

File No. 221222

Committee Item No. 4

Board Item No. 23

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Ngbh Services

Date: January 26, 2023

Board of Supervisors Meeting:

Date: February 7, 2023

#### Cmte Board

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

#### OTHER

- |                                     |                                     |   |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Police Department Report – January 19, 2023</u>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Department Review – December 5, 2022</u>              |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PC or N Referral to Planning and Police – December 2, 2022</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PC or N Request Letter – November 30, 2022</u>                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <u>_____</u>  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <u>_____</u>  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <u>_____</u>  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <u>_____</u>  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <u>_____</u>  |

Prepared by: John Carroll

Date: January 20, 2023

Prepared by: John Carroll

Date: February 3, 2023

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Liquor License Transfers - 1750 Harrison Street - Total Wine & More]

2

3 **Resolution determining that the transfer of a Type-21 off-sale general beer, wine,**  
4 **and distilled spirits license; the transfer of a Type-42 on-sale beer and wine public**  
5 **premises license; and the transfer of a Type-86 educational tasting license to**  
6 **California Wine and Spirits LLC, doing business as Total Wine & More located**  
7 **at 1750 Harrison Street (District 9), will serve the public convenience or necessity**  
8 **of the City and County of San Francisco, in accordance with California Business**  
9 **and Professions Code, Section 23958.4; and requesting that the California**  
10 **Department of Alcoholic Beverage Control impose a condition on the issuance of**  
11 **the license.**

12

13 WHEREAS, California Wine and Spirits LLC, is seeking the transfer of a Type-21  
14 off-sale general beer, wine, and distilled spirits license; the transfer of a Type-42 on-sale  
15 beer and wine public premises license; and the transfer of a Type-86 educational tasting  
16 liquor license to do business as Total Wine & More located at 1750 Harrison Street  
17 (District 9); and

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

20 WHEREAS, The Police Department has filed two protests and zero letters of  
21 support with the Department of Alcoholic Beverage Control under California Business  
22 and Professions Code, Section 24013, and recommends that the Department of  
23 Alcoholic Beverage Control issue the liquor license with a condition; and

24 WHEREAS, The conditions recommended by the Police Department are the  
25 following: 1) Petitioner(s) shall actively monitor the area under their control in an effort

1 to prevent the loitering of persons on any property adjacent to the licensed premises as  
2 depicted on the ABC-253.; now, therefore, be it

3           RESOLVED, That in accordance with California Business and Professions Code,  
4 Section 23958.4, the Board of Supervisors of the City and County of San Francisco  
5 hereby determines that the transfer of a Type-21 off-sale general beer, wine, and  
6 distilled spirits license; the transfer of a Type-42 on-sale beer and wine public premises  
7 license; and the transfer of a Type-86 educational tasting license to California Wine and  
8 Spirits LLC, doing business as Total Wine & More located at 1750 Harrison Street, will  
9 serve the public convenience or necessity of the City and County of San Francisco; and,  
10 be it

11           FURTHER RESOLVED, That the Board of Supervisors of the City and County of  
12 San Francisco hereby endorses and adopts the recommendations of the Police  
13 Department listed above and recommends that the Department of Alcoholic Beverage  
14 Control issue the license with a condition.

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## **Carroll, John (BOS)**

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**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.

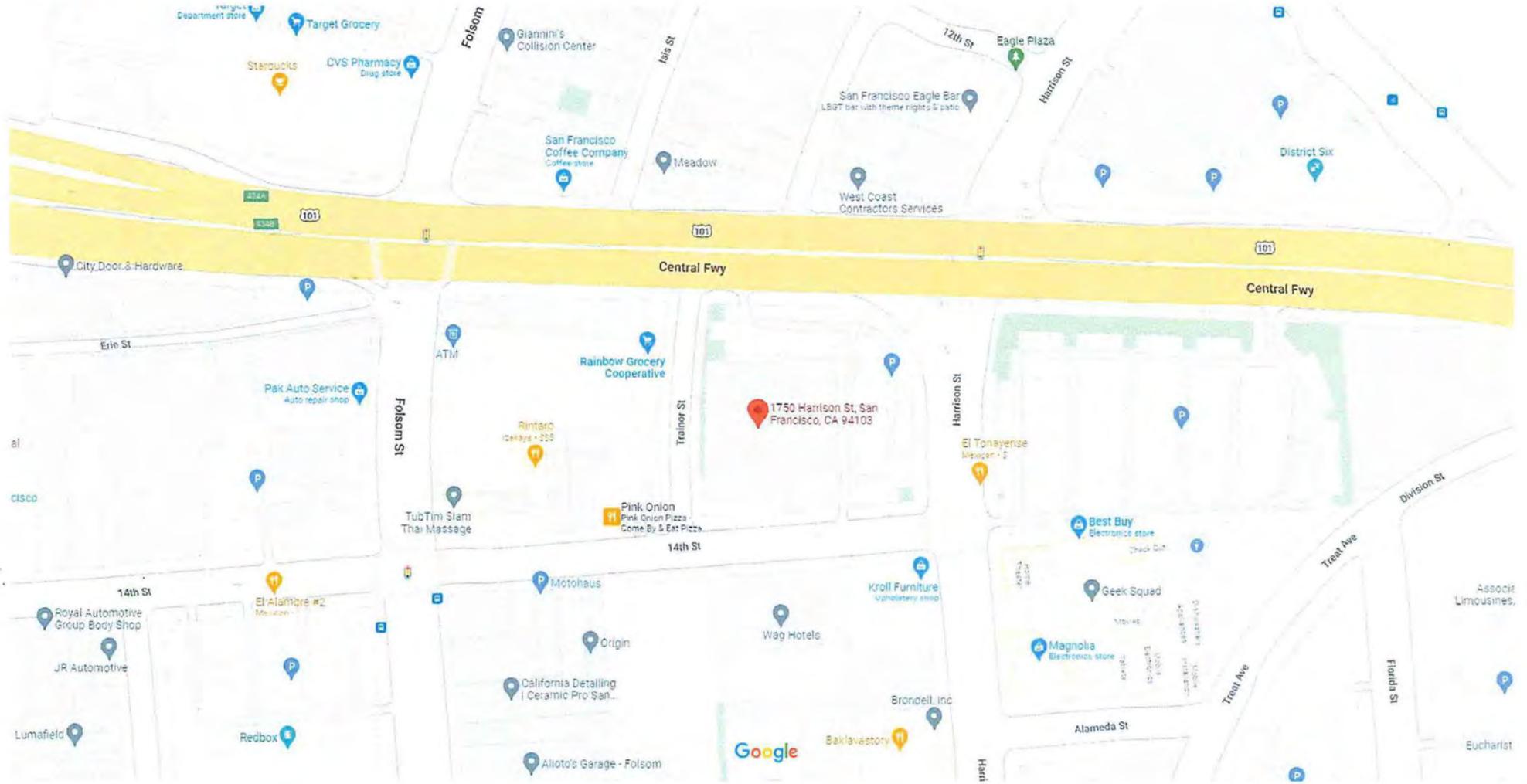
**2** - Protest.

**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

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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](mailto:john.carroll@sfgov.org) ~ (415) 554-4445

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**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](mailto: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](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

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**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:

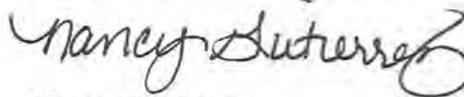
Per Justin Zucker's request, please find enclosed PCN request to the Board of Supervisors related to the above referenced matter.

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 9<sup>th</sup> 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](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.

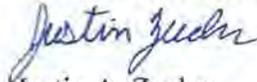
Angela Calvillo  
Clerk of the Board of Supervisors  
November 30, 2022  
Page 3 of 3

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

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**Report Date:** Wednesday, November 09, 2022

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## 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

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**DISCIPLINARY ACTION:**

No Active Disciplinary Action found

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**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

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**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  
 Mailing Address:(If different from premises address) 6600 ROCKLEDGE DR  
 STE 150  
 BETHESDA, MD 20817-1806  
 Type of license(s): 21, 42, 86  
 Transferor's license/name: 517840 / VG LIQUOR CORP

Census Tract: 0177.00

Dropping Partner: Yes  No

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,

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:

[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  
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  
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](mailto: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](mailto: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

**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:

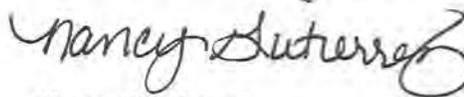
Per Justin Zucker's request, please find enclosed PCN request to the Board of Supervisors related to the above referenced matter.

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 9<sup>th</sup> 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](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.

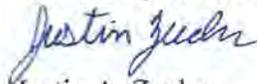
Angela Calvillo  
Clerk of the Board of Supervisors  
November 30, 2022  
Page 3 of 3

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

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**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  
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 STE 150  
 BETHESDA, MD 20817-1806  
 Type of license(s): 21, 42, 86  
 Transferor's license/name: 517840 / VG LIQUOR CORP

Census Tract: 0177.00

Dropping Partner: Yes  No

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
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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