BOARD of SUPERVISORS



City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

MEMORANDUM

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

- TO: Supervisor Jane Kim, Chair Public Safety and Neighborhood Services Committee
- FROM: Erica Major, Assistant Clerk, Public Safety and Neighborhood Services Committee
- DATE: December 12, 2016
- SUBJECT: **COMMITTEE REPORT, BOARD MEETING** Tuesday, December 13, 2016

The following file should be presented as a COMMITTEE REPORT at the Board meeting, Tuesday, December 13, 2016. This item was acted upon at the Public Safety and Neighborhood Service Committee meeting on Thursday, December 8, 2016, at 2:30 p.m., by the votes indicated.

Item No. 57 File No. 160818

Resolution determining that the transfer of a Type 21 off-sale general license to The Epicurean Trader, LLC, dba The Epicurean Trader, located at 1909 Union Street, Suite A (District 2), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license.

RECOMMENDED AS A COMMITTEE REPORT Vote: Supervisor Jane Kim - Aye Supervisor John Avalos - Aye Supervisor Eric Mar - Aye Supervisor David Campos - Excused

cc: Board of Supervisors Angela Calvillo, Clerk of the Board Alisa Somera, Legislative Deputy Jon Givner, Deputy City Attorney File No. _ 160818

Board of Supervisors Meeting

Committee Item No. <u>1</u> Board Item No. <u>57</u>

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Neighborhood Services

Date December 8, 2016 Date DECEMBER 13, 2016

Cmte	Board	
		Motion
	\mathbf{M}	Resolution
		Ordinance
\square		Legislative Digest
\square		Budget and Legislative Analyst Report
\square		Youth Commission Report
F	Ē	Introduction Form
X	$\overline{\mathbf{v}}$	Department/Agency Cover Letter and/or Report
ń		MOU
H		Grant Information Form
H	Ħ	Grant Budget
H	H	Subcontract Budget
H	H	Contract/Agreement
Ħ	H	Form 126 – Ethics Commission
	H	Award Letter
$\overline{\nabla}$	T	Application
	H	Public Correspondence
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FILE NO. 160818

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25

[Liguor License Transfer - 1909 Union Street, Suite A]

Resolution determining that the transfer of a Type 21 off-sale general license to The Epicurean Trader, LLC, dba The Epicurean Trader, located at 1909 Union Street, Suite A (District 2), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license.

WHEREAS, The Epicurean Trader, LLC is seeking the transfer of a Type 21 offsale general license dba The Epicurean Trader located at 1909 Union Street, Suite A (District 2); and

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

WHEREAS, The Police Department has filed zero (0) protests with the Department of Alcoholic Beverage Control under California Business and Professions Code, Section 24013, and recommends that the Department of Alcoholic Beverage Control issue the liquor license with conditions; and

WHEREAS, The conditions recommended by the Police Department are the following: 1) Sales of alcoholic beverages shall be permitted between the hours of 10:00 a.m. and 10:00 p.m. daily; 2) loitering (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 as depicted on the ABC-257; 3) no noise shall be audible beyond the area under the control of the licensee as defined on

Public Safety and Neighborhood Services Committee **BOARD OF SUPERVISORS**

PREPARED IN COMMITTEE 12/8/2016 **RESOLUTION NO.**

the ABC-257; and 4) the sale of distilled spirits in sizes smaller than 200 ml is strictly prohibited; now, therefore, be it

RESOLVED, That in accordance with California Business and Professions Code, Section 23958.4, the Board of Supervisors of the City and County of San Francisco hereby determines for the foregoing reasons that the transfer of a Type 21 off-sale general license to The Epicurean Trader, LLC dba The Epicurean Trader, located at 1909 Union Street, Suite A (District 2), will serve the public convenience or necessity of the City and County of San Francisco; and, be it

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby endorses and adopts the recommendations of the Police Department listed above and recommends that the Department of Alcoholic Beverage Control issue the license with those conditions.

Public Safety and Neighborhood Services Committee BOARD OF SUPERVISORS



San Francisco Police Department **ABC Liaison Unit**



Alcoholic Beverage License -Public Convenience and Necessity Recommendation

To:

The San Francisco Board of Supervisors' Committee on Public Safety and Neighborhood Services

Supervisor Jane Kim Supervisor John Avalos Supervisor David Campos

From:

Lieutenant Dave Falzon Officer in Charge ABC Liaison Unit (ALU) 837-7269

Date:

December 8, 2016

Subject: P.C.N. Investigation Regarding:

The Epicurean Trader, LLC DBA: The Epicurean Trader 1909 Union Street Ms. Holly McDell (415)602-6092

Holly McDell on behalf of Epicurean Trader, LLC dba The Epicurean Trader has filed an application with the California Department of Alcoholic Beverage Control seeking a -Type 21 (Off-Sale General Public) License and Type 86 (Instructional Tasting) License for 1909 Union Street (located between Buchanan and Laguna Streets).

Hours of Operation:

Daily

10 a.m.-10 p.m.

Digest:

The licensee wishes to operate a specialty food store at 1909 Union Street. If approved, this license will allow The Epicurean Trader to sell Off-Sale Beer, Wine and Spirits and have Instructional Tasting at this premises.

Letters of Protest:

No Record

Letters of Support:

No Record

Police Calls for Service:

From June 2015 to June 2016

4

Police Reports:

From June 2015 to June 2016

0

San Francisco Plot Information:

This premise is located in Plot 519

A High Crime area is defined as 106 or more police incidents in a plot for the year of 2015.

This plot had 138 police incidents for 2015, which is 32 over the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract 0130.00

Population for this tract is: 4,044

On-sale license authorized by census tract: 14 Active on-sale licenses: 31 with 0 pending

Off-sale licenses authorized by census tract: 3 Active off-sale licenses: 10 with 1 pending

Departmental Recommendation:

2 of 3

Points of consideration: 0

No opposition from Northern Station

Applicant premise is located in a "high crime" area.

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

ALU Recommendation: Approval with the following conditions:

Conditions for Type 21 (Off-Sale General Public), 86 (Instructional Tasting)

- 1. Sales of alcoholic beverages shall be permitted between the hours of 10:00 a.m. and 10:00 p.m. daily.
- 2. 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 as depicted on the ABC-257, dated
- 3. No noise shall be audible beyond the area under the control of the licensee as defined on the ABC-257, dated
- 4. The sale of distilled spirits in sizes smaller than 200 ml is strictly prohibited.

It should be noted that the applicant has agreed to the above listed conditions.

End







LIQUOR LICENSE REVIEW

Planning Department AnMarie Rodgers/CTYPLN/SFGOV Georgia Powell/CTYPLN/SFGOV@SFGOV Fax No.: (415) 558-6409

TO: Police Department Inspector Nelly Gordon Phone: (415) 837-7273

File: 160818

Block/lot:0542/037 20ning:NCD Buod: NW Record # 2016-010355 Mj

DATE: August 8, 2016

This item is tentatively scheduled to be heard in four to six weeks. PLEASE EMAIL YOUR RESPONSE BY: October 12, 2016, to Erica Major, Public Safety and Neighborhood Services Committee Clerk. <u>Erica.Major@sfgov.org</u> - Fax No: 554-7771

Applicant Name:	Epicurean Trader, LLC
and Business Name:	The Epicurean Trader (1909 Streat) Union St.)
Applicant Address:	1909 Union Street, Suite A San Francisco, CA 94123
and Phone No.	(415) 602-3407

PLANNING COMMENTS: SPECIALTY GROCERY IS A P	🗹 Approval	Denial
SPECIALTY GROCERY is A P	ERMITTED SE	IN THE UNION STREET
NOD PER PLANNING CODE	SECTION 725.	TO. NO MORE THAN 151
OF GROSS FLOME AREA SHALL	RE DEDICATED	10 ALLOHOLIC MARCHINES
POLICE COMMENTS:		oved Planning Dept. Wayne Farm

LL Review Referral Letter

August 4th 2016

San Francisco, CA 94102

ATTN: CALIFORNIA ALCOHOLIC BEVERAGE CONTROL 33 New Montgomery Street, Suite 1233

RE: TYPE 21 & TYPE 86 APPLICATION 1909 Union Street, Suite A San Francisco, CA 94123



8:3

ATTN: CALIFORNIA ALCOHOLIC BEVERAGE CONTROL and SAN FRANCISCO BOARD OF SUPERVISORS

The Epicurean Trader is a husband-and-wife owned and operated specialty food store. We currently have a location on Cortland Avenue in the Bernal Heights neighborhood.

We support small batch, artisanal food products across a number of categories including: farmstead cheeses; charcuterie; oils and vinegars; craft chocolates; loose leaf teas; herbs and spices; and other pantry items.

We support small, local artisans who produce high quality, hand crafted products but don't have the production capacity, brand awareness or marketing budget to work with larger, higher volume supermarkets. We see our store as an incubator for the next generation of food producers, who will help push their respective crafts forward in a positive way.

We have tremendous respect for our vendors and work with them directly versus using distributors like the majority of other markets in San Francisco. We host regular demonstration and sampling events instore to help educate our customers about the people and the craftsmanship behind the products that we sell.

Our existing location in Bernal Heights has received several accolades since opening, including

- Featured as a must see in Saveur Magazine's 'Culinary Guide to San Francisco'
- #1 Rated Specialty Food store in San Francisco by Yelp.com
- #3 Gourmet Shop in San Francisco by Foursquare
- Named the 'Best Neighborhood Market in San Francisco' by Pure Wow
- Named the 'Best Spirits Store in the San Francisco Bay Area' by San Francisco Magazine

Alcohol sales are expected to be a minor percentage of overall sales, but an important part of our mission to bring awareness of small producers across both food and drink categories. We support small production wine producers both domestically and internationally, we support craft beers from local breweries, and distilled spirits from micro-distilleries, many of whom distill their products here in San Francisco!

Through the ABC Liquor Licensing process, we have already reached out to our local Board of Supervisors representative, local neighborhood committees in the Marina and Pacific Heights, the San Francisco Police Department Alcohol Liaison Unit and sent out a mailing to residents within 500 feet of the store and a notification on the front window of the proposed location for thirty consecutive days.

Not only have we not had any complaints about our plans to convert the location into a specialty market, we have had neighbors call the ABC to express their delight that there would be more options to purchase quality groceries along Union Street (currently there are none).

Our existing store has received 5.0/5.0 stars on Yelp.com with 34 reviews; and 5.0/5.0 stars on Facebook with 23 reviews which demonstrates the support the local community has for our store and our mission. We hope that the local residents around Union Street will provide a similar support.

The hours of operation are anticipated to be between 9am and 10pm daily.

We respectfully request your support of our proposed new location on Union St as we feel it will serve as a "Public Convenience and Necessity" not only for the local residents around Union Street, but also citywide for all the small, local food businesses in San Francisco that we support that very few other retailers in San Francisco are willing to.

Sincerely,

Mat Pond and Holly McDell

P: (415) 602-3407 E: <u>helio@theepicureantrader.com</u> M: The Epicurean Trader, 21 Putnam St, San Francisco, CA 94110

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

PART 1 - TO BE COMPLETED BY A 1. APPLICANTS NAME	BC					
EPICUREAN TRADER, LLC	ТНЕ					
2. PREMISES ADDRESS (Street number and name, ci		1977) 1979 (1979 - 197	3.	LICENSE TYPE	C)	(53)
1909 UNION ST STE A SAN	FRANCISCO CA 941	23-4245		21,86	1 23	43 -
4. TYPE OF BUSINESS	ann <u>.</u>	Income.			C37	ហ្វូ រដ
Full Service Restaurant	Hofbrau/Cafeteria	Cocktail Lounge	L.	Private Club	S AG	
Dell or Specialty Restaurant	Cornedy Club	Night Club		Veterans Clu	\$ G	ب لد اد. ليا _{ورو} اد.
Cafe/Coffee Shop	Brew Pub	Tavern: Beer		Fraternal Clu	n in	22
Bed & Breakfast:	Theater	Tavern: Beer & Wine		Wine Tasting		SST¥ e€ DM En
Wine only All				1988 p. 1981 1995 1999 1999 1999 1999 1999 1999		
Supermarket	Membership Store	Service Station		Swap Meet/F	lea Market	
Liquor Store	Department Store	X Convenience Market		Drive-in Dairy	7	na Ur
Drug/Variety Store	Florist/Gift Shop	Convenience Market w	/Gasoline		ŝ.	
Other - describe:		- Trademater 4				
5, COUNTY POPULATION	6. TOTAL NUMBER OF LICENSES	IN COUNTY	7. RATIO OF LICENS	SES TO POPULATI	ON IN COUNT	۲ ,
4,044/845,602	284	X On-Sale X Off-Sale			On-Sale	Off-Sale
8. CENSUS TRACT NUMBER	9. NO. OF LICENSES ALLOWED IN	CENSUS TRACT	10, NO, OF LICENSE	S EXISTING IN CE	NSUS TRACT	······
130	3	On-Sale X Off-Sale	10		On-Sale	X Off-Sale
11. IS THE ABOVE CENSUS TRACT OVERCONCEN		the ratio of licenses to population in	the census tract exceed	the ratio of license	s to population	for the entire county
No, the number of existing licenses is	lower than the number allowe	d				
12. DOES LAW ENFORCEMENT AGENCY MAINTAIN	I CRIME STATISTICS?					
X Yes (Go to Item #13)	No (Go to Item #20)					
13. CRIME REPORTING DISTRICT NUMBER	14. TOTAL NUMBER OF REPORTI	NG DISTRICTS	15. TOTAL NUMBER	OF OFFENSES IN	ALL REPORT	ING DISTRICTS
	653		53,948		BEDODTINO	NOTOLOT
18. AVERAGE NO. OF OFFENSES PER DISTRICT 83	17. 120% OF AVERAGE NUMBER (JF OFFENSES	18. TOTAL NUMBER 98	OF OFFEINSES IN	REPORTING	DISTRICT
19. IS THE PREMISES LOCATED IN A HIGH CRIME		% greater number of reported crime	s than the average num	nber of reported crin	nes as determir	ned from all crime
reporting districts within the jurisdiction of the local Yes, the total number of offenses in the		exceeds the total number in	item #17			
X No, the total number of offenses in the						
20. CHECK THE BOX THAT APPLIES (check only one				· · · · · · · · · · · · · ·		
a. If " <u>No</u> " is checked in both item #1 needed on this issue. Advise the ap				nd no additiona	al informatio	n will be
b. If " <u>Yes</u> " is checked in either item	#11 or item #19 and the appl	licant is applying for a non-	retail license, a ret	ail bona fide pl	iblic eating	nlace
license, a retail license issued for a h	otel, motel or other lodging es	tablishment as defined in S	ection 25503.16(b	o) B&P, or a ret	ail license i	ssued in
conjuction with a beer manufacturer's		nse, advise the applicant to	complete Section	<u>2</u> and bring th	e complete	d form to
ABC when filing the application or as	soon as possible thereafter.					
X c. If " <u>Yes</u> " is checked in either item	#11 or item #19, and the appl	icant is applying for an off-s	sale beer and wine	e license, an of	-sale gener	al license.
an on-sale beer license, an on-sale t	peer and wine (public premises	s) license, or an on-sale gei	neral (public premi	ises) license, a	dvise the <u>a</u>	pplicant to
take this form to the local governing		linate officer or body to hav	e them complete S	Section 3 . The	completed	form will
need to be provided to ABC in order	,					
Governing Body/Designated Subordir	hate Name: SF BOARD	OF SUPERVISORS	·····			
FOR DEPARTMENT USE ONLY PREPARED BY (Name of Department Employee)		2011/10/10/10/10/10/10/10/10/10/10/10/10/				
JMINGOA 6.21.2016	$\dot{\gamma}$					
ABC-245 (rev.01-11)						

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 documention, if desired. Do *not* proceed to Part 3.

· · · · · · · · · · · · · · · · · · ·	
· · · · · · · · · · · · · · · · · · ·	
22. APPLICANT SIGNATURE	23. DATE SIGNED

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 NECI	ESSITY BE SERVED BY ISSUANCE OF THIS	ALCOHOLIC BEVERAGE LICENSE?	
Yes	No	See Attach	ned (i.e., letter, resolution, etc.)
25. ADDITIONAL COMMENTS, IF DESIRED	(may include reasons for approval or denial of	public convenience or necessity):	
		. 1999/1999 - 1, 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 199	
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		-	
26. CITY/COUNTY OFFICIAL NAME	27. CITY/COUNTY OFFICIAL TITI	-t	28. CITY/COUNTY OFFICIAL PHONE NUMBER
29. CITY/COUNTY OFFICIAL SIGNATURE			30. DATE SIGNED

CO B, Leg Ref PSWS, BOS RECEIVED BOARD OF SUPER VISIERS SAN FRIMNOISCO

2016 NOV 30 PM 3: 49

AK

DATE:	November 29, 2016
TO:	Angela Calvillo Clerk of the Board of Supervisors
FROM:	Supervisor Jane Kim Chairperson
RE:	Public Safety and Neighborhood Services Committee COMMITTEE REPORTS

Pursuant to Board Rule 4.20, as Chair of the Public Safety and Neighborhood Services Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on December 13, 2016, as Committee Reports:

160818 Liquor License Transfer - 1909 Union Street, Suite A

Hearing to consider that the transfer of a Type 21 off-sale general alcoholic beverage control license to The Epicurean Trader, LLC, dba The Epicurean Trader, located at 1909 Union Street, Suite A (District 2), will serve the public convenience or necessity of the City and County of San Francisco.

160914 Liquor License Transfer - 1150 Ocean Avenue

Hearing to consider that the transfer of a Type 21 off-sale general alcoholic beverage control license to Whole Foods Market California, Inc., dba Whole Foods Market, located on 1150 Ocean Avenue (District 7), will serve the public convenience or necessity of the City and County of San Francisco.

160959 Liquor License - 110 The Embarcadero

Hearing to consider that the issuance of a Type 51 Club license to The Commonwealth Club of California, dba Commonwealth Club, located at 110 The Embarcadero (District 6), will serve the public convenience or necessity of the City and County of San Francisco.

These matters will be heard at the Regular Meeting of the Public Safety and Neighborhood Services Committee on December 8, 2016, at 2:30 p.m.

LIQUOR LICENSE REVIEW

File: 160818

TO: Planning Department AnMarie Rodgers/CTYPLN/SFGOV Georgia Powell/CTYPLN/SFGOV@SFGOV Fax No.: (415) 558-6409

TO: **Police Department** Inspector Nelly Gordon Phone: (415) 837-7273

DATE: August 8, 2016

This item is tentatively scheduled to be heard in four to six weeks. PLEASE EMAIL YOUR RESPONSE BY: October 12, 2016, to Erica Major, Public Safety and Neighborhood Services Committee Clerk. Erica.Major@sfgov.org - Fax No: 554-7771

Applicant Name:	Epicurean Trader, LLC The Epicurean Trader
and Business Name:	(1909 Street)
Applicant Address:	1909 Union Street, Suite A San Francisco, CA 94123
and Phone No.	(415) 602-3407

PLANNING COMMENTS:	🗌 Approval	Denial	
POLICE COMMENTS:	Approval	Denial	

Approval Denial