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

DATE: March 9, 2022

AP Block/Lot Nos.: \_\_\_\_/ \_\_\_ Zoning: C-3-O Downtown-Office Quad: NE Planning Team 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 May 12, 2022.

# PLEASE EMAIL YOUR RESPONSE by May 4, 2022, to:

Alisa Somera, Public Safety and Neighborhood Services Committee Clerk. <u>alisa.somera@sfgov.org</u> ~ (415) 554-7711

Applicant name:	Bear Eagle, Inc.		
Business name:	SFGIFTBASKETS.COM		
Application address:	2 Embarcadero Center, Suite R-2015 San Francisco, CA 94111		
Applicant contact info:	Cheryl Maloney ( <u>cheryl@vanguardsf.com</u> ~ (415) 309-2722 Olga Antipova ( <u>info@cosmodentalsf.com</u> ~ (916) 801-7977) Rodney Ciganovich ( <u>rciganovichconsultant@yahoo.com</u> ~ (530) 304-4005)		
PLANNING REVIEW:	Approval Denial		
Planning Staff Contact: (Please add comments on a tra	iling page.)		
POLICE REVIEW:	🗌 Approval 🔄 Denial		

(Please add comments in a trailing report.)

BEAR EAGLE, INC. SFGIFTBASKETS.COM 2022 MAR - 8 PM 2: 35 2 EMBARCADERO CENTER, R-2105 SAN FRANCISCO, CA. 94111

RECEIVED BOARD OF SUPERVISORS

February 28, 2022

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 2 Embarcadero Ctr. Ste. R-2105, San Francisco, CA. 94111

Honorable Board of Supervisors,

On February 17, 2022, the California Department of Alcoholic Beverage Control accepted an application for a person to person and premises to premises transfer of a type 21, Off-Sale General license for Bear Eagle Inc., dba: SFGIFTBASKETS.COM, a small specialty retail shop located on the ground level at 2 Embarcadero Center, Suite R-2105, in San Francisco.

The shop features and highlights gift baskets and other gift items. Some of the gift baskets offered include a bottle of wine. The shop receives orders for the gift baskets by telephone, email, mail and from persons visiting the store. The gift baskets that include wine are shipped to the recipients. No over the counter sales of gift baskets with wine are allowed to be taken by the purchaser out of the shop. Gift baskets with wine can only be shipped to the intended recipient based on the regulations pertaining to the current type 85 Alcoholic Beverage Control (ABC) license.

The shop has been licensed with an ABC type 85, Limited Off-Sale – Wine license since December 3, 2015 with no record of disciplinary actions by ABC. This allows the shop to include a bottle of wine in a gift basket. Applicant wishes to obtain a type 21 Off-Sale General license in order to expand the variety of alcoholic beverages allowed to be included in the gift baskets by adding the options of including beer and distilled spirits.

The intended premises address in San Francisco is located in Supervisor Aaron Peskin's District 3. The location is within census tract #0105.00 which allows for two (2) Off-Sale type ABC licenses within the census tract, based on the most recent estimated population count. At the present time, eleven (11) Off-Sale type licenses are issued within this census tract. The census tract is deemed to be over-concentrated at this time with Off-Sale type licenses. If the type 21 license is approved for this location, the applicant will cancel their type 85 license resulting in no increase of the number of off-sale licenses within the census tract.

The premises is located within San Francisco Police Department's reporting beat #152. There are 654 total reporting beats within San Francisco with a total of 55,022 reported offenses. The average number of offenses per district is 84.13. The total number of reported offenses within reporting beat #152 is 193. The reporting beat is considered high crime for it exceeds the 120% average number of offenses which is 100.8.

-1-

Due to the undue-concentration, and the designation of high crime, the applicant is required by Section 23958.4 of the Business and Professions Code to apply for a "PCN" review by the San Francisco Board of Supervisors. After review of all pertinent facts regarding this premises and the surrounding area, applicant hopes and wishes that the Board will find that the issuance of the applied-for type 21 Off-Sale General license will fulfill the public's convenience or necessity.

### **APPLICANT CONTACT INFORMATION:**

Bear Eagle, Inc.

Cheryl J. Maloney – President / Secretary / Stockholder (Primary occupation – Realty Agent) 407 29<sup>th</sup> St., Apt 5 San Francisco, CA. 94131 Telephone: (415) 309-2722 Email: cheryl@vanguardsf.com

Olga Antipova – Vice President, Treasurer, Stockholder (Primary occupation – Dentist) 1103 Aspen Ct. San Francisco, CA. 94134 Telephone: (916) 801-7977 Email: <u>info@cosmodentalsf.com</u>

Rodney Ciganovich, ABC Licensing Consultant P.O. Box 506 Woodland, CA. 95776-0506 Telephone: 530-304-4005 Email: rciganovichconsultant@yahoo.com

#### **ABC LICENSE INFORMATION:**

#### Current license issued to premises:

Type 85, Limited Off-Sale – Wine license. License originally issued on December 3, 2015 to Mitra Ghiasi, a sole proprietor. License was transferred to Bear Eagle Inc., a corporation, on September 6, 2021. There is no record of any ABC disciplinary actions against the license under the original and the new ownership.

ABC's description of the type 85 license – The Limited Off Sale Wine License allows for the sale of wine to consumers for consumption off the licensed premises. Sales are restricted to those solicited and accepted via direct mail, telephone, or the Internet and may not be conducted from a retail premises open to the public.

The current type 85 license is issued to the back counter and storage areas of the shop which is not accessible to the public. The shop area that is accessible to the public has gift baskets and other gift items displayed. Walk-in customers cannot purchase a gift basket with wine over the counter and take it out of the shop. Gift baskets with wine can only be shipped to the recipient of the gift basket away from the premises.

## License being purchased / transferred from:

Simon Shukry AZAR Dba: Buchanan Food Mart 2135 Buchanan Street

### San Francisco, CA. 94115

ABC type 21, Off-Sale General (beer, wine and distilled spirits) is being purchased from 2135 Buchanan Street, located within Supervisor Catherine Stefani's District 2. The current ABC application is requesting transfer of ownership from the current licensee to the applicant and from the current licensee's location to the applicant's location at 2 Embarcadero Center, Suite R-2105, which is located within Supervisor Aaron Peskin's District 3.

Current status of license: License is Surrendered to ABC (indicating that the license privileges are not being utilized at this time) and the business is closed.

#### Purchaser and intended location where license is to be transferred:

Bear Eagle, Inc. (President: Cheryl J. Maloney, Olga Antipova, Vice President)
Dba: SFGIFTBASKETS.COM
2 Embarcadero Center, Suite R-2105 (Ground level, near center of building.)
San Francisco, CA. 94111

Current status: Premises is open and operating with an ABC type 85 Limited Off-Sale – Wine license as a small specialty retail shop offering gift baskets (with and without wine) and other gift and tourist items. If approved, the premises will be licensed with a type 21 Off-Sale General license to offer a wider variety of alcoholic beverages for their gift baskets.

#### **APPLICANT INFORMATION:**

Bear Eagle Inc., a California corporation, is owned by Cheryl J. Maloney (50% stockholder) and Olga Antipova (50% stockholder). Cheryl J. Maloney's primary occupation is a realty agent for Vanguard Properties in San Francisco. Olga Antipova's primary occupation is a dentist at Cosmo Dental in San Francisco.

Bear Eagle Inc. is registered with the California Secretary of State as a general stock corporation as of November 19, 2020. The current status of the corporation is "active".

#### **BUSIENSS OPERATION INFORMATION:**

SFGIFTBASKETS.COM is a specialty gift basket shop located in the ground level within Embarcadero 2 in the Financial District. The shop offers gift baskets, with and without wine, along with other gift and tourist items. The gift baskets which include wine cannot be sold directly to the public at the shop. All gift baskets with wine must be ordered and then shipped to the recipient. No customer can order a gift basket with wine and then take the basket with wine form the shop. The basket with wine can only be shipped.

The ownership of the shop wishes to expand the variety of off-sale alcoholic beverages it can include with its gift baskets and to be allowed to sell gift baskets with an alcoholic beverage to a customer at the shop who may then take the basket with them out of the shop. The type of ABC license that would permit this is the type 21 Off-Sale General license which will allow for off-sale beer, wine and distilled spirits.

The shop is located in a mixed-use area of retail stores, restaurants, financial institutions and offices in the Financial District. The store is located within Embarcadero 2, on the ground floor near the center of the building. The shop is not visible from the surrounding streets. Surrounding streets are Davis, Sacramento, Front and Clay Streets.

The addition of the type 21 license to the shop should not create an increase in vehicle or pedestrian traffic in the area. The Embarcadero complex of office buildings offer both street and off-street parking spaces.

No other store in the immediate area is a small specialty retail shop offering gift baskets, other gift items and tourist related items.

The applicant is applying to ABC for a person to person and premises to premises transfer (double transfer) of the type 21 Off-Sale General license for the business to provide patrons the opportunity and convenience to include beer, wine, and/or distilled spirits in the gift baskets that can be ordered by internet, telephone, mail or in-person.

The store's hours of operation are from 10:00 am to 5:00 pm, Monday through Friday, 11:00 am to 5:00 pm on Saturday and 12:00 pm to 4:00 pm on Sunday. Estimated percentage of alcoholic beverage sales, as compared to all other retail items, is estimated to be 25-30%. A copy of ABC form ABC-257, Licensed Premises Diagram and Planned Operation (Retail) is attached for your review.

## SUBSTANTIATION FOR A POSITIVE FINDING OF PUBLIC CONVENEINCE OR NECESSITY:

- The issuance of the applied-for license would be a benefit to local business employees, office workers from the Embarcadero Center buildings and surrounding Financial District offices, patrons of other business in the area, local workers, persons visiting the area and tourists.
- The issuance of the applied-for license would be a benefit to persons on the inter-net ordering gift baskets to be shipped to recipients in the City, the Bay Area, the State of California and the United States.
- The intended premises operating hours are catered to local business and office workers in the Financial District and Embarcadero Center, daytime visitors and tourists walking through Embarcadero 2.
- 4. The intended premises will operate as a gift and gift basket store and not as a liquor store.

- 5. The issuance of the applied-for license would benefit the public in general at this location for the premises is unique and there are no other like premises in the area that offers the gifts, gift baskets and other items that this premises offers.
- 6. Current public transportation that serves the area is the San Francisco Municipal Railway and BART (Bay Area Rapid Transit). Other public transportation serving the area is a variety of established public taxi cabs and other private taxi cab type services (Uber, Lyft, etc.).

### SUMMARY:

The premises will be a small specialty gift and gift basket shop where at the option of the purchaser an alcoholic beverage may be included in the gift basket. The issuance of the ABC license would benefit those who live and work in the immediate area, countless persons who visit and travel through the area and persons placing orders by mail, the internet and by telephone. It would be a convenience to the public for the premises to be able to offer off-sale beer, wine and distilled spirits while they patronize the premises for its gifts, gift baskets and other items.

The Applicant wishes for the Board to consider the above facts and hopes that they find that the issuance of the applied-for Off-Sale type 21 Off-Sale General license would fulfill the public's convenience or necessity and allow the issuance of said license.

Respectfully submitted,

Church & Maliney

Cheryl J. Maloney, President Bear Eagle, Inc.

Enc. ABC-257 form, Premises Diagram, Premises Operation (Retail) ABC-253 form, Supplemental Diagram ABC-245 form, Information and Instructions, Section 23958.4 B&P

# Department of Alcoholic Beverage Control LICENSED PREMISES DIAGRAM (RETAIL)

2. LICENSE TYPE
21
4. NEAREST CROSS STREET
Davis St.
xits, interior walls and exterior dentification of each room (i.e., "storeroom",
EXISTING TRANSFORMER EXISTING ELECTRICAL PANEL EXISTING FAN COIL UNIT ABOVE

It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature requi	loney	DATE SIGNED
10	FOR ABC USE ONLY	
CERTIFIED CORRECT (Signature)	PRINTED NAME	INSPECTION DATE
RED INTO CARM		( NN 〇日朝鮮ない SIVEN (R-27 H-107, 割に 25672 5 名は、277 H-6 H-6)
ABC-257 (5/05)		

(57 (REVERSE) (5/05)

State of California

# Department of Alcoholic Beverage Control **PLANNED OPERATION (RETAIL)**

# SECTION I - FOR ALL RETAIL APPLICANTS

1. APPLICANT NAME		IL APPLICANT	5			2. LICENSE TY	PE(S)	APPA IC ANT MARE - Appet P
Bear Eagle, Inc.				Pont Eagle, Inc. 21				
3. PREMISES ADDRE	ESS (Street number an	d name, city, zip code)				4. NEAREST CROSS STREET		
2 Embarcadero Ctr, R-2105, Office Area, San Francisco, CA. 94111			11	Davis St.				
Full Service	e Restaurant cialty Restaura		ria/Hofbrau ly Club	Cocktail L Night Club	-	be license	<u> </u>	Club ns Club al Club
Bed & Brea	akfast			Wine Tast	ing Room			
Supermarket Member		ership Store ment Store op/Florist hop.	Service Station Convenience Market Convenience Market w/Gasoline			Drive-ir	Swap Meet/Flea Market	
6. PATRON CAPACIT		IOUNDING AREA Dommercial esidential ther	Rural	8. PREMISES IS LO	ding Buildi Center (Na	-	o Embarcader	ro Center nan 10 Units
9. FOOD SERVICE			10. PARKING LOT?	11. PATIO?		12. WILL YOU MANAGER	HIRE A ? (Rule 57.5)	13. WILL YOU HAVE A FOOD LESSEE? (Rule 57.7)
√ None	Minimal 🗌 Fu	ull Meals	Yes No	Yes	√No	Yes	<b>√</b> No	Yes √No
Dinner Hou Fast Food/ Pizza/Past	Deli Of a	eafood ther:	American Chinese Japanese	Greek Greek Other:		French	LUNCH HOU From: n/a DINNER HO From: n/a	URS To: n/a To: n/a
Opening Time	Sunday 12:00 pm	Monday 10:00 am	Tuesday 10:00 am	Wednesday 10:00 am	Thurs 10:00 au		Friday 10:00 am	Saturday 11:00 am
	4:00 pm	5:00 pm		5:00 pm	5:00 pm		5:00 pm	5:00 am
Closing Time 18. ENTERTAINMENT None Recorded I Juke Box *Other *Description: 19. PREMISES IS LO	T (One or more may a Music	Please describe and Ampli *Ampli *Live E *Floor/ Karaok	5:00 pm y entertainment with an aster fied Music Entertainment Stage Shows te dary Street	Bikini/Top	Incing Iess/Exotic rd Tables /Pro Sports	;	Card R Movies	oom oot"/Lottery Coin-Operated Games
21. PASS-THROUGH	correct.	22. FIXED BAR	y that the foregoi	✓ Multi-Story	TIMART NA		30	JR TOTAL SALES WILL BE
Yes			now many:	0 320 08A 80	√No		C BEVERAGES?	· (lau)
24 INFORMATION C	IVEN (8-27 8-107 C	ec. 25612.5, Sec. 23790.		ABC USE ONLY	BHAN GITTE	25 DATE ENT	ERED INTO CABIN	nerge) Toakheo (Egren)
			o, oto.)			25. DATE ENT		

# Instructions to Applicant:

Draw a sketch of the area on which the licensed premises is or will be located Show adjacent structures and nearest cross streets. If this is an event for a daily license, catering authorization, event authorization or miscellaneous use, show the area where sales and consumption of alcoholic beverages will occur. Post a copy of this diagram with Daily License, Catering Authorization or Event Authorization where the event is held. Sales and consumption of alcoholic beverages must be confined to the area designated in the diagram and supervised to prevent violations of the Alcoholic Beverage Control Act.

1. APPLICANT NAME (Last, first, middle)	2 LICENSE TYPE
Bear Eagle, Inc.	21
3. PREMISES ADDRESS (Street number and name, city, zip code)	4. NEAREST CROSS STREET
2 Embarcadero Ctr. R-2105, San Francisco, CA. 94111	Davis St.
DIAGRAM	1

**Clay Street** Shop Dine Embarcade Clas I Service XXXX X X  $\times \times \times \times$ Davis Street M ŝ 00100 ic et Ri Virue Ba 00 00

Sacramento Street

I have read the above instructions and I declare under penalty of perjury that the above diagram is true and correct.

APPLICANT SIGNATURE	cloney	DATE SIGNED
10	FOR ABC USE ONLY	
CERTIFIED CORRECT (Signature)	PRINTED NAME	INSPECTION DATE

ABC-253 (rev. 07/19)

Front Stree

Department of Alcoholic Beverage Co		(b						State of California ewsom, Governor
INFORMATION AND INS	STRUCT	IONS -					nothie inform	
SECTION 23958.4 B&P								
Part 2 is to be co	pplicant's d	an ABC employe	e, given to a	ABC.	ore-application	package, wit	th copy reta	
PART 1 - TO BE COMPLETED E	ADC							
1. APPLICANTS NAME	ST ABC	and a strength of the strength						
BEAR EAGLE, INC.								
2. PREMISES ADDRESS (Street number and na						3. LICENSE TYP	E	
2 EMBARCADERO CTR I 4. TYPE OF BUSINESS	R-2105, 8	SAN FRANCISC	CO, CA 94	111		21		
Full Service Restaurant	Hofbr	au/Cafeteria	Cockta	il Lounge		Private Clu	ıb	
Deli or Specialty Restaurant	Come	dy Club	Night C	lub		Veterans C	Club	
Cafe/Coffee Shop	Brew	Pub	Tavern	: Beer		Fraternal	Club	
Bed & Breakfast:	Theat	er	Tavern	: Beer & Wine		Wine Tast	ing Room	
Wine only All							Ū	
Supermarket	Memt	pership Store	Service	Station	LOCAL OFFIC	Swap Mee	t/Flea Marke	PART 3 - TI
Liquor Store	Depa	rtment Store	Conve	nience Market		Drive-in Da	airy	
Drug/Variety Store	X Floris	t/Gift Shop	Conve	nience Market w	/Gasoline	f scenees an and 23958 4	centration o tions 23958	
Other - describe:	neto officer	iprodue betanpiest	cated, or its o					
5. COUNTY POPULATION	6. TOT	AL NUMBER OF LICENSE	S IN COUNTY	10 ns xills 10 1	7. RATIO OF LICE	INSES TO POPULA	TION IN COUNT	TY
3,234/875,010	nd e se ev	Iss-onow sensor a	On-Sal	Land	1,136		On-Sale	
8. CENSUS TRACT NUMBER 105	9. NO.	OF LICENSES ALLOWED			10. NO. OF LICEN	ISES EXISTING IN		
	-		On-Sal		11		On-Sale	X Off-Sale
11. IS THE ABOVE CENSUS TRACT OVERCOM X Yes, the number of existing licens	es exceeds	the number allowed	s the ratio of license	is to population in the	ensus tract exceed	the ratio of license	s to population fo	r the entire county?)
No, the number of existing license			ed					
12. DOES LAW ENFORCEMENT AGENCY MAIL					071	Name		201
X Yes (Go to Item #13)		io to Item #20)		dua to level of avai		DESPECTION PO	0 674364400	
13. CRIME REPORTING DISTRICT NUMBER	1	TAL NUMBER OF REPORT	TING DISTRICTS		15. TOTAL NUMB	ER OF OFFENSES	IN ALL REPORT	TING DISTRICTS
16. AVERAGE NO. OF OFFENSES PER DISTRI	654 CT 17 120	% OF AVERAGE NUMBER			55,022			DISTRICT
84.13	100.		COLOT ENGLS		193	EN OF OFFENSES	IN REPORTING	DISTRICT
19. IS THE PREMISES LOCATED IN A HIGH CR	IME REPORTIN	G DISTRICT? (i.e., has a 2	0% greater numbe	of reported crimes th		per of reported crim	es as determined	t from all crime
reporting districts within the jurisdiction of the X Yes, the total number of offenses			evceeds the to	tal number in lie	10 4417			
No, the total number of offenses i								
20. CHECK THE BOX THAT APPLIES (check on		ig district is lower the				and an and the second		
a. If " <u>No</u> " is checked in both item on this issue. Advise the applica	n #11 <u>and</u> ite ant to bring th	m #19 <u>, Section 2395</u> his completed form to	ABC when fill	<i>not apply</i> to this ng the applicatio	application, and	no additional i	nformation w	ill be needed
b. If " <u>Yes</u> " is checked in either it retail license issued for a hotel, r beer manufacturer's license, or v application or as soon as possible	notel or othe vinegrower's	r lodging establishme license, advise the a	ent as defined i	n Section 25503	16(b) B&P, or a	retail license i	ssued in con	juction with a
X c. If " <u>Yes</u> " is checked in either it sale beer license, an on-sale beer to the local governing body, or it ABC in order to process the appl	er and wine ( designated	public premises) licer	nse, or an on-s	ale general (pub	olic premises) lic	ense, advise th	e applicant t	o take this form
Governing Body/Designated Subo	ordinate Nam	e: Board of	Supervisors	B Nanadara (Sanadara) (Sanadara)	14000W10	Barran and a state of the sta	Y GERICIAL NAL	26 CRWCOUM
PREPARED BY (Name of Department Employee)	DEMORE HT	AC CO				A	V OFFICIAL SIG	THUODINTID I IS
im					15			

# PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documention, if desired. Do *not* proceed to Part 3.

TURE.		23. DATE SIGNED	Wine only
Fratemal Club	nee8 (mever		Para & Bruschael
Veterans Club	Night Club	Contray Club	Deli or Specially Restaurunt
Privete Club	Gooktail-Lounge	Hofbrau/Cotateria	Full Service Restaurant
21	CO, CA 94111	R-2105, SAN FRANCIS	2 EMBAROADERO GIR
TOYT BRIEDULO			2 PREMISES ADDRESS (Street number and
		BY ABC	PART 1 - TO BE COMPLETED
	d returned to ABC	completed by the applicant, an	Part 2 is to be Part 3 is to be
	A rende hore 21 Private Ct.b Veterans Club	Success to the       COLOA 941111       Coloadault ounce       Route Club       National Club       Taxen: Beer	IR-2105     SAN FRANCISCO, CA 94111     21       MañautCatateria     GoddailLourge     Private Club       Comaqy Club     Night Club     Veterans Club       Comaqy Club     15verol Beer     Fratemal Club

Yes	R NECESSITY BE SERVED BY ISSUANCE OF		See Attached (i.e., letter	, resolution, etc.)
5. ADDITIONAL COMMENTS, IF DE	ESIRED (may include reasons for approval or d	enial of public convenience	ce or necessity):	
			624	452
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n to ABC when filing the	no) betalqmoo effi prind bris <u>Socio</u> no)	82 91810 000 0) 1030 870 000 00 000 00 00000000000000000000	None efficiency advise fra <u>anologi</u>	ganie na werosi zhgrutastumen nad werosa za zazirane za zazirane a
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26. CITY/COUNTY OFFICIAL NAME	27. CITY/COUNTY OFFICIAL TITLE	28. CITY/COUNTY OFFICIAL PHONE NUMBER
		FOR DEPARTMENT USE ONLY
29. CITY/COUNTY OFFICIAL SIGNATURE	an a	30. DATE SIGNED
		<u>()</u>

ABC-245 REVERSE (rev. 01-11)