

File No. 141063

Committee Item No. 2

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Neighborhood Services & Safety Date January 15, 2015

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)

- Liquor License PCN Request \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
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- \_\_\_\_\_
- \_\_\_\_\_

Completed by: Derek Evans Date 1/9/15

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 Neighborhood Services and Safety

**Supervisor David Campos**  
**Supervisor Eric Mar**  
**Supervisor Norman Yee**

**From:** Lieutenant Dave Falzon  
ABC Liaison Unit (ALU) 553-1049

**Date:** January 7, 2015

**Subject:** P.C.N. Investigation Regarding:

DBA: K&L Wine Merchants  
855 Harrison Street  
Todd Zucker  
650/556-2715

BBCK Enterprises, Inc. (K&L Wine Merchants) has filed an application with the California Department of Alcoholic Beverage Control (ABC) seeking to transfer its existing Type-21,42,77,86 (Off-Sale General, On-Sale Beer & Wine, Event Permit and Instructional Tasting License) for 855 Harrison Street (located between 4<sup>th</sup> and 5<sup>th</sup> street).

It should be noted that during the application process, notification date for the 500' mailer was on September 9, 2014. The Notice to the Public was posted on September 8, 2014.

**Police Calls for Service:**

From August 5, 2013 to August 5, 2014

21

**Police Reports:**

From August 5, 2013 to August 5, 2014

9

**San Francisco Plot Information:**

This premise is located in Plot 260

The High Crime area is defined as 99 or more police reports in a plot.

This plot had 87 police incidents recorded for 2013.

Applicant premises is **not** located in a "High Crime" area.

**State Census Tract Information:**

This premise is located in Census Tract 0180.00

Population for this tract is: 4221

On-sale license authorized by census tract: 14

Active on-sale licenses: 36

Off-sale licenses authorized by census tract: 4

Active off-sale licenses: 10

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

**Letters of Protest:**

0 recorded with the California Department of Alcoholic Beverage Control, (ABC).

**Letters of Support:**

0 recorded with the California Department of Alcoholic Beverage Control, (ABC).

**Departmental Recommendation:**

Southern Police Station is **not** opposed to this application.

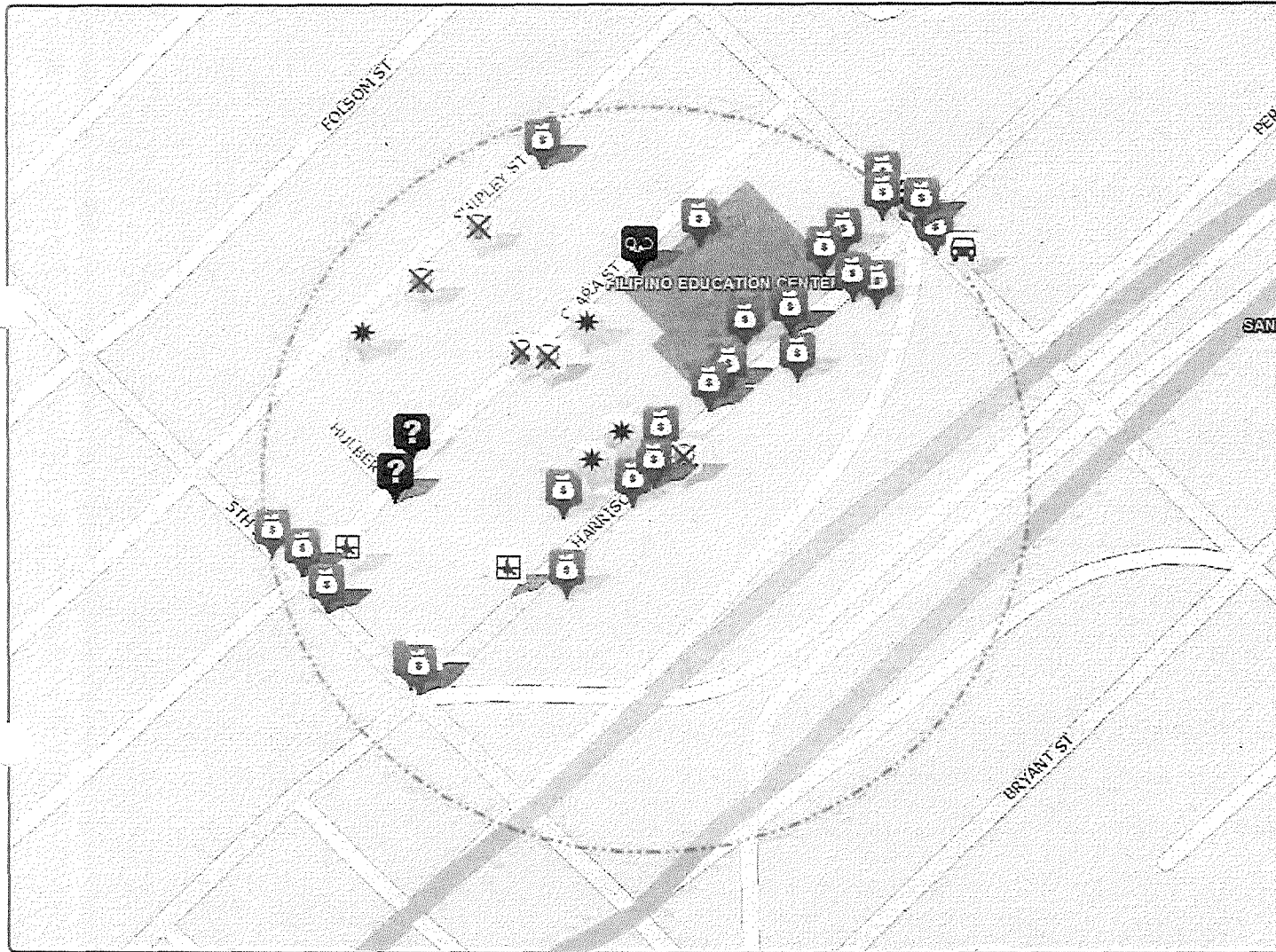
ALU recommends approval. The following condition(s) have been recommended to the California Department of Alcoholic Beverage Control, (ABC):

1. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences. Said parking lot shall be policed daily on a regular basis for litter, graffiti and loitering.

It should be noted that Beth Aboulafia (attorney for applicant) was contacted and stated that the applicant agrees with the above noted condition.

855 Harrison Street 21,42,77,86-547841  
 8/5/2013-8/4/2014 500 Ft.

San Francisco Police Department 



Map Legend	
	Incidents (282)
	Larceny/Theft (158)
	Non-Criminal (26)
	Vandalism (16)
	Other Offenses (15)
	Warrants (12)
	Assault (11)
	Warrants (9)
	Burglary (8)
	Missing Person (5)
	Robbery (5)
	Suspicious Occurrence (4)
	Vehicle Theft (3)
	Fraud (3)
	Secondary Codes (2)
	Weapon Laws (2)
	Runaway (1)
	Drunkenness (1)
	D.U.I. (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.

CrimeView Server  
 Printed: 1/6/2015 1:24:32 PM

Panforma Karaoke & Bar  
855 Harrison St  
San Francisco, CA 94107

Directions Save

Street View



Explore this area

Search nearby · pizza · coffee shops · clothing stores

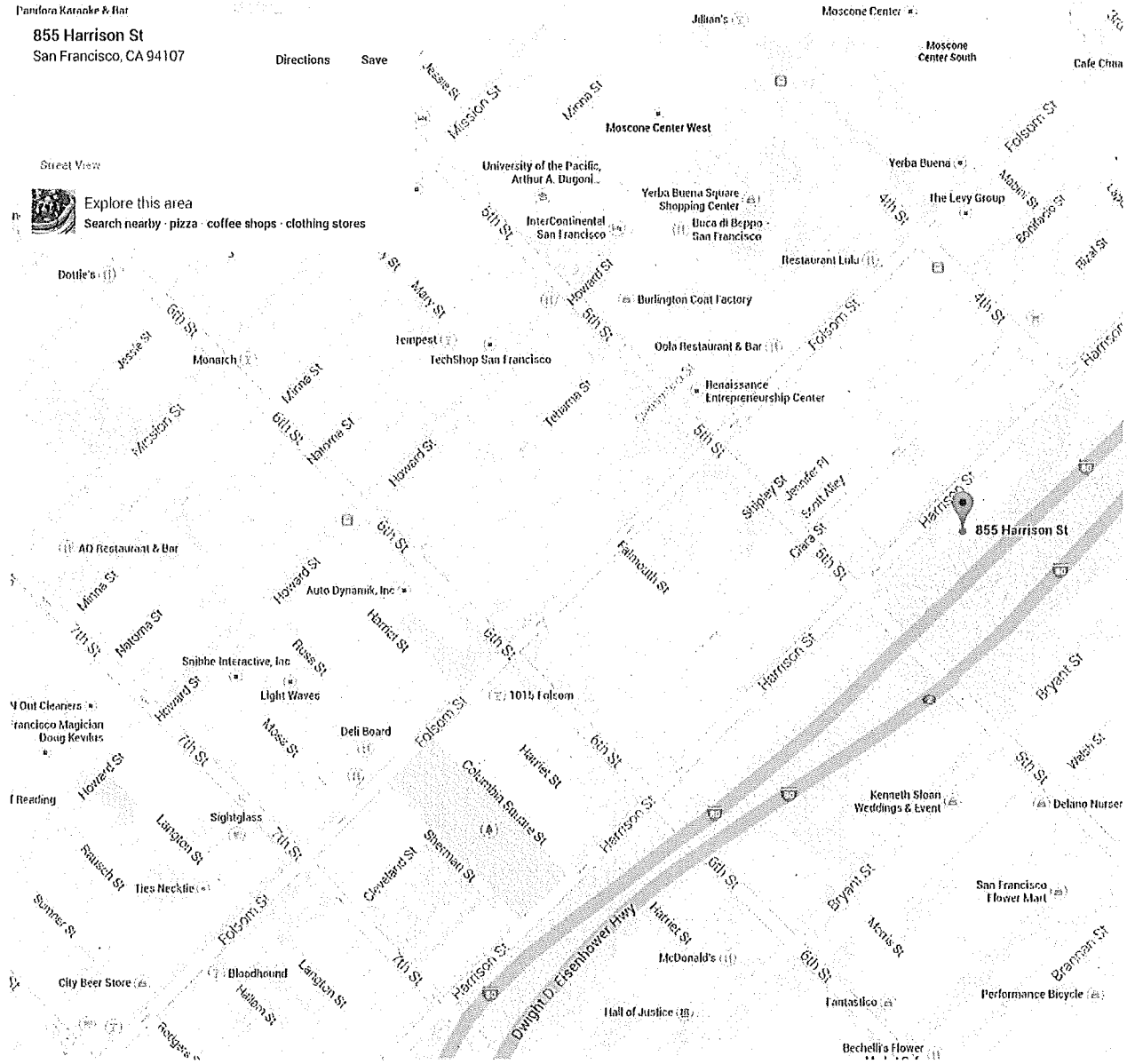




Image capture: Aug 2014 © 2015 Google

## LIQUOR LICENSE REVIEW

**TO:** Planning Department **File:** 141063  
AnMarie Rodgers/CTYPLN/SFGOV  
Georgia Powell/CTYPLN/SFGOV@SFGOV  
Fax No.: 558-6409

**TO:** Police Department  
Lieutenant Edward Santos  
Officer Alberto Duarte  
Fax No.: 553-1463

Block/Lot: 3761/002  
Zoning: SALI  
Quad: SE  
MS # 1401830

**DATE:** October 16, 2014

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

**PLEASE EMAIL YOUR RESPONSE BY:** November 21, 2014, to Derek Evans,  
Clerk, Neighborhood Services and Safety Committee.

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

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**Applicant Name:** Todd Zucker  
**and Business Name:** BBCK Enterprises, Inc., dba K & L Wine Merchants  
(855 Harrison Street)

**Applicant Address:** 638 Fourth Street  
San Francisco, CA 94107  
**and Phone No.** (650) 556-2715

**PLANNING COMMENTS:**  Approval  Denial

*Proposed use*  
in regards to use size, but new retail use does not  
constitute an intensification per Planning Code

**POLICE COMMENTS:**  Approval  Denial

Section  
186.1(b).

*Brittany Bendis*

*12/1/14*





October 8<sup>th</sup> 2014

Angela Calvillo  
Clerk of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, California 94102

Re: Request for Resolution of Public Convenience or Necessity  
BBCK Enterprises, Inc., dba K & L Wine Merchants  
855 Harrison Street, San Francisco 94107

Dear Ms. Calvillo:

BBCK Enterprises, Inc. ("K & L Wine Merchants") has applied to the Department of Alcoholic Beverage Control to transfer its existing Type 21/42/86/77 alcohol beverage licenses from its current location at 638 4<sup>th</sup> St. to a new location within the same census tract at 855 Harrison St. Because the census tract has an "undue concentration" of off-sale licenses under Section 23958.4 of the Business and Professions Code, we are requesting a determination by the Board of Supervisors that public convenience or necessity will be served by issuance of the licenses.

Our store has been in the neighborhood for 23 years, originally at 768 Harrison St. and 766 Harrison St., and for the past 11 ½ years at our current location on 4<sup>th</sup> St. near Brannan. We are now relocating K & L Wine Merchants to a new location at 855 Harrison where we can continue to serve the community with a upscale, premium wine and spirits store.

K & L Wine Merchants is a family-owned company, in business since 1976. We specialize in the sale of premium wines and spirits. We do not sell tobacco, food products, or inexpensive small sizes of spirits. Our buyers travel annually to the main wine growing regions of the world, discovering unique wines and high-end spirits that are generally not available elsewhere. Many of our wine professionals reside in San Francisco, and several of our staff members have been with us for 10-15 years.

We are recognized by the esteemed magazine, Wine Spectator as being one of the top 10 wine retailers in the United States, and for having the best wine website in the United States. The Wall Street Journal, Time Magazine, and Money Magazine have designated our website as one of the best in the country.

**Redwood City**  
3005 El Camino Real  
Redwood City, CA 94061  
Phone: (650) 364-8544  
Fax: (650) 364-4687

**San Francisco**  
638 4th Street  
San Francisco, CA 94107  
Phone: (415) 896-1734  
Fax: (415) 896-1739

**Hollywood**  
1400 Vine Street  
Hollywood, CA 90028  
Phone: (323) 464-9463  
Fax: (323) 836-0853

**klwines.com**  
Toll Free 877-KLWines  
(877-559-4637)

Angela Calvillo  
Clerk of the Board  
October 8, 2014  
Page 2



In addition to our retail store operations, we also hold occasional wine tastings that offer our local customers the opportunity to learn about wines from different regions of the world. Many well-known producers attend these events, giving customers the opportunity to ask questions about their properties, vintage forecasts and industry trends.

We not only strive to deliver high value to our customers, we are also committed to supporting the community. One of our partners co-founded and sits on the board of a high school educational foundation, and we embrace requests from many local charitable organizations.

For these reasons, we respectfully request that the Board of Supervisors make a finding of public convenience or necessity to allow K & L Wine Merchants to transfer its existing alcohol licenses to its new location. Please feel free to contact me, either by phone, email or written correspondence, with any questions.

Sincerely,

*Todd Zucker, President*

Todd Zucker, President  
BBCK Enterprises, Inc. dba K & L Wine Merchants  
638 4<sup>th</sup> Street  
San Francisco, CA 94107  
[todd@klwines.com](mailto:todd@klwines.com)  
650-556-2715

**Redwood City**  
3005 El Camino Real  
Redwood City, CA 94061  
Phone: (650) 364-8544  
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Toll Free 877-KLWines  
(877-559-4637)



October 16, 2014

By Hand-Delivery

Derek Evans  
Office of the Clerk of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, California 94102

Re: Request for Resolution of Public Convenience or Necessity  
BBCK Enterprises, Inc. dba K & L Wine Merchants  
855 Harrison Street, San Francisco 94107

Dear Derek,

Enclosed please find a request for a resolution of public convenience or necessity on behalf of K & L Wine Merchants.

If you have questions or need additional information, please don't hesitate to call or email me.

Regards,

A handwritten signature in cursive script that reads "Beth Aboulafia".

Beth Aboulafia  
Hinman & Carmichael LLP

Encl.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 OCT 16 PM 1:16  
RL

## Evans, Derek

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**From:** Beth Aboulafia [aboulafia@beveragelaw.com]  
**Sent:** Monday, January 05, 2015 11:37 AM  
**To:** Evans, Derek  
**Subject:** FW: K & L Wine Merchants - Relocation of business and ABC licenses  
**Attachments:** K&L-PCN Request.pdf; 2014-09-08 11 37 29 (2).jpg; 2014-09-08 11 37 20 (2).jpg; K&L-Neighbor Letter.pdf; K&L Wine Merchants

Beth Aboulafia  
Partner | Hinman & Carmichael LLP  
260 California Street, Suite 700, San Francisco, CA 94111  
P: 415.362.1215 x104 | F: 415.362.1494 | [aboulafia@beveragelaw.com](mailto:aboulafia@beveragelaw.com)

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**From:** Beth Aboulafia  
**Sent:** Thursday, October 16, 2014 12:07 PM  
**To:** [alberto.a.duarte@sfgov.org](mailto:alberto.a.duarte@sfgov.org)  
**Subject:** K & L Wine Merchants - Relocation of business and ABC licenses

Officer Duarte,

Attached are the following:

- 1) K&L's PCN request letter
- 2) Photos of the ABC notice that was posted at the new location from 9/8/14 to 10/9/14
- 3) Copy of the ABC notice and letter from K&L's President, Todd Zucker, that was sent to all residents within 500' (914 total) on 9/9/14
- 4) Email sent to Sunny Angulo in Supervisor Kim's office

If you need any further information, please feel free to contact me.

Regards,

Beth Aboulafia  
Partner | Hinman & Carmichael LLP  
260 California Street, Suite 700, San Francisco, CA 94111  
P: 415.362.1215 x104 | F: 415.362.1494 | [aboulafia@beveragelaw.com](mailto:aboulafia@beveragelaw.com)

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September 9th, 2014

Dear Neighbor:

Enclosed please find the formal notice required by the Alcoholic Beverage Control, informing you of our request to transfer our licenses from our location at 638 4<sup>th</sup> St. to our proposed new location at 855 Harrison St. We have been in your neighborhood for 23 years, originally at 768 Harrison St. and 766 Harrison St., and for the past 11 ½ years at our current location on 4<sup>th</sup> St. near Brannan.

K & L Wine Merchants is a family owned company, and we have been in business since 1976. We specialize in the sale of premium wines and spirits, and we do not sell tobacco, food products, or inexpensive small sizes of spirits.

We have been fortunate to be recognized by the publishers of the Wine Spectator as one of the top 10 wine retailers in the U.S., and for having the best wine website in the U.S. Over the past 17 years, the Wall St. Journal, Time Magazine, and Money Magazine have designated our website as one of the best in the country. Many of our wine professionals reside in San Francisco, and several of our staff members have been with us for 10-15 years.

In addition to our company's efforts to deliver value to our customers, we are committed to supporting the community. One of our partners co-founded and sits on the board of a high school educational foundation, and we embrace requests from many local charitable organizations.

Please feel free to direct any questions to me, either by phone, email, or written correspondence.

Sincerely,

*Todd Zucker, President*

Todd Zucker, President  
BBCK Enterprises, Inc, DBA K & L Wine Merchants  
638 4<sup>th</sup> Street  
San Francisco, CA 94107  
[todd@klwines.com](mailto:todd@klwines.com)  
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Fax: (323) 836-0853

**klwines.com**  
Toll Free 877-KLWines  
(877-559-4637)

**NOTICE OF INTENTION TO ENGAGE IN THE SALE OF ALCOHOLIC BEVERAGES**

ABC-207-E (9/05)

To the Resident or Owner of Real Property Within a 500' Radius:

The applicant(s) for an alcoholic beverage license must mail this notice to every resident of real property within a 500 foot radius of the premises (Section 23985.5 of the Business and Professions Code). The applicant must mail this notice within 15 days of posting the premises. Any protest against the issuance of the license(s) must be received at any office of the Department of Alcoholic Beverage Control (ABC) or Departmental Headquarters within 30 days of the date the premises are posted, or within 30 days of the mailing of this notification, whichever is later. To obtain a copy of the protest form, ABC-510-A, please contact your local ABC office or go online to [www.abc.ca.gov](http://www.abc.ca.gov).

Date of Mailing: 9/9/14 Date Premises Posted: 9/8/14

The below-named applicant(s) has applied for a license to sell alcoholic beverages at:

855 Harrison St  
San Francisco CA 94107-1124

Type of license(s) applied for:

21- Off-Sale General  
42- Off-Sale Beer and Wine Public Premises  
86- Instructional Tasting License for Off-Sale Licensees  
77- Event Permit

The name(s) of the applicant(s) is/are:

BBCK ENTERPRISES INC

The dba (doing business as) is (if known):

K & L Wine Merchants

Further information regarding this application or filing a protest may be obtained at:

**Department of Alcoholic Beverage Control**  
San Francisco District Office  
33 New Montgomery St  
Ste 1230  
San Francisco CA 94105  
415-356-6500

Los residentes o dueños que no hablen inglés por favor vean al reverso para mayor información.

非英語語系的居民或所有人，請參見背面資訊。

영어 구사 불가능 주민/소유주는 내용 확인을 위해 뒤면을 참조하십시오.

Cư dân/sở hữu chủ nào không nói tiếng Anh, xin xem mặt sau để biết chi tiết.

المقيمين/المالكين الذين لا يتكلمون اللغة الإنكليزية، رجاء مراجعة الصفحة الخلفية للحصول على المعلومات.

**NOTICE OF INTENTION TO ENGAGE IN THE SALE OF ALCOHOLIC BEVERAGES**

ABC-207-E (9/05) Reverse

El solicitante de una licencia para bebidas alcohólicas debe enviar este aviso por correo a todos los residentes de bienes inmuebles en un radio de 500 pies del establecimiento (Sección 23985.5 del Código de Negocios y Profesiones). El solicitante debe enviar este aviso antes de 15 días a partir del registro del establecimiento. Toda protesta en contra de la expedición de la(s) licencia(s) debe ser recibida en cualquier oficina del Departamento de Control de Bebidas Alcohólicas (ABC) o en la Oficina Central del Departamento hasta 30 días a partir del registro del establecimiento o hasta 30 días a partir de haber enviado por correo esta notificación, la que sea fecha posterior. Para obtener un formulario de protesta, ABC-510-A, favor de comunicarse a la oficina del ABC de su localidad o conéctese por Internet en [www.abc.ca.gov](http://www.abc.ca.gov). Si requiere ayuda, haga el favor de comunicarse a la oficina del ABC que se menciona en la parte inferior de este formulario.

酒精飲料執照的申請人必須將本通知郵寄給在其營業場地半徑 500 呎範圍內設有不動產的每一位居民 (營業與職業法第 23985.5 條)。申請人必須在公告營業場地的 15 天內寄出本通知。如對執照的發放有任何反對意見，必須於公告營業場地的 30 天內或是寄出此通知的 30 天內 (以兩者中較晚的日期為準)，寄達酒精飲料管理局 (ABC) 的任意辦公室或總局。如需反對意見表 ABC-510-A，請與當地 ABC 辦公室聯絡，或造訪 [www.abc.ca.gov](http://www.abc.ca.gov)。如果您需要協助，請與本意見表底部所列的 ABC 辦公室聯絡。

주류취급면허 신청자는 점포 소지 반경 500 푸트 내의 모든 부동산 거주민에게 본 통지서를 우송해야 합니다(전문직업법 제23985.5항). 신청자는 점포 공고 15일 이내에 본 통지서를 우송해야 합니다. 해당 면허 발행에 대한 이의는 점포 공고 30일 이내 또는 본 통지서 우송 30일 이내 중 늦은 기간 안에 주류관리부(ABC)의 모든 사무소 또는 주류관리본부에 접수되어야 합니다. 이의 제기 양식 ABC-510-A 사본을 받으려면 해당 지역 ABC 사무소에 연락하거나 [www.abc.ca.gov](http://www.abc.ca.gov)를 방문하십시오. 도움이 필요하신 경우, 본 양식 하단에 나열되어 있는 ABC 사무소에 연락하십시오.

(Những) người đang xin giấy phép bán thức uống có rượu phải gửi thông báo này cho mỗi cư dân tại các bất động sản tọa lạc trong phạm vi bán kính 500 feet từ nơi bán (Đoạn 23985.5 Bộ Luật Thương Nghiệp và Nghề Nghiệp). Dương đơn phải gửi thông báo này trong vòng 15 ngày sau khi công bố địa điểm. Bất cứ trường hợp nào phản đối việc cấp (các) giấy phép đều phải nộp cho bất cứ văn phòng nào của Bộ Kiểm Soát Thức Uống Có Rượu (ABC) hoặc Trụ Sở của Bộ trong vòng 30 ngày sau ngày công bố địa điểm, hoặc trong vòng 30 ngày sau khi gửi thông báo này, tùy theo trường hợp nào xảy ra sau. Muốn xin mẫu phản đối, ABC-510-A, xin liên lạc với văn phòng ABC tại địa phương quý vị hoặc trên mạng tại [www.abc.ca.gov](http://www.abc.ca.gov). Xin liên lạc với văn phòng ABC ghi ở cuối mẫu này nếu quý vị cần được giúp.

على المتقدم/المتقدمين برخصة لبيع المشروبات الكحولية إرسال هذا الإشعار لكل صاحب ملك على بعد ٥٠٠ قدم حول المحل (الجزء 23985.5 من قانون المحلات التجارية والمهنية). على المتقدم بالطلب إرسال هذا الإشعار خلال ١٥ يوما من عرضه في المحل. يجب استلام أي احتجاج ضد إصدار الرخصة/الرخص من قبل أي مكتب تابع لإدارة مراقبة المشروبات الكحولية (Alcoholic Beverage Control) أو المقر الرئيسي الإداري خلال ٣٠ يوما من تاريخ عرض الإشعار في المحل التجاري، أو خلال ٣٠ يوما من إرسال هذا الإشعار بالبريد، أيهما حدث لاحقا. للحصول على نسخة من نموذج الاحتجاج، ABC-510-A، يرجى الاتصال بمكتب مراقبة المشروبات الكحولية المحلي أو عن طريق الموقع الإلكتروني على الإنترنت [www.abc.ca.gov](http://www.abc.ca.gov). يرجى الاتصال بمكتب مراقبة المشروبات الكحولية المحلي المبين في أسفل هذا النموذج إذا احتجت للمساعدة.

## Evans, Derek

---

**From:** Beth Aboulaflia [aboulaflia@beveragelaw.com]  
**Sent:** Friday, October 10, 2014 5:14 PM  
**To:** Angulo, Sunny (BOS)  
**Subject:** K&L Wine Merchants

Dear Ms. Angulo,

Our client BBCK Enterprises, Inc., dba K & L Wine Merchants, is relocating its business from its current location at 638 4<sup>th</sup> St. (where it has been for the past 11 ½ years) to a new location at 855 Harrison St. In connection with the relocation, K & L has applied to the ABC to transfer its existing alcohol beverage licenses to the new location. K & L's business is not changing and they are not applying for any new alcohol licenses; they are simply relocating their existing business.

Although the new location is within the same census tract as K & L's current location, a finding of public convenience or necessity is required for the transfer of the licenses to the new premises. We will be filing that application next week.

If you have any questions or concerns about K & L's proposed move, please feel free to call or email me.

Sincerely,

Beth Aboulaflia  
Partner | Hinman & Carmichael LLP  
260 California Street, Suite 700, San Francisco, CA 94111  
P: 415.362.1215 x104 | F: 415.362.1494 | [aboulaflia@beveragelaw.com](mailto:aboulaflia@beveragelaw.com)

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## LIQUOR LICENSE REVIEW

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

**File:** 141063

**TO:** Police Department  
Lieutenant Edward Santos  
Officer Alberto Duarte  
Fax No.: 553-1463

**DATE:** October 16, 2014

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

**PLEASE EMAIL YOUR RESPONSE BY:** November 21, 2014, to Derek Evans,  
Clerk, Neighborhood Services and Safety Committee.

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

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**Applicant Name:** Todd Zucker  
**and Business Name:** BBCK Enterprises, Inc., dba K & L Wine Merchants  
(855 Harrison Street)

**Applicant Address:** 638 Fourth Street  
San Francisco, CA 94107  
**and Phone No.** (650) 556-2715

**PLANNING COMMENTS:**       Approval       Denial

**POLICE COMMENTS:**       Approval       Denial