File No	1(0003	Committee Item No	3
	E	Board Item No	33
	COMMITTEE/BOARD AGENDA PACKET		3
Committee	e: City Operations & Neighb Services Committee	orhood Date	5/23/11
Board of S	upervisors Meeting	Date	6/7/11
	LIQUOR LICEN	SE HEARING	
Cmte Boa	rd		N .
	Applicant's Letter Police Department Report Planning Department Report Clerk's Correspondence	ort	
	Public Correspondence Resolution Other		
• _			
• -			
• _			
Completed		Date_ Date	<u>5/20/11</u> ผู้ไปน

[Liquor License – 2323 Market Street]

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Shawn Higgins for D & H Sustainable Jewelers, located at 2323 Market Street (District 8), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

WHEREAS, Shawn Higgins is seeking the issuance of a Type 42 on-sale beer and wine public premises license for D & H Sustainable Jewelers, located at 2323 Market Street; and,

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

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

RESOLVED, That in accordance with Section 23958.4 of the California Business and Professions Code, the Board of Supervisors of the City and County of San Francisco hereby determines for the foregoing reasons that the issuance of a Type 42 on-sale beer and wine public premises license to Shawn Higgins for D & H Sustainable Jewelers, located at 2323 Market Street, will serve the public convenience or necessity of the people of the City and County of San Francisco.

Conditions: (1) Sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. - 10:00 p.m. daily. (2) No noise shall be audible beyond the area under the control of the licensee. (3) Loitering (loitering is

defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee. (4) 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. (5) No person under the age of 21 shall sell or deliver alcoholic beverages. (6) No more than 5% of the square footage of the premise will be used for the on-sale services, consumption and display of alcoholic beverages. (7) Petitioner shall not make structural changes in the premises interior without prior written approval from the Department. (8) The sale of alcoholic beverages for off-sale is strictly prohibited. (9) The sales and service of alcoholic beverages shall be incidental to the premises primary business the sale of jewelry.

D & H

Sustainable Jewelers

Dear Board of Supervisors,

The issuance of this license represents a new idea in cross marketing. Our primary function, as it has been for the past 21 years, is to serve the artist community through fine jewelry representation and other mixed media artist representation. My experience has shown me that those who shop for fine art jewelry and fine art are also the consumer that shops for fine wine, and the experience associated with tasting.

This jewelry store is going to be 100% sustainable from lighting and business operations to the actual product that is carried. Intending to change the face of green by offering luxurious green ideas combined together. The wine bar, a small part of our business, will offer sustainable higher end local wine tasting to complete the experience. The cross use of the mailing lists of the wineries we are partnering with will introduce not only a more diverse clientele who may have never shopped the area, but also a well qualified consumer to spend well needed dollars at all of the surrounding businesses.

In addition, we do not intend to create a bar scene as that would only jeopardize our security and ideals. We will be keeping normal retail business hours.

Please do not hesitate to call us with further questions; we look forward to the opportunity to help you see our vision.

Shawn Higgins GG Managing member

D & H sustainable jewelers

Untact - Undsay Dannell (831) 214.9833 Shawn Higgins (415) 845.3404

LIQUOR LICENSE REVIEW

ro;	Planning Department AnMarie Rodgers/CTYPLN/SFGOV	File: 110003
	Georgia Powell/CTYPLN/SFGOV@SFGOV Fax No.: 558-6409	Blocklot: 3563/030
• •		Zoning: Upper market
то:	Inspector Dave Falzon Police Department	Qual: SW
,	Fax No.: 553-1463	mB #: 1101002
DATE:	January 11, 2011	, p 4.1101
- marie 10	is scheduled to be heard at a meeting on Februa OUR RESPONSE BY: February 10, 2011, to Ga s and Neighborhood Services Committee. Gail.Johnson@sfgov.org - Fax No: 554	ail Johnson, Clerk, City
Applicant and Busin	Name: Shawn Higgins less Name: D & H Sustainable Jewelers	
Applicant and Phone		
DI ENINI		
	NG COMMENTS: Approval	☐ Denial
beer an	nd wine license is permitted	in conjunction with
re Cuire attached	- bard approved by the CPC	under Motion No. 18296,
		7/1/// C. Pittea
POLICE	COMMENTS: Approval	Denial

LL Review Referral Letter

which is

7/23/0

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a bar to be located within the existing retail jewelry store (d.b.a D&H Sustainable Jewelers) at 2323 Market Street, Block 3563, Lot 030 pursuant to Planning Code Section(s) 721.41, 790.22, and 303 within the Upper Market NCD and a 50-X Height and Bulk District; in general conformance with plans, dated December 9, 2010, and stamped "EXHIBIT B" included in the docket for Case No. 2010.1095C and subject to conditions of approval reviewed and approved by the Commission on March 17, 2011 under Motion No 18296. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the Project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on March 17, 2011 under Motion No. 18296.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18296 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

- 1. Validity and Expiration. The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the Project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed Project and conveys no independent right to construct the Project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
- 2. Extension. This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s). For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

DESIGN

3. Signage. The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building. For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING

4. Enforcement. Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction... For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. Revocation due to Violation of Conditions. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

OPERATION

- 6. Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, http://sfdpw.org/
- 7. Patrons are not permitted to consume wine outside of the enclosed building. Sidewalk tables and chairs are not permitted. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
- This Authorization limits the Alcoholic Beverage Control licenses to Type 42. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sfplanning.org.
- 9. No more than 1/3 of the occupied floor area of the commercial tenant space may be dedicated to the sale and service of alcohol for on-site consumption, as designated on the plans marked Exhibit B included in the docket for Case No. 2010,1095C. Private events that are closed to the public may exceed this provision if there is signage posted that the business is closed for a private event. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
- 10. The hours of operation for the sale and/or service of wine for on-site consumption shall be limited from 9:00a.m. to 10:00p.m., daily, and may only occur while the existing retail use (or any future permitted-by-right use) is open for business. Private events that are closed to the public may exceed this provision if there is signage posted that the business is closed for a private event. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

INFORMATION AND INSTRUCTIONSECEIVED

SECTION 23958.4 B&P

ECTION 23958.4 B&P

BOARD OF SUPERVISORS

SAN FRANCISCO

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

- Part I is to be completed by 20 14 for complete by 20 14 for completed by 20 14 for complete by 20 14 for compl
- 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				-
DAUNELL AND HIG	GGINS LLC.				
2323 MARKET ST		CO,CA 94114	1617	LICENSETYPE 	12
4. TYPE OF BUSINESS Full Service Restaurant	Hofbrau/Cafeteria				
Deli or Specialty Restaurant	Comedy Club	Cocktail Lounge	<u> </u>	Private Club	
Cafe/Coffee Shop	Brew Pub	Night Club	<u> </u>	Veterans Club Fratemal Club	
Bed & Breakfast		Tavent: Beer & Wine	<u> </u>	Tratellia Clib	
Wine only All			-l	Are lead room	
Supermarket	Membership Store	1 Contine Station			
Liquor Store	Department Store	Service Station Convenience Market	· - <u> </u>	Swap Meet/Flea Marke	<u>.</u>
Drug/Variety Store	Florist/Gift Shop	Convenience Market w/G		Drive-in Dairy	
Other - describe:	- 1 Kilsopiii Orop	Convenience marker w/G	SOULE		
5. COUNTY POPULATION	S. TOTAL NUMBER OF LICENSES	IN COUNTY 7	. RATIO OF LECENSE	S TO POPULATION IN COUNT	<u>Y </u>
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No, the number of existing licenses is		d		3x P	'uD
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Yes (Go to Item #13) 13. CRUME REPORTING DISTRICT NUMBER	No (Go to litem #20) 14TOTAL NUMBER OF REPORTE	ec Districts, 45	TOTAL MARKET CO	FOTTENSES IN ALL REPORTS	
402	, ,	654		120, =	67
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No, the total number of offenses in the	•				
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a retail license issued for a hotel, mot with a beer manufacturer's license, or	el or offiet lodging establishma winesmalet license, advice t	ent as defined in Section 25503	3.16(b) B&P. or a	retail license issued in o	onjuction
the application or as soon as possible	काट्याध्यः व १८५१३६, १८४३६ : ग्रिस्टस्स्यः	ue <u>enuitant lo cumble sea.</u>	<u>arz</u> am meg m	e wiiipees isim w Ab	C when hing
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this form to the local poverning body.	or its designated subordinate (officer or body to have them co	molete Section 3	. The completed form w	ill need to
be provided to ABC in order to proces	s the application.	(1- trains	· ``		0
Governing Body/Designated Subordina	te Name:	SF BOARD) OF S	UPERVISOR	<u> </u>
FOR DEPARTMENT USE ONLY REPARED BY (Name of Department Employee)	111		:		
- (() Soparole it Litheyes)	VI/A.				
ABC-245 (12/03)	7	1087			

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 issurance of the insures. Please describe below the reasons why issurance of mother licence is just this area. You may attach a separate shed or additioned documention, if desired. Do not proceed to Part 3. PLASE SEE ARTHURS SE	PART 2 - TO BE COMPLE	TED BY TI PLICANT (If	box #20b is checked)		,
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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 Dave Falzon

Officer in Charge

ABC Liaison Unit (ALU) 553-1049

Date:

May 20, 2011

Subject:

P.C.N. Investigation Regarding:

D&H Sustainable Jewelers

2323 Market Street Ms. Linsay Danneil 831/214-9833

Ms. Linsay Danneil on behalf of D&H Sustainable Jewelers has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 42 (On-Sale Beer & Wine Pubic Premises) license for 2323 Market Street (located between Noe Street and Castro Street).

Hours of Operation:

Sunday

11:00 a.m. to 5:00 p.m.

Daily

11:00 a.m. to 8:00 p.m.

Digest:

If approved, this license will allow the applicant to sell on-sale beer and wine. This premises will primarily operate as a sustainable jewelry store with incidental pairings of wineries their products and jewelry. A specific area and limited area of the premises will be licensed as this license only allows those 21 years of age and older to enter.

Letters of Protest:

1

Letters of Support:

No Record

Police Calls for Service:

From May 2010 to May 2011

4

Police Reports:

From May 2010 to May 2011

2

San Francisco Plot Information:

This premise is located in Plot 402

189 Police Reports were recorded for this plot in 2010

This plot is 32 Police Report(s) under the citywide average (plus 20%) of 221 Police Reports.

State Census Tract Information:

This premise is located in Census Tract 0203

Population for this tract is: 5513

On-sale license authorized by census tract: 10 Active on-sale licenses: 29 with 1 pending

Off-sale licenses authorized by census tract: 4 Active off-sale licenses; 6 with 0pending

Departmental Recommendation:

Points of consideration:

No opposition from Mission Station

Applicant premise is not located in a "high crime" area.

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

1 of protest.

No Record of support.

ALU Recommendation: Approval with Conditions

- 1. Sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. 10:00 p.m. daily.
- 2. No noise shall be auditable beyond the area under the control of the licensee.
- 3. Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee.
- 4. 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.
- 5. No person under the age of 21 shall sell or deliver alcoholic beverages.
- 6. No more than 5% of the square footage of the premise will be used for the onsale services, consumption and display of alcoholic beverages.
- 7. Petitioner shall not make structural changes in the premises interior without prior written approval from the Department.
- 8. The sale of alcoholic beverages for off-sale is strictly prohibited.
- 9. The sales and service of alcoholic beverages shall be incidental to the premises primary business the sales of jewelry.

end.

Department of Alcoholic Beverage Control

PROTEST AGAINST ALCOHOLIC **BEVERAGE LICENSE APPLICATION**

Ath: Insp. Condon

- -Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage Littense Application, before completing and submitting your protest. The ABC-510 can be found at www.abc.ca.gov.
- -Please print legibly or type. Incomplete and/or illegible information will cause the profest to be rejected.
- You will be notified by letter regarding a hearing on your protest. You will need to sitend the hearing to testify and/or present evidence to support your protest.
- ·A copy of your valid protest, including your name and address, will be provided to the applicant as a public record and

a right of discovery for a protest hearing.
I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to: Description Descripti
For premises at:
2323 MACKET ST. San FRANCUSCO, CA 94114
on the grounds that:
THE UPPER WATKET NEIGHBOILHOOD AMS BEEN
WITH BEEC, WINE AND OTHER TRUSTICES
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for the warse with the worse son from
Check here if additional sheets attached
1, C-912-1711/E (4101200), declare under penalty of perjury:
(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.
CAZMINE GIOWANC PROTESTANTS SIGNATURE (ACMINE GIOWANC) SIGNED AT (CRy and sister)
SIGNED AT (City and siste) AN ENTRY CASC CASC CASC CASC CASC CASC CASC CAS
PROTESTANT'S ADDRESS (Block) number and name, city state, sip code) 7671 interst. #5 , Sign (AVIV) Line K4. 94114
ABC-510-A (07/08)
RECEINOR

JAN 0 8 2011

FROM: PT00TIUA ISN: 1 ITIME: 05/20/2011 10:39:15 TO: PP00TIUZ OSN: 0 OTIME: 05/20/2011 10:39:15

Original Message

FROM: ECADWEB
TO: PTOOTIUA

ISN: 01659 DATE: 05/20/11 TIME: 10:39:03 ADMIN MSG

OSN: 00001 DATE: 05/20/11 TIME: 10:39:13

EVENT HISTORY SUMMARY PRIOR EVENTS AT LOCATION

ENTRY CLOSE PRI TYPE UNIT DISPO LOCATION

#0285 04/19/11 03:39 04:43 B 459 3D109 REP 2323 MARKET ST, SF #0383 03/11/11 02:23 03:07 B 594 3D11E REP 2323 MARKET ST, SF

TOTAL NUMBER OF RECORDS:

Calls-For-Service

Page 1 of 1

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Records 1 through 4 of 4

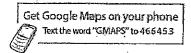
Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
111090285	110316961	04/19/2011	03:38:18	В	459	3D109	REP	2323 MARKET ST
110700383	110204190	03/11/2011	02:21:54	В	594	3D11E		2323 MARKET ST
103270317		11/23/2010	04:07:15	С	917		*	2323 MARKET ST
103073958		11/03/2010	23:40:03	В	100A	3D18D		2323 MARKET ST

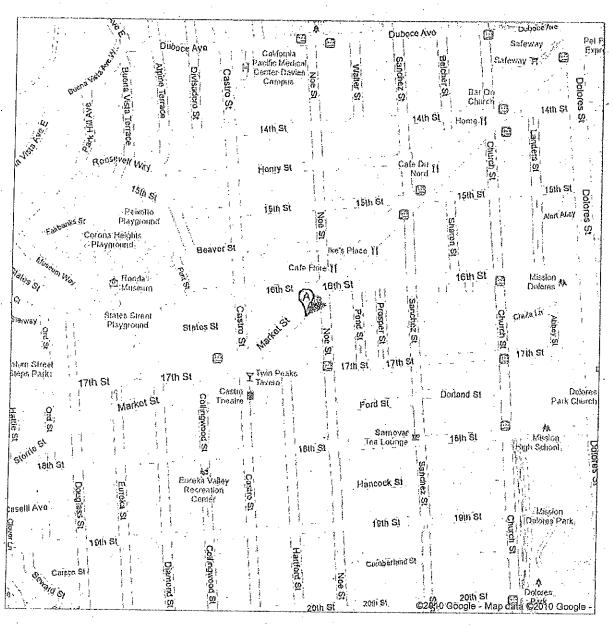
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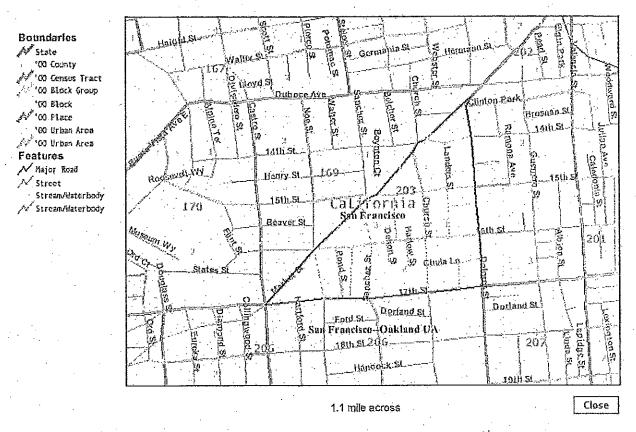
San Francisco Police Dapartment

Go gle maps Address 2323 Market St San Francisco, CA 94114





Census Tract 203, San Francisco County, California



Gougle maps

Address 2397 Market Street

Address is approximate

Save trees. Go green!
Download Google Maps on your phone at google.com/gmm

