

File No. 221222

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Ngbh Services

Date: January 26, 2023

Board of Supervisors Meeting:

Date: _____

Cmte Board

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

OTHER

- Police Department Report – January 19, 2023
- Planning Department Review – December 5, 2022
- PC or N Referral to Planning and Police – December 2, 2022
- PC or N Request Letter – November 30, 2022
- _____
- _____
- _____
- _____
- _____

Prepared by: John Carroll

Date: January 20, 2023

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Thursday, January 19, 2023 2:57 PM
To: Justin A. Zucker
Cc: Oropeza, Edgar (CPC); CPC.Referrals; Wong, Joanne (POL); Jonas, Stephen (POL); Alabanza, Analyn@ABC; amarjit.tamber@abc.ca.gov; Ferrigno, Jennifer (BOS); Herrera, Ana (BOS); Lerma, Santiago (BOS); Saini, Nikita (BOS); Salmonson, Joel (POL); Wong, Joanne (POL); Jonas, Stephen (POL); Donovan, Dominica (BOS)
Subject: RE: Liquor License Transfers - 1750 Harrison Street - Total Wine & More - BOS File No. 221222
Categories: 221222, 2023.01.26 - PSNS

Good afternoon,

The Police Department has completed their review of the subject public convenience or necessity request and has forwarded their recommendations. For your convenience, I have the review available from the link below:

[Police Department Response – January 19, 2023](#)

The Police Department's ALU is recommending approval with the following condition:

1) Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on the ABC-253.

This matter is on agenda for a hearing on January 26, 2023, at 10:00 a.m.

The agenda will post on January 20, 2023.

Please respond to this message and let me know who to expect in attendance at the January 26, 2023 PSNS meeting.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 221222](#)

Thanks for the review.

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415) 554-4445

(VIRTUAL APPOINTMENTS) To schedule a virtual meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



San Francisco Police Department
ABC Liaison Unit



Alcoholic Beverage License -
*Public Convenience or
Necessity Recommendation*

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

Supervisor Catherine Stefani
Supervisor Myrna Melgar

From: Lt. Steve Jonas #79 
Officer in Charge
ALU/Permits Unit 415-553-9550

Date: January 19, 2023

Subject: P.C.N. Investigation Regarding: California Fine Wine & Spirits, LLC
DBA: Total Wine & More
1750 Harrison St.
San Francisco, CA. 94103

California Fine Wine & Spirits LLC, has filed an application with the California Department of Alcoholic Beverage Control seeking a Type-21 (Off-Sale General) and Type-42 (On-Sale Beer and Wine Public Premise) license to be located at 1750 Harrison St. (located between Division St. and 14th St.)

Hours of Operation:

9:00 am to 10:00 pm each day.

Digest:

California Fine Wine & Spirits would like to operate a liquor store to be located at 1750 Harrison St. If approved, this license will allow them to sell Beer, Wine and Distilled Spirits.

Letters of Protest

2 (under review ABC legal)

Letters of Support

0

Police Calls for Service:

From November 2021 to November 2022

25 calls for service

Police Reports:

From November 2021 to November 2022

8 police reports

San Francisco Plot Information:

This premise is located in Plot: **405**

A High Crime area is defined as **96** or more police reports in a plot for the year of **2021**.

This plot had 206 police reports for **2021**, which is 110 **higher** than the **Citywide** **“High Crime”** average

State Census Tract Information:

This premise is located in Census Tract: **177.00**

Population for this tract is: **2,841**

On-sale license authorized by census tract: **9**

Active on-sale licenses: 54 with 0 pending

Off-sale licenses authorized by census tract: **2**

Active off-sale licenses: 8 with 0 pending

Departmental Recommendation:

Points of consideration: **0**

No opposition from **Mission Station**.

Applicant premise **is** located in a "**High Crime**" area.

Applicant premise **is** located in a "**High Concentration**" area.

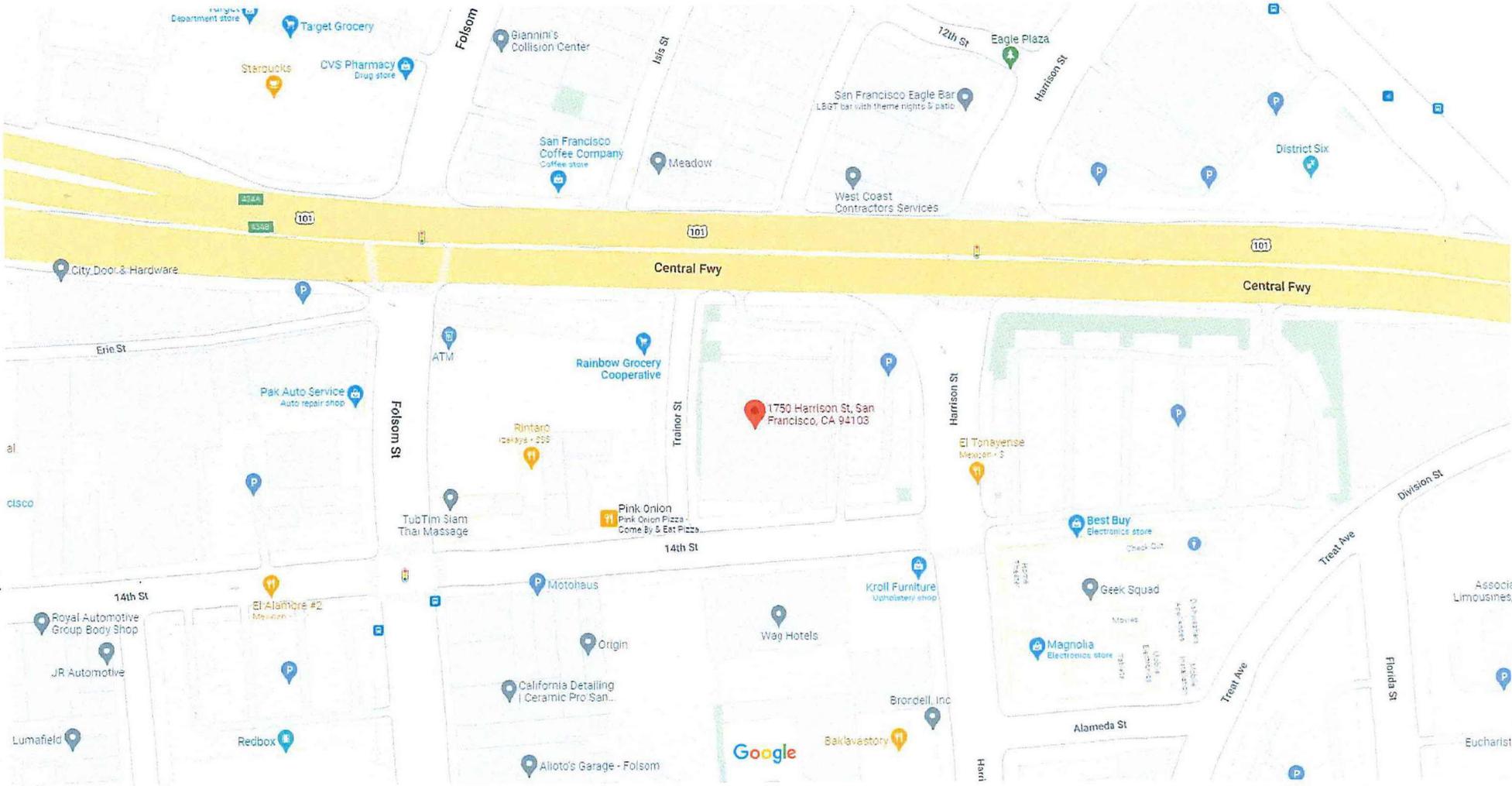
2 - Protest.

0 - Support

ALU Recommendation: **Approval with the condition.**

Type-21 Off- Sale General, Type-42 On- Sale Beer and Wine Public Premise

1. Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on the ABC-253.



BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

TO: Planning Department **DATE:** December 2, 2022
Attn: Edgar Oropeza
Phone No. edgar.oropeza@sfgov.org **AP Block/Lot Nos.:** 3529 / 051
Zoning: PDR 1 G 58-X
TO: Police Department **Quad:** District 9 and 10
Joel Salmonson **Record No.:** _____
Phone No. (415) 553-1115

Please submit your response within three weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for the regular meeting of January 26, 2022.

PLEASE EMAIL YOUR RESPONSE by December 16, 2022, to:
John Carroll, Public Safety and Neighborhood Services Committee Clerk.
john.carroll@sfgov.org ~ (415) 554-4445

Applicant name: California Wine and Spirits LLC
Business name: Total Wine & More
Application address: 1750 Harrison Street
San Francisco, CA 94103
Applicant contact info: Justin A. Zucker
jzucker@reubenlaw.com
415-567-9000

PLANNING REVIEW: Approval Denial

Planning Staff Contact: Edgar.oropeza@sfgov.org
(Please add comments on a trailing page.)

POLICE REVIEW: Approval Denial

(Please add comments in a trailing report.)

Carroll, John (BOS)

From: Oropeza, Edgar (CPC)
Sent: Monday, December 5, 2022 2:49 PM
To: Carroll, John (BOS); CPC.Referrals; Salmonson, Joel (POL)
Cc: Wong, Joanne (POL); Jonas, Stephen (POL); Wong, Alan (BOS); Alabanza, Analyn@ABC; amarjit.tamber@abc.ca.gov; Ferrigno, Jennifer (BOS); Herrera, Ana (BOS); Lerma, Santiago (BOS); Saini, Nikita (BOS); Justin A. Zucker
Subject: Re: Liquor License Transfers - 1750 Harrison Street - Total Wine & More
Categories: 221222

The Planning Department recommends to approve the proposed liquor license types, **86,42 and 21 for the property at 1750 Harrison Street** - The existing site is improved with a retail sales and services use per section 102 and is considered "legal nonconforming" per planning code section 181. Please note a change of operator within the same use category (retail sales and services per section 102) is not considered an intensification in this case.

All building permits for the subject building are up to date.

Thank you all for your attention to this email.

Email is the best way to reach me. See below for more information.

**Edgar Oropeza, Senior Planner
PIC Specialist, Districts 9 & 10**

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7416 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Carroll, John (BOS) <john.carroll@sfgov.org>
Sent: Friday, December 2, 2022 4:59 PM
To: CPC.Referrals <CPC.Referrals@sfgov.org>; Salmonson, Joel (POL) <Joel.R.Salmonson@sfgov.org>
Cc: Wong, Joanne (POL) <joanne.k.wong@sfgov.org>; Jonas, Stephen (POL) <Stephen.Jonas@sfgov.org>; Wong, Alan (BOS) <alan.wong1@sfgov.org>; Alabanza, Analyn@ABC <Analyn.Alabanza@abc.ca.gov>; amarjit.tamber@abc.ca.gov <amarjit.tamber@abc.ca.gov>; Ferrigno, Jennifer (BOS) <jennifer.ferrigno@sfgov.org>; Herrera, Ana (BOS) <ana.herrera@sfgov.org>; Lerma, Santiago (BOS) <santiago.lerma@sfgov.org>; Saini, Nikita (BOS) <nikita.saini@sfgov.org>; Oropeza, Edgar (CPC) <edgar.oropeza@sfgov.org>; Justin A. Zucker <jzucker@reubenlaw.com>
Subject: Liquor License Transfers - 1750 Harrison Street - Total Wine & More

Greetings,

The office of the Clerk of the Board has received a letter requesting public convenience or necessity findings for a liquor license issuance. I'm referring this matter to you for response via the following linked document:

[Referral Letter - Planning and Police Departments – December 2, 2022](#)

You may review the entire matter on our [Legislative Research Center](#) by following the link below:

REUBEN, JUNIUS & ROSE, LLP

Justin Zucker
jzucker@reubenlaw.com

November 30, 2022

Delivered Via Messenger

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: Liquor License "PCN" Request
1750 Harrison Street
Our File No.: 12160.01**

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2022 NOV 30 PM 2:56
BY
JZR

Dear Ms. Calvillo:

Per Justin Zucker's request, please find enclosed PCN request to the Board of Supervisors related to the above referenced matter.

Please note, Reuben, Junius & Rose, LLP retains an electronic copy only of these documents, and the original documents are for your records.

Should you have any questions, do not hesitate to contact our office.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



**Nancy Gutierrez
Legal Assistant to Attorney**

REUBEN, JUNIUS & ROSE, LLP

Justin A. Zucker
jzucker@reubenlaw.com

November 30, 2022

Delivered Via Messenger

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: Liquor License “PCN” Request
1750 Harrison Street
Our File No.: 12160.01**

Dear Ms. Calvillo:

Our office represents Total Wine & More (“**Total Wine**”), the project sponsor of a new specialty wine superstore at 1750 Harrison Street (the “**Project**”). Total Wine applied for building permits to make tenant improvements for the new store, which was under [BPA No. 2022.0808.0083](#) on August 8, 2022, and [BPA No. 2022.1007.3990](#) on October 7, 2022, both with the Department of Building Inspections. On November 7, 2022, the Planning Department reviewed and approved the Alcoholic Beverage Control referral in Case No. 2022-010802MIS.

Total Wine is seeking a type-21 (off-sale general), type-42 (on-sale beer & wine – public premises), and type-86 (instructional tasting) license from the California Department of Alcoholic Beverage Control (“**ABC**”; ABC report attached as **Exhibit A**). Total Wine has filed an application with the ABC for license transfers. The type-21, type-42, and type-86 license would be transferred from Fox Market located at 570 Larkin Street (previous license No. 21-517840; ABC report attached as **Exhibit B**). Due to the overconcentration of type-21 ABC licenses in this census tract and the Project’s location in a high crime reporting district, Total Wine must obtain a determination by the Board of Supervisors that the public convenience or necessity will be served by the issuance of the type 21 license for operations at 1750 Harrison Street.

The Project will establish a wine superstore at 1750 Harrison Street within the existing building located on the site bound by 13th Street and the elevated Central Freeway, Harrison, 14th, and Trainor Streets. The existing tenant space was previously occupied by Office Max, an office supply and furniture superstore, which closed earlier this month (November 2022). Total Wine proposes interior renovations to convert the approximately 23,000 square foot tenant space to a specialty wine, beer, and liquor store, including space for tastings and seminars, and humidors and other accessory facilities necessary to keep the assorted wine and products in their prime condition.

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
492 9th Street, Suite 200, Oakland, CA 94607
tel: 510-527-5589

www.reubenlaw.com

Angela Calvillo
Clerk of the Board of Supervisors
November 30, 2022
Page 2 of 3

The Project is anticipated to primarily serve local and Citywide residents as is typical of stores located in this area, and is conveniently located to serve City residents by its close proximity to the freeway as well as local artery and connector streets.

The Total Wine will sell a wide range of fine and specialty wines, beers, and spirits. The typical Total Wine store carries over 8,000 different wines from every wine-producing region in the world, more than 2,500 beers, including imports and hard-to-find microbrews, and over 3,000 types of spirits in every style and price range. Typical business hours will be approximately 9 a.m. to 10 p.m. daily. Business hours may be extended in advance of major holidays to accommodate increased demand and for the convenience of customers.

Total Wine will be operated by a company with great expertise in the procurement and retailing of wines, beers, and spirits. The new specialty wine superstore at 1750 Harrison Street will offer an incredible range of wines, beers, and spirits—including rare and hard-to-find offerings, such as wines from every wine-growing region in the world, and beers from numerous microbreweries across the nation. Total Wine's curated, yet expansive, selection of goods, along with the option of in-store tastings, would serve the public convenience or necessity by increasing the variety and availability of wines, beers, and spirits, and creating the opportunity for City residents to try and discover new favorites with the guidance of knowledgeable and experienced staff.

The new Total Wine will provide area residents, nearby workers, and visitors with a shopping experience at a location that is easily accessible and appropriate for the large range of options and expected customer volume. While there are seven (7) other establishments in the census tract with type-21 off-sales licenses, none are specialty wine superstores with the large range of curated goods like those offered by Total Wine. For the most part, they are corner markets/bodegas, gas stations, or grocery stores with a limited selection of popular brands. One (1) establishment with a type-20 license off-sale beer & wine license, Premium Port Wines Inc. while having a similar focus on specialty wines, is a distributor and does not appear to be a direct-to-consumer retailer. (*See* https://www.premiumport.com/about_us, last visited November 10, 2022.)

Allowing a type-21 off-sales license for Total Wine would serve the public convenience and necessity by establishing an alcohol retailer that is a responsible retailer with training and a management policy as well as equipment for controlling the sale of alcohol. Total Wine will extensively train its employees related to alcohol sales at new hire orientations, including acknowledgement of the store's alcohol sale policy. The store will be equipped with smart registers programmed to lock upon an alcohol sale until the cashier enters the customer's birthdate to confirm she/he is of age before proceeding. In addition, the store will be equipped with a state-of-the-art camera system with 90-day memory storage.

Total Wine has completed the ABC noticing requirements pursuant to state law. Total Wine sent mailed notice regarding the proposed ABC license to all residents within 500 feet of the Project on November 29, 2022 and posted notice on the Project site on the November 29, 2022.

Angela Calvillo
Clerk of the Board of Supervisors
November 30, 2022
Page 3 of 3

For the reasons outlined above, I respectfully request that this letter be forwarded to the Public Safety and Neighborhood Services Committee of the Board and that the Committee and the full Board of Supervisors make a determination under California Business & Professions Code §23958.4 that the public need or convenience would be served by the transfer of a type-21 (off-sale general) license to Total Wine.

Please contact me at 415-567-9000 with any questions.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Justin A. Zucker

Enclosures

Exhibit A



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Wednesday, November 09, 2022

LICENSE INFORMATION

License Number: 643675 **Primary Owner:** CALIFORNIA FINE WINE & SPIRITS LLC

Office of Application: 24 - SAN FRANCISCO

BUSINESS NAME

TOTAL WINE & MORE

BUSINESS ADDRESS

1750 HARRISON ST , SAN FRANCISCO, CA, 94103

County: SAN FRANCISCO **Census Tract:** 0177.00

LICENSEE INFORMATION

Licensee: CALIFORNIA FINE WINE & SPIRITS LLC

Company Information

OFFICER: RSSI MANAGEMENT INC (MANAGING MEMBER)

OFFICER: JET 2008 RECEIVING TRUST (MEMBER)

OFFICER: MCT 2008 RECEIVING TRUST (MEMBER)

OFFICER: NRT 2008 RECEIVING TRUST (MEMBER)

OFFICER: RJT 2008 RECEIVING TRUST (MEMBER)

OFFICER: SPT 2005 TRUST (MEMBER)

OFFICER: SPT 2015 CAL RECEIVING TRUST (MEMBER)

OFFICER: TRONE, DAVID JOHN (MEMBER)

OFFICER: TRONE, ROBERT LEE (MEMBER)

OFFICER: HAUBENSTRICKER, THOMAS A (VICE PRESIDENT)

MEMBER: JET 2008 RECEIVING TRUST

MEMBER: MCT 2008 RECEIVING TRUST

MEMBER: NRT 2008 RECEIVING TRUST

MEMBER: RJT 2008 RECEIVING TRUST

MEMBER: SPT 2005 TRUST

MEMBER: SPT 2015 CAL RECEIVING TRUST

MEMBER: TRONE, DAVID JOHN

MEMBER: TRONE, ROBERT LEE

LICENSE TYPES

Allow up to six weeks for expiration date updates after fee waiver or renewal fee submittal.

21 - OFF-SALE GENERAL

License Type Status: PENDING **Status Date:** 28-OCT-2022 **Term:** 12 Month(s)

Original Issue Date: **Expiration Date:** **Master:** Y **Duplicate:** **Fee Code:** P40 **Transfers:**

From License Number: [21-517840](#)

42 - ON-SALE BEER AND WINE - PUBLIC PREMISES

License Type Status: PENDING **Status Date:** 28-OCT-2022 **Term:** 12 Month(s)

Original Issue Date: **Expiration Date:** **Master:** Y **Duplicate:** **Fee Code:** P40 **Transfers:**

From License Number: [21-517840](#)

86 - INSTRUCTIONAL TASTING LICENSE

License Type Status: PENDING **Status Date:** 28-OCT-2022 **Term:** 12 Month(s)

Original Issue Date: **Expiration Date:** **Master:** Y **Duplicate:** **Fee Code:** P40 **Transfers:**

From License Number: 21-517840

OPERATING RESTRICTIONS:

No Operating Restrictions found

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:

Hold Type: FORM 220 **Hold Date:** 01-NOV-2022

ESCROWS:

CALIFORNIA BUSINESS ESCROW INC, 1748 MAIN ST ESCALON,CALIFORNIA 95320

Exhibit B



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Wednesday, November 09, 2022

LICENSE INFORMATION

License Number: 517840 **Primary Owner:** VG LIQUOR CORP **Office of Application:**
24 - SAN FRANCISCO

BUSINESS NAME

FOX MARKET

BUSINESS ADDRESS

570 LARKIN ST , SAN FRANCISCO, CA, 94102

County: SAN FRANCISCO **Census Tract:** 0124.03

LICENSEE INFORMATION

Licensee: VG LIQUOR CORP

Company Information

OFFICER: VIRK, KAMALJIT (CHIEF FINANCIAL OFFICER)

OFFICER: VIRK, KAMALJIT (DIRECTOR)

OFFICER: GANDHI, DIPAK BHOGILAL (PRESIDENT)

OFFICER: GANDHI, DIPAK BHOGILAL (DIRECTOR)

OFFICER: GANDHI, HANSABEN DIPAK (DIRECTOR)

OFFICER: GANDHI, HANSABEN DIPAK (SECRETARY/ASST SEC)

OFFICER: VIRK, ALAMJEET (VICE PRESIDENT)

OFFICER: VIRK, ALAMJEET (DIRECTOR)

STOCKHOLDER: GANDHI, DIPAK BHOGILAL

STOCKHOLDER: GANDHI, HANSABEN DIPAK

STOCKHOLDER: VIRK, ALAMJEET

STOCKHOLDER: VIRK, KAMALJIT

LICENSE TYPES

Allow up to six weeks for expiration date updates after fee waiver or renewal fee submittal.

21 - OFF-SALE GENERAL

License Type Status: SURRENDERED **Status Date:** 06-OCT-2022 **Term:** 12 Month(s)

Original Issue Date: 03-APR-2012 **Expiration Date:** 31-MAR-2023 **Master:** Y **Duplicate:** 0

From License Number: 21-245755

Transferred On: 03-APR-2012

Fee Code: P40 **Transfers:** To License Number: 21-643675

OPERATING RESTRICTIONS:

*Operating Restrictions exist. For more information, please see our [Guidelines for Access to Records](#).

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:

No Active Holds found

ESCROWS:

No Escrow found

TO: Department of Alcoholic Beverage Control
 33 NEW MONTGOMERY STREET
 STE 1230
 SAN FRANCISCO, CA 94105
 (415) 356-6500

File Number: 643675
 Receipt Number: 2759948
 Geographical Code: 3800
 Copies Mailed Date: November 1, 2022
 Issued Date:

(951) 698-6868

DISTRICT SERVING LOCATION: SAN FRANCISCO

First Owner: CALIFORNIA FINE WINE & SPIRITS LLC

Name of Business: TOTAL WINE & MORE

Location of Business: 1750 HARRISON ST
 SAN FRANCISCO, CA 94103-4227

County: SAN FRANCISCO

Is Premises inside city limits? Yes

Census Tract: 0177.00

Mailing Address:(If different from premises address) 6600 ROCKLEDGE DR
 STE 150
 BETHESDA, MD 20817-1806

Type of license(s): 21, 42, 86

Dropping Partner: Yes No

Transferor's license/name: 517840 / VG LIQUOR CORP

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2022 NOV -4 AM 8:55
 BY *[Signature]*

License Type	Transaction Type	Master	Secondary LT And Count
42 - On-Sale Beer And Wine - Public P	ORI	Y	
86 - Instructional Tasting License	ORI	Y	
21 - Off-Sale General	PER/PRM	Y	

License Type	Transaction Description	Fee Code	Dup	Date	Fee
Application Fee	DBL TRF: PREMISES AND PERSON	NA	0	11/01/22	\$1,305.00
86 - Instructional Tasting License	ANNUAL FEE	NA	0	11/01/22	\$405.00
42 - On-Sale Beer And Wine - Pul	ANNUAL FEE	NA	0	11/01/22	\$590.00
21 - Off-Sale General	ANNUAL FEE	NA	0	11/01/22	\$849.00
Total					\$3,149.00

Have you ever been convicted of a felony? **No**
 Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of SAN FRANCISCO Date: October 28, 2022

Applicant Name(s)
CALIFORNIA FINE WINE & SPIRITS LLC

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Friday, December 2, 2022 5:00 PM
To: CPC.Referrals; Salmonson, Joel (POL)
Cc: Wong, Joanne (POL); Jonas, Stephen (POL); Wong, Alan (BOS); Alabanza, Analyn@ABC; amarjit.tamber@abc.ca.gov; Ferrigno, Jennifer (BOS); Herrera, Ana (BOS); Lerma, Santiago (BOS); Saini, Nikita (BOS); Oropeza, Edgar (CPC); Justin A. Zucker
Subject: Liquor License Transfers - 1750 Harrison Street - Total Wine & More
Categories: 221222

Greetings,

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[Referral Letter - Planning and Police Departments – December 2, 2022](#)

You may review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 221222](#)

After receiving review from the Planning and Police Departments, the Public Safety and Neighborhood Services Committee may hear and consider public convenience or necessity findings for the application, to be forwarded to the California Department of Alcoholic Beverage Control for consideration in the license matter.

The Public Safety and Neighborhood Services Committee may tentatively schedule this hearing for a regular meeting in January of 2023.

I request the Planning Department's response before December 16, 2022. Please confirm receipt of this message.

You may review the fact sheet for public convenience or necessity requests from the San Francisco Board of Supervisors via the following link:

[Liquor License Public Convenience or Necessity Request](#)

Thanks for the review.

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415) 554-4445

(VIRTUAL APPOINTMENTS) To schedule a virtual meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

BOARD of SUPERVISORS



City Hall
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Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

TO: Planning Department
Attn: _____
Phone No. _____

DATE: December 2, 2022

AP Block/Lot Nos.: 3529 / 051
Zoning: PDR 1 G 58-X

TO: Police Department
Joel Salmonson
Phone No. (415) 553-1115

Quad: _____
Record No.: _____

Please submit your response within three weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for the regular meeting of January 26, 2022.

PLEASE EMAIL YOUR RESPONSE by December 16, 2022, to:
John Carroll, Public Safety and Neighborhood Services Committee Clerk.
john.carroll@sfgov.org ~ (415) 554-4445

Applicant name: California Wine and Spirits LLC

Business name: Total Wine & More

Application address: 1750 Harrison Street
San Francisco, CA 94103

Applicant contact info: Justin A. Zucker
jzucker@reubenlaw.com
415-567-9000

PLANNING REVIEW: Approval Denial

Planning Staff Contact: _____
(Please add comments on a trailing page.)

POLICE REVIEW: Approval Denial

(Please add comments in a trailing report.)

REUBEN, JUNIUS & ROSE, LLP

Justin Zucker
jzucker@reubenlaw.com

November 30, 2022

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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: Liquor License "PCN" Request
1750 Harrison Street
Our File No.: 12160.01**

RECEIVED
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SAN FRANCISCO
2022 NOV 30 PM 2:56
BY
JZR

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Please note, Reuben, Junius & Rose, LLP retains an electronic copy only of these documents, and the original documents are for your records.

Should you have any questions, do not hesitate to contact our office.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



**Nancy Gutierrez
Legal Assistant to Attorney**

REUBEN, JUNIUS & ROSE, LLP

Justin A. Zucker
jzucker@reubenlaw.com

November 30, 2022

Delivered Via Messenger

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: Liquor License “PCN” Request
1750 Harrison Street
Our File No.: 12160.01**

Dear Ms. Calvillo:

Our office represents Total Wine & More (“**Total Wine**”), the project sponsor of a new specialty wine superstore at 1750 Harrison Street (the “**Project**”). Total Wine applied for building permits to make tenant improvements for the new store, which was under [BPA No. 2022.0808.0083](#) on August 8, 2022, and [BPA No. 2022.1007.3990](#) on October 7, 2022, both with the Department of Building Inspections. On November 7, 2022, the Planning Department reviewed and approved the Alcoholic Beverage Control referral in Case No. 2022-010802MIS.

Total Wine is seeking a type-21 (off-sale general), type-42 (on-sale beer & wine – public premises), and type-86 (instructional tasting) license from the California Department of Alcoholic Beverage Control (“**ABC**”; ABC report attached as [Exhibit A](#)). Total Wine has filed an application with the ABC for license transfers. The type-21, type-42, and type-86 license would be transferred from Fox Market located at 570 Larkin Street (previous license No. 21-517840; ABC report attached as [Exhibit B](#)). Due to the overconcentration of type-21 ABC licenses in this census tract and the Project’s location in a high crime reporting district, Total Wine must obtain a determination by the Board of Supervisors that the public convenience or necessity will be served by the issuance of the type 21 license for operations at 1750 Harrison Street.

The Project will establish a wine superstore at 1750 Harrison Street within the existing building located on the site bound by 13th Street and the elevated Central Freeway, Harrison, 14th, and Trainor Streets. The existing tenant space was previously occupied by Office Max, an office supply and furniture superstore, which closed earlier this month (November 2022). Total Wine proposes interior renovations to convert the approximately 23,000 square foot tenant space to a specialty wine, beer, and liquor store, including space for tastings and seminars, and humidors and other accessory facilities necessary to keep the assorted wine and products in their prime condition.

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
492 9th Street, Suite 200, Oakland, CA 94607
tel: 510-527-5589

www.reubenlaw.com

Angela Calvillo
Clerk of the Board of Supervisors
November 30, 2022
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The Project is anticipated to primarily serve local and Citywide residents as is typical of stores located in this area, and is conveniently located to serve City residents by its close proximity to the freeway as well as local artery and connector streets.

The Total Wine will sell a wide range of fine and specialty wines, beers, and spirits. The typical Total Wine store carries over 8,000 different wines from every wine-producing region in the world, more than 2,500 beers, including imports and hard-to-find microbrews, and over 3,000 types of spirits in every style and price range. Typical business hours will be approximately 9 a.m. to 10 p.m. daily. Business hours may be extended in advance of major holidays to accommodate increased demand and for the convenience of customers.

Total Wine will be operated by a company with great expertise in the procurement and retailing of wines, beers, and spirits. The new specialty wine superstore at 1750 Harrison Street will offer an incredible range of wines, beers, and spirits—including rare and hard-to-find offerings, such as wines from every wine-growing region in the world, and beers from numerous microbreweries across the nation. Total Wine's curated, yet expansive, selection of goods, along with the option of in-store tastings, would serve the public convenience or necessity by increasing the variety and availability of wines, beers, and spirits, and creating the opportunity for City residents to try and discover new favorites with the guidance of knowledgeable and experienced staff.

The new Total Wine will provide area residents, nearby workers, and visitors with a shopping experience at a location that is easily accessible and appropriate for the large range of options and expected customer volume. While there are seven (7) other establishments in the census tract with type-21 off-sales licenses, none are specialty wine superstores with the large range of curated goods like those offered by Total Wine. For the most part, they are corner markets/bodegas, gas stations, or grocery stores with a limited selection of popular brands. One (1) establishment with a type-20 license off-sale beer & wine license, Premium Port Wines Inc. while having a similar focus on specialty wines, is a distributor and does not appear to be a direct-to-consumer retailer. (*See* https://www.premiumport.com/about_us, last visited November 10, 2022.)

Allowing a type-21 off-sales license for Total Wine would serve the public convenience and necessity by establishing an alcohol retailer that is a responsible retailer with training and a management policy as well as equipment for controlling the sale of alcohol. Total Wine will extensively train its employees related to alcohol sales at new hire orientations, including acknowledgement of the store's alcohol sale policy. The store will be equipped with smart registers programmed to lock upon an alcohol sale until the cashier enters the customer's birthdate to confirm she/he is of age before proceeding. In addition, the store will be equipped with a state-of-the-art camera system with 90-day memory storage.

Total Wine has completed the ABC noticing requirements pursuant to state law. Total Wine sent mailed notice regarding the proposed ABC license to all residents within 500 feet of the Project on November 29, 2022 and posted notice on the Project site on the November 29, 2022.

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November 30, 2022
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For the reasons outlined above, I respectfully request that this letter be forwarded to the Public Safety and Neighborhood Services Committee of the Board and that the Committee and the full Board of Supervisors make a determination under California Business & Professions Code §23958.4 that the public need or convenience would be served by the transfer of a type-21 (off-sale general) license to Total Wine.

Please contact me at 415-567-9000 with any questions.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP


Justin A. Zucker

Enclosures

Exhibit A



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Wednesday, November 09, 2022

LICENSE INFORMATION

License Number: 643675 **Primary Owner:** CALIFORNIA FINE WINE & SPIRITS LLC

Office of Application: 24 - SAN FRANCISCO

BUSINESS NAME

TOTAL WINE & MORE

BUSINESS ADDRESS

1750 HARRISON ST , SAN FRANCISCO, CA, 94103

County: SAN FRANCISCO **Census Tract:** 0177.00

LICENSEE INFORMATION

Licensee: CALIFORNIA FINE WINE & SPIRITS LLC

Company Information

OFFICER: RSSI MANAGEMENT INC (MANAGING MEMBER)

OFFICER: JET 2008 RECEIVING TRUST (MEMBER)

OFFICER: MCT 2008 RECEIVING TRUST (MEMBER)

OFFICER: NRT 2008 RECEIVING TRUST (MEMBER)

OFFICER: RJT 2008 RECEIVING TRUST (MEMBER)

OFFICER: SPT 2005 TRUST (MEMBER)

OFFICER: SPT 2015 CAL RECEIVING TRUST (MEMBER)

OFFICER: TRONE, DAVID JOHN (MEMBER)

OFFICER: TRONE, ROBERT LEE (MEMBER)

OFFICER: HAUBENSTRICKER, THOMAS A (VICE PRESIDENT)

MEMBER: JET 2008 RECEIVING TRUST

MEMBER: MCT 2008 RECEIVING TRUST

MEMBER: NRT 2008 RECEIVING TRUST

MEMBER: RJT 2008 RECEIVING TRUST

MEMBER: SPT 2005 TRUST

MEMBER: SPT 2015 CAL RECEIVING TRUST

MEMBER: TRONE, DAVID JOHN

MEMBER: TRONE, ROBERT LEE

LICENSE TYPES

Allow up to six weeks for expiration date updates after fee waiver or renewal fee submittal.

21 - OFF-SALE GENERAL

License Type Status: PENDING **Status Date:** 28-OCT-2022 **Term:** 12 Month(s)

Original Issue Date: **Expiration Date:** **Master:** Y **Duplicate:** **Fee Code:** P40 **Transfers:**

From License Number: [21-517840](#)

42 - ON-SALE BEER AND WINE - PUBLIC PREMISES

License Type Status: PENDING **Status Date:** 28-OCT-2022 **Term:** 12 Month(s)

Original Issue Date: **Expiration Date:** **Master:** Y **Duplicate:** **Fee Code:** P40 **Transfers:**

From License Number: [21-517840](#)

86 - INSTRUCTIONAL TASTING LICENSE

License Type Status: PENDING **Status Date:** 28-OCT-2022 **Term:** 12 Month(s)

Original Issue Date: **Expiration Date:** **Master:** Y **Duplicate:** **Fee Code:** P40 **Transfers:**

From License Number: 21-517840

OPERATING RESTRICTIONS:

No Operating Restrictions found

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:

Hold Type: FORM 220 **Hold Date:** 01-NOV-2022

ESCROWS:

CALIFORNIA BUSINESS ESCROW INC, 1748 MAIN ST ESCALON,CALIFORNIA 95320

Exhibit B



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Wednesday, November 09, 2022

LICENSE INFORMATION

License Number: 517840 **Primary Owner:** VG LIQUOR CORP **Office of Application:**
24 - SAN FRANCISCO

BUSINESS NAME

FOX MARKET

BUSINESS ADDRESS

570 LARKIN ST , SAN FRANCISCO, CA, 94102

County: SAN FRANCISCO **Census Tract:** 0124.03

LICENSEE INFORMATION

Licensee: VG LIQUOR CORP

Company Information

OFFICER: VIRK, KAMALJIT (CHIEF FINANCIAL OFFICER)

OFFICER: VIRK, KAMALJIT (DIRECTOR)

OFFICER: GANDHI, DIPAK BHOGILAL (PRESIDENT)

OFFICER: GANDHI, DIPAK BHOGILAL (DIRECTOR)

OFFICER: GANDHI, HANSABEN DIPAK (DIRECTOR)

OFFICER: GANDHI, HANSABEN DIPAK (SECRETARY/ASST SEC)

OFFICER: VIRK, ALAMJEET (VICE PRESIDENT)

OFFICER: VIRK, ALAMJEET (DIRECTOR)

STOCKHOLDER: GANDHI, DIPAK BHOGILAL

STOCKHOLDER: GANDHI, HANSABEN DIPAK

STOCKHOLDER: VIRK, ALAMJEET

STOCKHOLDER: VIRK, KAMALJIT

LICENSE TYPES

Allow up to six weeks for expiration date updates after fee waiver or renewal fee submittal.

21 - OFF-SALE GENERAL

License Type Status: SURRENDERED **Status Date:** 06-OCT-2022 **Term:** 12 Month(s)

Original Issue Date: 03-APR-2012 **Expiration Date:** 31-MAR-2023 **Master:** Y **Duplicate:** 0

From License Number: 21-245755

Transferred On: 03-APR-2012

Fee Code: P40 **Transfers:** To License Number: 21-643675

OPERATING RESTRICTIONS:

*Operating Restrictions exist. For more information, please see our [Guidelines for Access to Records](#).

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:

No Active Holds found

ESCROWS:

No Escrow found

TO: Department of Alcoholic Beverage Control
 33 NEW MONTGOMERY STREET
 STE 1230
 SAN FRANCISCO, CA 94105
 (415) 356-6500

File Number: 643675
 Receipt Number: 2759948
 Geographical Code: 3800
 Copies Mailed Date: November 1, 2022
 Issued Date:

(951) 698-6868

DISTRICT SERVING LOCATION: SAN FRANCISCO

First Owner: CALIFORNIA FINE WINE & SPIRITS LLC

Name of Business: TOTAL WINE & MORE

Location of Business: 1750 HARRISON ST
 SAN FRANCISCO, CA 94103-4227

County: SAN FRANCISCO

Is Premises inside city limits? Yes

Census Tract: 0177.00

Mailing Address:(If different from premises address) 6600 ROCKLEDGE DR
 STE 150
 BETHESDA, MD 20817-1806

Type of license(s): 21, 42, 86

Dropping Partner: Yes No

Transferor's license/name: 517840 / VG LIQUOR CORP

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2022 NOV -4 AM 8:55
 BY *[Signature]*

License Type	Transaction Type	Master	Secondary LT And Count
42 - On-Sale Beer And Wine - Public P	ORI	Y	
86 - Instructional Tasting License	ORI	Y	
21 - Off-Sale General	PER/PRM	Y	

License Type	Transaction Description	Fee Code	Dup	Date	Fee
Application Fee	DBL TRF: PREMISES AND PERSON	NA	0	11/01/22	\$1,305.00
86 - Instructional Tasting License	ANNUAL FEE	NA	0	11/01/22	\$405.00
42 - On-Sale Beer And Wine - Pul	ANNUAL FEE	NA	0	11/01/22	\$590.00
21 - Off-Sale General	ANNUAL FEE	NA	0	11/01/22	\$849.00
Total					\$3,149.00

Have you ever been convicted of a felony? **No**
 Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of SAN FRANCISCO Date: October 28, 2022

Applicant Name(s)
CALIFORNIA FINE WINE & SPIRITS LLC