

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**

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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

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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.

Angela Calvillo
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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