Resolution determining that the issuance of a Type 20 On-Sale Beer and Wine Public Premises Liquor License to Melissa Gisler Modanlou, for Spuntino di Ottimista located at 1957 Union Street (District 2), 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, Melissa Gisler Modanlou is seeking issuance of a Type 20 On-Sale Beer and Wine Public Premises Liquor License for Spuntino di Ottimista, located at 1957 Union Street; and,

WHEREAS, The Planning Department has verified that the area is properly zoned and recommends approval with conditions; 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 20 On-Sale Beer and Wine Public Premises Liquor License, to Gisler Modanlou, for Spuntino di Ottimista located at 1957 Union Street, will serve the public convenience or necessity of the people of the City and County of San Francisco.

Planning Department Conditions: 1) Pursuant to Planning Code Section 790.55 ABC License Type 20 is permitted with the permitted principal use as a grocery/specialty food store, gross floor area devoted to Alcoholic Beverages is limited to accessory use
limits set forth in Planning Code Section 703.2(b)(1)(C)(vi); 2) Occasional wine-tasting would (a) occur during regular operating hours only, (b) take place no more than twice each week for no more than four hours each occurrence and on further occasional appointment-only basis, (c) not occur on a premises on which any type of permit from the entertainment Commission is held, (d) not occur in an area physically separated from the main grocery/specialty food store retail area by full-height partitions that otherwise prevent clear visual access to and from the main retail area and (e) be limited to one ounce servings and three servings per individual customer per day; 3) Pursuant to Planning Code Section 725.27, the existing retail grocery/specialty food store is allowed to operate between the hours of 6 a.m. until 2 a.m. as of right and requires Conditional Use authorization to operate between the hours of 2 a.m. and 6 a.m. within the Union Street Neighborhood Commercial Zone District.

Police Department conditions: 1) Wine-tasting shall occur only between the hours of 9:00 a.m. to 8:00 p.m. each day of the week; 2) There shall be no more than two (2) Wine Tastings per week and for no more than four (4) hours per occurrence; 3) Occasional Wine Tastings may occur on an appointment basis only. An appointment log shall be maintained and made available for review upon request by local law enforcement; 4) Wine Tasting shall be limited to the area licensed for on-sale consumption as designated on ABC form 257 and access shall be limited to those age 21 years and older; 5) The licensee(s) shall not maintain or construct any type of enclosed room intended to separate the Wine Tasting area from the interior space of the licensed premises; 6) Wine Tastings shall be limited to one (1) ounce servings and limited to three (3) servings per individual customer per day; 7) The on-sale consumption of beer or malt beverages is strictly prohibited; 8) No open and or resealed/re-corked containers of alcohol shall be removed from the premise; 9) The
consumption of alcoholic beverages by customers shall be served from behind a counter where a clerk will obtain the product; no self-service of alcoholic beverages will be permitted; 10) There shall be no consumption of alcoholic beverages on the sidewalk area in front of or adjacent to the premise.
File Number: 100684   Date Passed: July 13, 2010

Resolution determining that the issuance of a Type 20 On-Sale Beer and Wine Public Premises Liquor License to Melissa Gisler Modanlou, for Spuntino di Ottimista, located at 1957 Union Street (District 2), 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.

July 13, 2010 Board of Supervisors - ADOPTED
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 100684

I hereby certify that the foregoing Resolution was ADOPTED on 7/13/2010 by the Board of Supervisors of the City and County of San Francisco.

[Signature]
Angela Calvillo
Clerk of the Board

[Signature]
Mayor Gavin Newsom
Date Approved