

File No. 130134

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Neighborhood Services and Safety Date 4/18/13

Board of Supervisors Meeting Date _____

Cmte Board

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

OTHER (Use back side if additional space is needed)

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

Completed by: Derek Evans Date 4/15/13
Completed by: _____ Date _____

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



San Francisco Police Department
ABC Liaison Unit



Alcoholic Beverage License -
Public Convenience or Necessity
Recommendation

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

Supervisor David Campos
Supervisor Eric Mar
Supervisor Norman Yee

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

Date: April 11, 2013

Subject: P.C.N. Investigation Regarding:
DBA: We Olive
2379 Chestnut Street
San Francisco, CA 94123-2609
(415) 673-3669

Ferris Ferdon on behalf of Ferdon Olive Oil Inc., has filed an application with the California Department of Alcoholic Beverage Control (ABC) seeking to a Type 42 (On-Sale Beer and Wine) license for 2379 Chestnut Street (located on the south side of Chestnut Street cross of Divisadero Street).

For the purposes of this hearing, the California Department of Alcoholic Beverage Control (ABC) seeks a determination from the Board of Supervisors as to the approval or denial of this license.

Police Calls for Service: From December 2011 to December 2012

1

Police Reports: From December 2011 to December 2012

None

Notifications

Notification date for the 500' mailer was on January 28, 2013.

The Notice to the Public was posted on January 29, 2013.

San Francisco Plot Information:

This premises is located in Plot 507.

The High Crime area is defined as 86 or more police reports in a plot.

This plot had 185 police reports recorded for 2012.

Applicant premises is located in a "High Crime" area.

State Census Tract Information:

This premises is located in Census Tract 128.00

Population for this tract is: 4,106.

On-sale license authorized by census tract: 14.

Active on-sale licenses: 60.

Off-sale licenses authorized by census tract: 4.

Active off-sale licenses: 11.

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

Letters of Protest:

2 letters of protests are recorded with the California Department of Alcoholic Beverage Control, (ABC).

Letters of Support:

No record with the California Department of Alcoholic Beverage Control, (ABC).

Departmental Recommendation:

No opposition from Mission Police Station if the applicant agrees to the recommended conditions.

ALU recommends: Approval with the below conditions.

1. Sales, service and consumption of alcoholic beverages shall be permitted between the hours of 10:00 am and 9:00 pm daily.

2. The sale of alcoholic beverages for off-sale consumption is strictly prohibited.
3. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.

Thank you,



**California Department of Alcoholic
Beverage Control
License Query System Summary
as of 1/28/2013**

| |
|--|
| License Information |
| License Number: 529255 |
| Primary Owner: FERDON OLIVE OIL, INC. |
| ABC Office of Application: 24 - SAN FRANCISCO |
| Business Name |
| Doing Business As: WE OLIVE |
| Business Address |
| Address: 2379 CHESTNUT ST. Census Tract: 0128.00 |
| City: SAN FRANCISCO County: SAN FRANCISCO |
| State: CA Zip Code: 94123 |
| Licensee Information |
| Licensee: FERDON OLIVE OIL, INC. |
| Company Information |
| Officer: FERDON, JACOB FERRIS III (DIRECTOR) |
| Officer: FERDON, JACOB FERRIS III (PRESIDENT/SECRETARY) |
| Officer: FERDON, JACOB FERRIS III (VICE PRESIDENT/TREASURER) |
| Stock Holder: FERDON, JACOB FERRIS III |
| License Types |
| 1) License Type: 42 - ON-SALE BEER AND WINE - PUBLIC PREMISES |
| License Type Status: PENDING |
| Status Date: 16-JAN-2013 Term: 12 Month(s) |
| Original Issue Date: Expiration Date: |
| Master: Y Duplicate: 0 Fee Code: P40 |
| License Type was Transferred On: FROM: |
| Current Disciplinary Action |
| ... No Active Disciplinary Action found ... |
| Disciplinary History |
| ... No Disciplinary History found ... |
| Hold Information |
| Hold Date: 16-JAN-2013 Type: FORM 220 |
| Escrow |
| ... No Escrow found ... |

--- End of Report ---

For a definition of codes, view our [glossary](#).

| | | | |
|---------------------------------------|--------------------|---------------|---------------|
| Call No | Agency | Call Type | Disposition |
| Report No | Jurisdiction | Dispatch Area | # Prior Calls |
| Unit ID | Origin | Dept ID | Priority |
| Rep Area | Area | Sector | |
| Location 2379 CHESTNUT | | | Range |
| Apartment | City | | |
| Entry Oper | Dispatch Oper | | |
| From Date 12/01/2011 | To Date 06/01/2012 | From Time | To Time |
| Comments | | | |
| <input type="button" value="Search"/> | | | |

No hits found

export To  **New!**

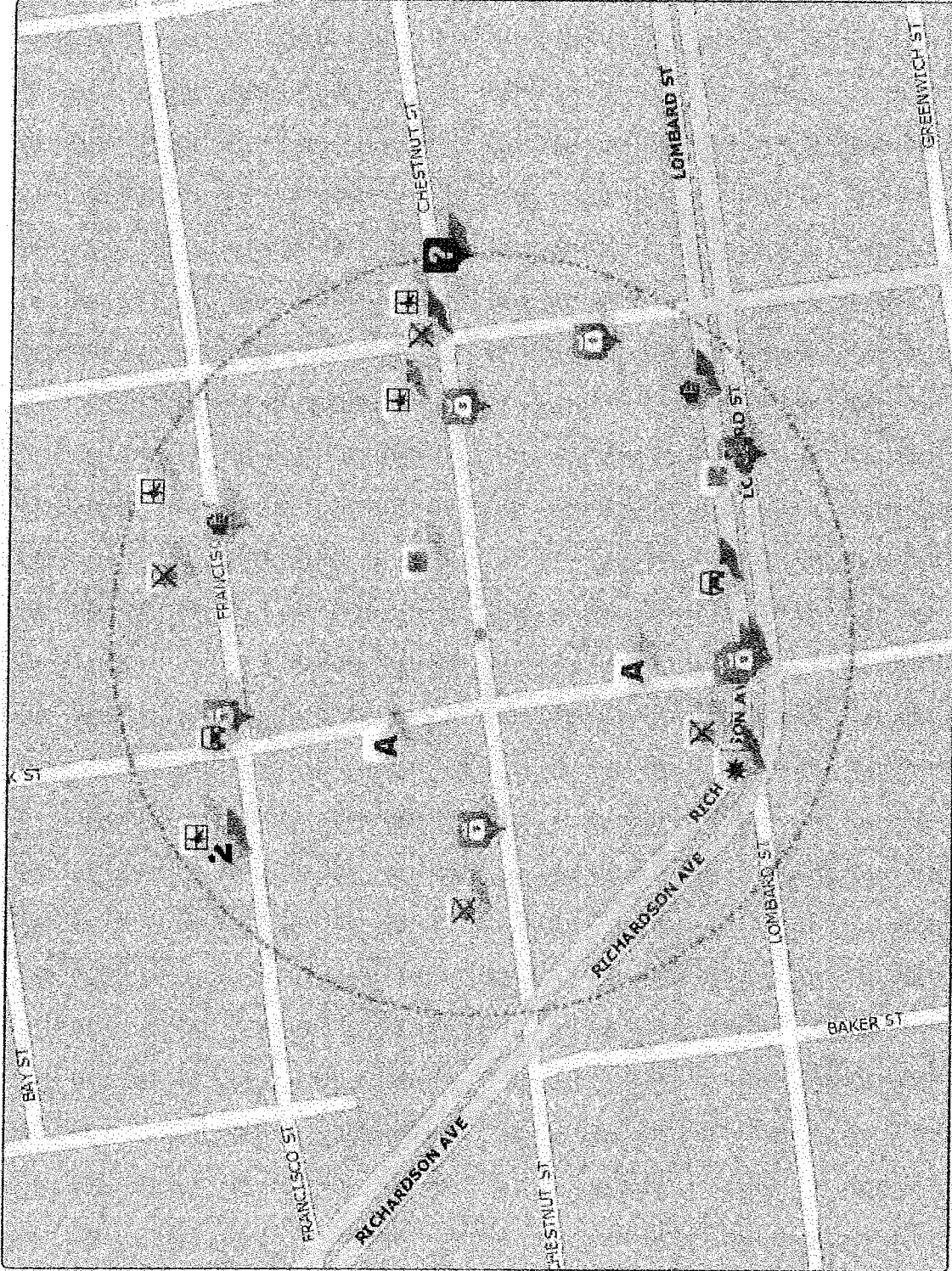
Records **1** through **1** of **1**

| Call No. | Report No | Received Date | Received Time | Priority | Call Type | Unit ID | Disposition | Location |
|------------------|-----------|---------------|---------------|----------|-----------|---------|-------------|------------------|
| <u>122162977</u> | | 08/03/2012 | 19:27:09 | B | 100A | 3E15D | PAS | 2379 CHESTNUT ST |

End of document

2379 Chestnut St

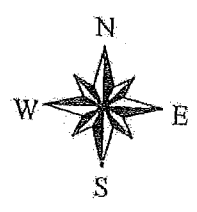
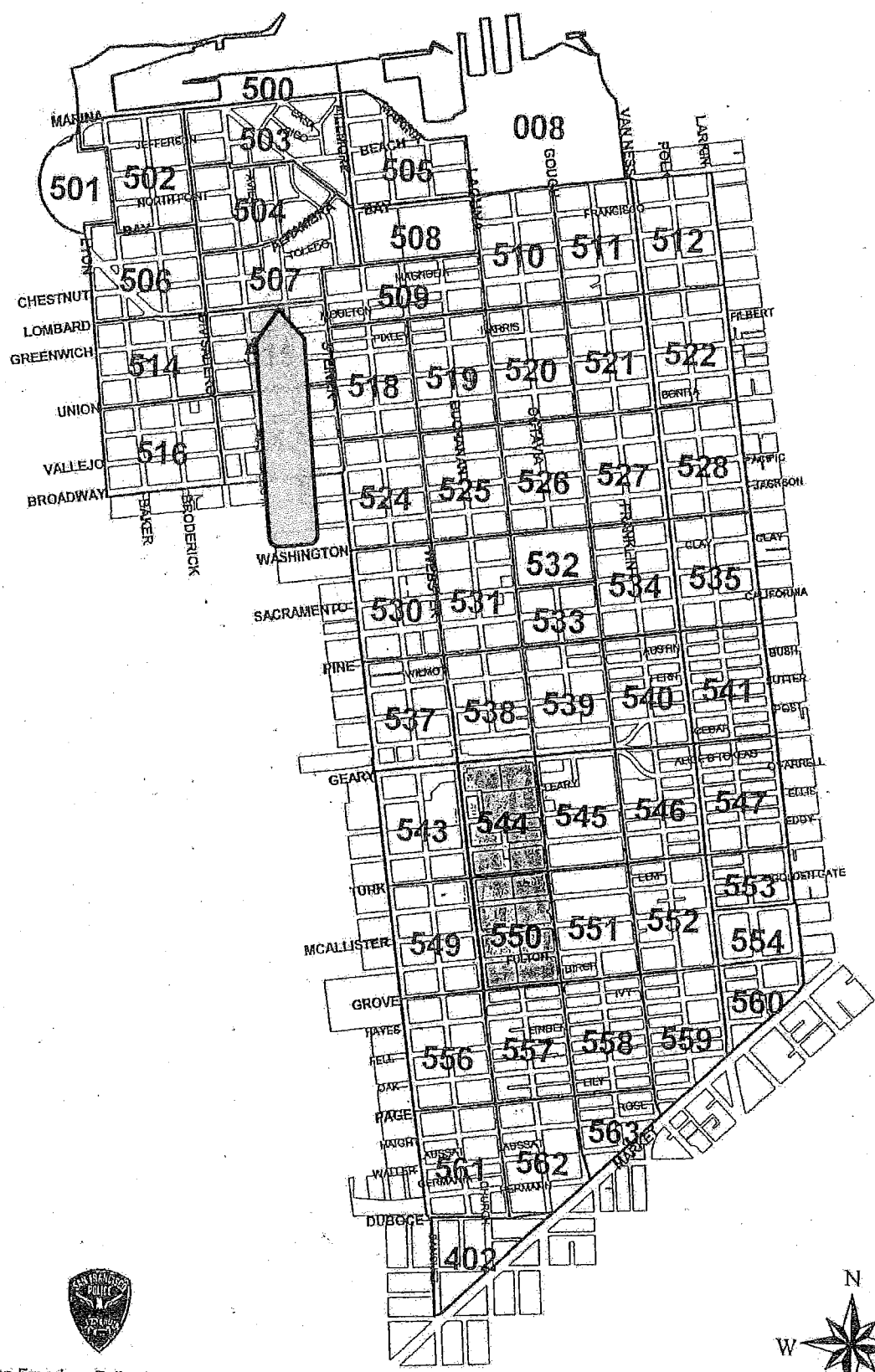
| Map Legend | |
|------------|----------------------------|
| | Incidents (84) |
| | Larceny/Theft (14) |
| | Other Offenses (14) |
| | Assault (11) |
| | Non-Criminal (10) |
| | Burglary (8) |
| | Warrants (6) |
| | Vehicle Theft (4) |
| | Suspicious Occurrence (3) |
| | Fraud (2) |
| | Warrants (2) |
| | Vandalism (2) |
| | Secondary Codes (2) |
| | D.U.I. (1) |
| | Trespassing (1) |
| | Robbery (1) |
| | Forgery/Counterfeiting (1) |
| | Embezzlement (1) |



All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either expressed or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall San Francisco Police Department become liable to users of these data for any loss or damages, consequential or otherwise, including but not limited to time, money, goodwill, arising from the use, operation or modification of the data. The visual presentation of data is being provided strictly as a courtesy, not as an obligation to its users.

WARNING: This map does not meet the national map accuracy standards.

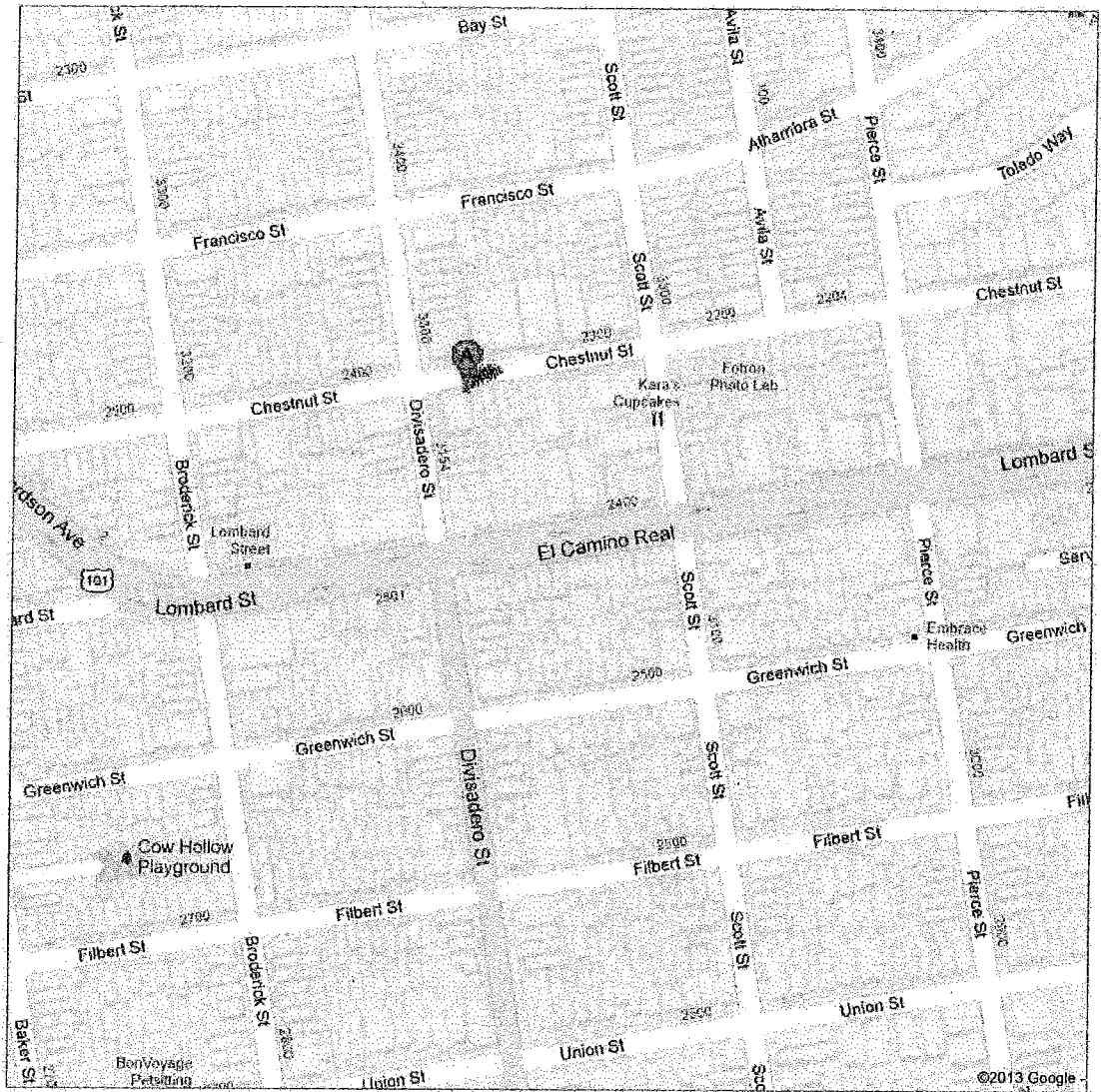

NORTHERN DISTRICT Major Streets & Reporting Plots





Address 2379 Chestnut 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: 130134

Block/lot: 0936/018C

Zoning: NC-2

Quad: NW

map # 1300214

TO: Police Department
Inspector Nelly Gordon
Inspector Joseph Fong
Fax No.: 553-1463

Chestnut Street Financial
Services Restricted
Special Use District

DATE: February 25, 2013

This item is tentatively scheduled to be heard in four to six weeks.

PLEASE EMAIL YOUR RESPONSE BY: April 8, 2013, to Derek Evans, Clerk,
City Operations and Neighborhood Services Committee.

Derek.Evans@sfgov.org - Fax No: 554-7714

Applicant Name: Ferris Ferdon
and Business Name: Ferdon Olive Oil (dba We Olive)
(2379 Chestnut Street)

Applicant Address: 371 Georgetown Ave.
San Mateo, CA 94402
and Phone No. (650) 520-3919

PLANNING COMMENTS: **Approval** **Denial**

ABC license type 42 is permitted as incidental wine tasting within specialty food store in accordance with limitations per attached Planning Code Section 790.22 interpretations. Bar use exceeding interpretations requires a building permit application. Kanishka Burns 3/5/13 (415) 575-9112

POLICE COMMENTS: **Approval** **Denial**

San Francisco Planning Code

Code Section: 790.22**Subject: Wine Tasting, Liquor Stores, Bars****Effective Date: 8/05****Interpretation:**

This Section states that within NC Districts, establishments that serve liquor with ABC License Types 42, 47, 49, 61, or 78 are considered "bar" uses. An interpretation rendered in November 1986 had asserted that "a wine tasting room as part of the retail sales of wine is treated as a bar in the Neighborhood Commercial Districts." **It was noted that an exception to this interpretation involves cases in which intermittent and/or occasional wine tasting is offered.** This minor and related activity is analogous to the dispensation of sample-sized portions of food items by many grocers. Much as those grocers are not considered to be restaurant uses, liquor stores which provide incidental wine tastings are not considered to be bar uses. Any such tasting would (1) occur entirely during regular operating hours only, (2) take place no more than twice each week for no more than four hours each occurrence and on a further occasional appointment-only basis, (3) not occur on a premises on which any type of permit from the Entertainment Commission is held, (4) not occur in an area physically separated from the main liquor store retail area by full-height partitions or partitions that otherwise prevent clear visual access to and from the main retail area and (5) be limited to one ounce servings and three servings per individual customer per day. Should the liquor store not adhere to each of these five conditions it would be considered a "bar." It was also noted that, pursuant to Ordinance 260-00 which became effective in May of 2000, "retail sales of wine" is now considered to be a liquor store. It was also noted that conditions 4 and 5, above, reflect ABC and Police Department policies at the time of this interpretation, and may be modified should those regulations change.

Disclaimer:

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For further information regarding the official version of any of this Code of Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588.

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techsupport@amlegal.com
1.800.445.5588.



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2013 FEB 13 PM 3:49

February 13, 2013

Good Morning San Francisco Board of Supervisors,

This letter is for the San Francisco Board of Supervisors to respond to their request for a "public convenience and necessity" resolution.

The attached form has my contact information, business information and the additional information as requested.

Let me first outline how the addition of the wine bar to the existing We Olive store will serve the public convenience and necessity in the Marina neighborhood and San Francisco city wide.

We Olive sells only California certified Olive Oil. All of our olive oil is certified by the California Olive Oil Council which started testing California olive oils over 20 years ago. The testing is done in conjunction with the UC Davis Mondovi Center standards which are set to higher levels than the European IOC olive oil council. This is both a scientific test and a sensory taste test.

Consequently, California olive oil is now considered to be some of the best olive oil in the world. This has also lead to olive oil and wine tasting. Napa, Sonoma, Paso Robles and all areas of the California wine market are finding that the California products are very good for business and a natural, almost elegant way to enjoy this rich tradition.

Our LaJolla store started doing these two years ago when they first opened and it has become a highly regarded, high quality atmosphere at their store on Prospect St. Our goal is to do the same here and create an atmosphere that serves the Marina and the city of San Francisco, and tourists from all across the U.S. and abroad, and showcases the very best qualities of California.

We are only applying for a 42 license so we can feature the best of California wines and let the customers buy what the taste. This will not be a large operation nor a liquor store type of environment. The patrons will be able to relax and enjoy the true essence of olive oil and wine with little Tapas on the side.

Our hours will be from 12:00 noon the 9:00 pm at the very latest. And in many cases we will not be open after about 8:00 depending on the time of year, weather, etc. We do want to have the option for 9:00pm hours because we do events such at the American Hearth Association, the San Francisco Jr. League, and several other charities on occasion.

2379 Chestnut Street San Francisco, CA 94123 Store: (415)673-3669 Fax: (415)673-3801 Ferris Ferdon Proprietor

30134



The wine bar will be inside and we will not be hosting any loud, noisy events.

I hope I have answered your questions, and I look forward to getting our wine bar set up. This will be a tremendous asset to Chestnut St. The Marina, San Francisco, and to me personally. This will get our store a whole new dimension which will add very good value to our bottom line. I plan to be here a long time and possibly expanding this model.

Best regards,



Ferris Ferdon

371 Georgetown Ave.

San Mateo, CA 94402

650-520-3919

Department of Alcoholic Beverage Control

State of California
Edmund G. Brown Jr., Governor

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 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

FERDON OLIVE OIL INC

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

2379 CHESTNUT 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 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 | |

Other - describe: Wine & Olive Oil Shop

5. COUNTY POPULATION

812,820

8. TOTAL NUMBER OF LICENSES IN COUNTY

317

On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale Off-Sale

8. CENSUS TRACT NUMBER

128

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

15

On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

62

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

507

14. TOTAL NUMBER OF REPORTING DISTRICTS

654

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

120,367

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

231

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 26503.16(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)

Jason



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2013 FEB 13 PM 3:49

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- | | | | |
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Governing Body/Designated Subordinate Name: BOARD OF SUPERVISORS

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

Jason

We Olive

Wine Bar Petition*

In recent months, We Olive-San Francisco has been putting forth the efforts necessary to acquire a wine & beverage license. The end goal of these efforts is to provide the Marina neighborhood and beyond with an elegant, sophisticated Wine Bar element within our store. This way, patrons and neighbors can enjoy the fantastic quality of California Extra Virgin Olive Oils along with their favorite Napa Valley or other local wine with dual olive oil/wine tastings.

Please show your support by signing this petition and telling us your favorite wine or varietal, we would love to hear your input!

*This petition is for our own curiosity and purpose as we want to find out how much public interest there is for this sort of store synergy, any and all feedback is greatly appreciated.

| Name | Email | Favorite Wine? (optional) |
|-------------------------|----------------------------------|---------------------------|
| Liz Clark | lclark@fielding.edu | Long Board Reds |
| ALAN E. KURTZ | AEKURTZ@SPRINGSIDEAL.NET | |
| Phoebe White | phoebe.white7@gmail.com | Peter Michael Chardonnay |
| Janet Hazy | janet.wyner@gsail.com | Reds |
| Kadee Jo Hilliker | kadeejo.hilliker@gmail.com | Reds |
| Kelly Keiser | kelly@kellykeiser.com | Chardonnay |
| Amber Gilman | amberg9@gmail.com | Chardonnay |
| Marlis Hamory | marlishamory@gmail.com | Franks Family |
| John Luca | jlucce@met.fsu.edu | Pinot noir |
| Michelle Becker | michangei22@hotmail.com | cabernet. |
| Kristina iron | kristinairon@me.com | +vine |
| Christine Rominick | christineromin@yaho.com | longboard to Cabon |
| Sarah Farley | sarahfarley@comcast.net | Frank Family Char |
| Russell Warner | | Silver oak |
| Chris Roberts | CNR8848@gmail.com | Spicy, Dry Reds |
| Jim Loney | JimLoney@AOL.com | Wente |
| CHRIS LAVEY | clavey96@yahoo.com | |
| Chris Begley | AngelFentLife@gmail.com | Moscato |
| Hazel Smith | flzta@9aol.com | |

LIQUOR LICENSE REVIEW

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

File: 130134

TO: Police Department
Inspector Nelly Gordon
Inspector Joseph Fong
Fax No.: 553-1463

DATE: February 25, 2013

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: April 8, 2013, to Derek Evans, Clerk,
City Operations and Neighborhood Services Committee.

Derek.Evans@sfgov.org - Fax No: 554-7714

Applicant Name: Ferris Ferdon
and Business Name: Ferdon Olive Oil (dba We Olive)
(2379 Chestnut Street)

Applicant Address: 371 Georgetown Ave.
San Mateo, CA 94402
and Phone No. (650) 520-3919

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial