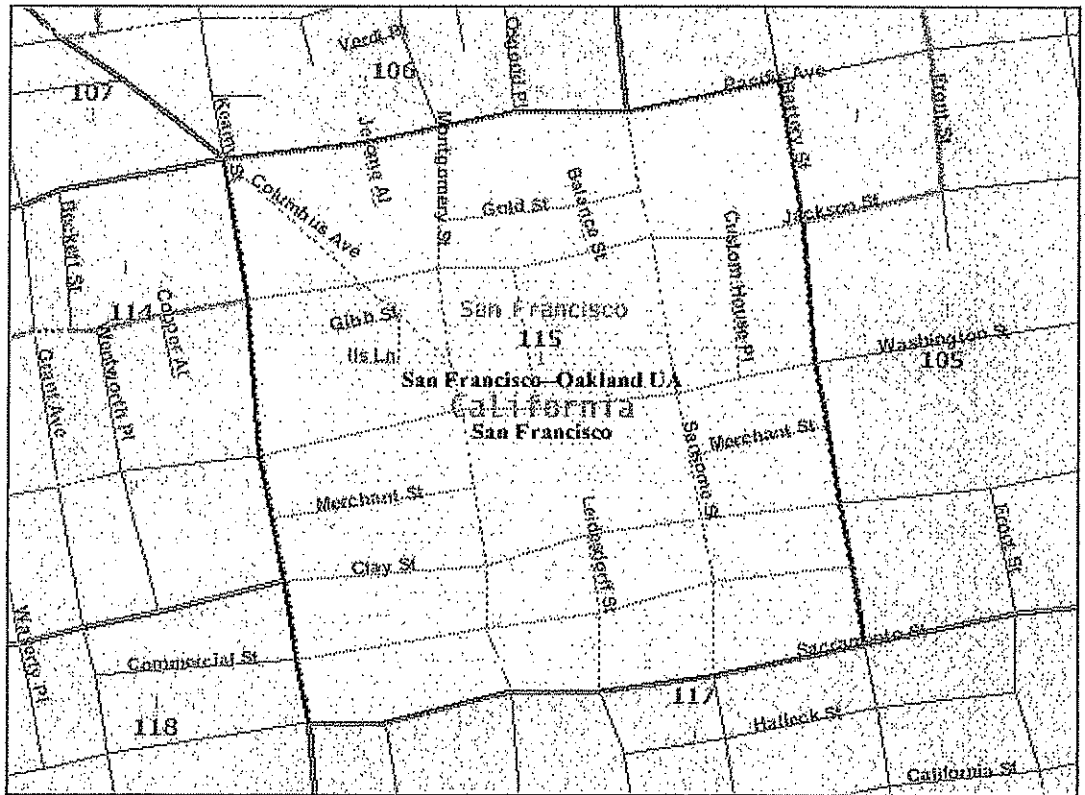
Contents of this map are Copyright 2003, San Francisco Police Department, and may not be reproduced without prior written permission.

WARNING: This map does not meet national map accuracy standards and cannot be used for engineering purposes.



Census Tract 115, San Francisco County, California

- Boundaries**
- State
 - '00 County
 - '00 Census Tract
 - '00 Block Group
 - '00 Block
 - '00 Place
 - '00 Urban Area
 - '00 Urban Area
- Features**
- Major Road
 - Street
 - Stream/Waterbody
 - Stream/Waterbody



0.5 mile across

Close

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Handwritten notes: CT, S.F.

LIQUOR LICENSE REVIEW

TO: Planning Department File: 100032
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No: 558-6409

Block/lot: 0175/025
Zoning: C-2
Quad: NE
MBS # 1000006

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

DATE: January 5, 2010

This item is scheduled to be heard at a meeting on January 25, 2010. **PLEASE E-MAIL OR FAX YOUR RESPONSE BY: January 19, 2010** to Victor Young, Clerk of City Operations and Neighborhood Services Committee.
Fax No: 554-7714 or victor_young@sfgov.org

Applicant Name: Jim Howell
and Business Name: The Barrel Cellar LLC

Applicant Address: 461 Pacific Avenue
and Phone No. 415-836-5341

PLANNING COMMENTS: Approval Denial

permitted per PUC section 213(b)

[Signature]
RICK CHANDLER 1/8/10

POLICE COMMENTS: Approval Denial

100 32

Jim Howell
The Barrel Cellar LLC
461 Pacific Avenue
San Francisco, CA 94133
(408) 836-5341
December 16, 2009

BY _____

2009 DEC 16 AM 2:59

RECEIVED
SAN FRANCISCO BOARD OF SUPERVISORS
OFFICE OF THE CLERK

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

Re: Public Convenience and Necessity Resolution - Type 42 Alcohol License
Application for 461 Pacific Avenue

Dear Ms. Angela Calvillo, Clerk of the Board:

This letter has been compiled to inform and serve as a friendly introduction/conversation starter for the planned business activities of *The Barrel Cellar LLC* at 461 Pacific Avenue in Jackson Square. *The Barrel Cellar LLC* has applied for a Type 42 alcohol license for the sale of beer and wine on public premise and thus seeks a resolution from the San Francisco Board of Supervisors for Public Convenience and Necessity. *The Barrel Cellar LLC's* mission is to bring family-made, artisan wine from the local appellations to consumers seeking small-lot wine with a story. The bridge between family production and consumer attainment is in jeopardy given the economics of engineering massive scale distribution; additionally this phenomenon is exacerbated by the current economic conditions as small family wineries continue to curtail production or close down entirely.

Jackson Square, one of the cities eldest and most beloved neighborhoods, has benefited mightily in the past three decades from commercial development of ground floor and reconditioned office space. This surge in office space development has developed a cluster of successful architecture studios, financial services institutions, law offices and accounting firms. *The Barrel Cellar LLC* seeks to cater to this successful sub-sector of our city's residents. The Jackson Square area is renowned for its core retail community of design wares, antiques, classic and modern art, as well as galleries for the areas' top craftsmen. *The Barrel Cellar LLC* will be a complimentary service with respect to the lasting storefronts in the neighborhood. We at *The Barrel Cellar LLC* are mighty fans of the neighborhood's eclectic group of restaurants and bars, and view our relationship as completely inter-dependant. We are not directly competing with any of them, and ebbing the slow drain of foot traffic will be a boon to all establishments.

Unfortunately the economic woes of the region and city have had a major impact on the Jackson Square neighborhood. Vacancy in the area is up over a hundred percent year-over-year¹; most noticeably in ground floor units. The vacancies, not only a blight on the

¹ GVA Kidder Matthews, November 17th, 2009



neighborhood, bring down rental rates and encourage current tenants to seek open space in areas with more retail offerings and/or less rent. We hope to reverse this trend working alongside some of the existing businesses in the area already serving their dining and hospitality needs.

In short, we believe a strong ground floor presence at 461 Pacific Avenue will be a categorical improvement for the neighborhood; bringing another reason for similarly targeted guests to venture the neighborhood or relax after a long day's work with a glass of California's finest.

Below, you can find a brief description of the concept and design features, as well as answers to material questions neighborhood stakeholders may have in the launch of this new enterprise.

Design / Concept description

At its core, *The Barrel Cellar LLC* is a neighborhood establishment dedicated to the enjoyment of world-class; artisan wine; most grown within a 200 mile radius of San Francisco. Working through the three-tier system with smaller distributors and family wineries, *The Barrel Cellar LLC* will showcase these hard-to-find, small lot wines that largely go unnoticed- even by the consummate San Francisco wine enthusiast. The mission of *The Barrel Cellar LLC* is provide an intimate, interactive and affordable experience with wine; lowering the carbon footprint of beverage distribution and encouraging sustainable and organic farming and winemaking practices.

The Barrel Cellar LLC will apply the above-mentioned practices to the sale and service of food and non-alcoholic fares. The ingredients will be sourced from local farmers practicing sustainable growing / production techniques. *The Barrel Cellar LLC* will serve simple, sustentative dishes that will compliment the wine experience; these dishes are intended to maintain temperance by lengthening the time it takes to appreciate a glass of wine- therefore reducing the number of drinks consumed per hour.

The locale is on Pacific Avenue, on the northern edge of Jackson Square. THERE ARE NOT ANY RESIDENCES within 100 feet of the business. The area blocks are full of architecture offices, law offices, art galleries, design studios, financial firms and other service oriented office spaces. There is not a wine bar in the vicinity; nor is there a quiet and intimate place focused on the enjoyment of wine on Pacific Avenue (although there are some world-class restaurants.) *The Barrel Cellar LLC* will not emit noises or encourage loitering crowds that will affect neighboring businesses.

Operationally, the establishment will not be utilizing gas-powered commercial kitchen equipment thus reducing the need for HVAC hood ventilation. Bypassing these types of cooking methods/equipment will ensure there is not an impact on the air quality / odor management with adjacent business.



Anticipated Hours of Operation:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
3PM- Midnight	3PM- Midnight	3PM- Midnight	3PM- Midnight	3PM- 1AM	11AM- 1AM	11AM- 10PM

***These hours are the anticipated schedule; actual hours will vary depending on market demand. *The Barrel Cellar LLC* does not anticipate being open later than the proposed schedule above. That being said, the area's business women and men work late, and need infrastructure that can cater to their work schedules.

How will issuance enhance the quality of life in the area of the premises?

Jackson Square is home to renowned art galleries and import houses, antique shops, design studios, financial management firms, law offices and other service oriented professions. There are not any residential units in the nearby vicinity. *The Barrel Cellar LLC* aims to satisfy a public necessity by establishing a place for the neighborhood business class to enjoy fine wine and great food in and around the neighborhood in which they work. *The Barrel Cellar LLC* will work with the Jackson Square Neighborhood associations to collaborate on maintaining the culture of Jackson Square, encouraging more people to explore the diverse and historic businesses that operate here and provide jobs and economic stimulus in the worst financial crisis most citizens have ever experienced.

How will issuance of the applied-for license insure the quiet enjoyment of the area resident's properties?

With a max capacity of 49 persons, *The Barrel Cellar LLC* will enable a relatively quiet gathering place for neighborhood residents, local business employees, and others to enjoy a glass of wine after work or before dinner, as well as enjoy organic light fare, chocolate, coffee, or soda. The price point for said beverages will not encourage boisterous or drunken behavior; especially given the mission of providing an intimate and interactive place to taste California's top wines. There are not any residences immediately adjacent to the building, nor are there any on the 400 block of Pacific Avenue. Careful design has been implemented to make sure noise, odors, and lighting are not exported beyond the space to the detriment of the businesses nearby.

How will the premises operation not enhance crime within a high crime or police problem area?

We will be offering fine wine and light fare to consumers in the area who also go to the local restaurants and work at the local businesses. The anticipated clientele targeted by *The Barrel Cellar LLC* can generally be classified of a socioeconomic group not tied to



crime, public drunkenness or additional strains on police resources and/or infrastructure. Additionally, *The Barrel Cellar LLC* believes that its presence will be beneficial to public services by increasing retail occupancy (vacant storefronts lead to vagrancy, graffiti, etc.) complimenting other area business in serving similar customer “profiles”, and taking responsibility in the neighborhood’s image, cleanliness and perception. The lack of businesses or residences open at night in Jackson Square encourages the littering, defacing and disrespect often seen in this urban area.

What fiscal benefit will the community experience as a result of the issuance of the applied-for license?

The community will benefit in several ways from the issuance of this license, especially with respect to fiscal benefits. Most importantly, *The Barrel Cellar LLC* plans to employ, educate and train five to ten employees in the first year. *The Barrel Cellar LLC* will encourage the higher education and training of said employees by sponsoring association memberships, trade programs/certifications, and other channels deemed beneficial to their professional development. *Creating good quality jobs in the worst economic climate is the most important step we can take to get the micro economy going again.* The business will also generate sales tax receipts, and income tax revenues for local and state government coffers. Additionally, by helping anchor the neighborhood and somewhat diversifying the neighborhood’s services; issuance of this license will combat falling commercial building values, vacancies and foreclosures that add significant strains on local government agencies such as law enforcement.

How is the premises operation different from other like-type establishments in the area?

The Barrel Cellar LLC will be unlike any establishment in San Francisco. Dedicated to being a retail platform for the area’s famous, family produced artisan wines, *The Barrel Cellar LLC* will be de-gentrifying the wine experience and building a bridge to otherwise unconnected producers and consumers. The only way to get this experience now is to physically taste the wine on site in the vineyard. While there are other alcohol related service businesses north of Broadway in North Beach, the working business class has few options given the densely populated commercial financial district (on a relative basis.) *The Barrel Cellar LLC* will provide an option for these “after-work” crowds within a few blocks from their offices.

Will the applicant consider the imposition of conditions to address community of law enforcement concerns?

The Barrel Cellar LLC would be glad to work with the Central Station Police Department in brainstorming and implementing conditions to encourage lawful enjoyment of California’s wine while alleviating any impacts to the Station’s resources. We look forward to those conversations down the road.

Clerk of the Board
December 15, 2009
Page 5



In summary, The *Barrel Cellar LLC* views the business as a strategic importance for all residents, companies and organizations in the area. We are more than willing to discuss our plans with community stakeholders and encourage the Police Department to pass on our contact information should anyone want to discuss our plans for operation.

Sincerely,

Jim Howell
President / Principal
The Barrel Cellar LLC
408.836.5341
thebarrelcellar@gmail.com
Mailing address:
714 North Point Street
San Francisco, CA 94109

