File No.	240327	

Committee Item No	3	
Board Item No.	27	

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Ngbh Services Date: April 25, 2024					
Board of Supervisors Meeting: Date: May 7, 2024					
Cmte Board Re Crite Board Re Crite Board Re Crite Bu C	otion esolution dinance gislative Digest adget and Legislative Analyst Re outh Commission Report eroduction Form epartment/Agency Cover Letter a	eport and/or Re			
OTHER					
	olice Department Report – 041824 lanning Department Review –0403 C or N Referral to Planning and P C or N Request Letter – 032624	224	2924		
Prepared by: Monique Crayton Prepared by: Monique Crayton Prepared by: Monique Crayton Prepared by: Date: May 3, 2024 Date: Da					

1	[Liquor License Transfer - 2134-2140 Polk Street - Bi-Rite]
2	
3	Resolution determining that the transfer of a Type-21 off-sale general beer, wine,
4	and distilled spirits liquor license to BR Polk LLC, doing business as Bi-Rite,
5	located at 2134-2140 Polk Street (District 3), will serve the public convenience or
6	necessity of the City and County of San Francisco, in accordance with California
7	Business and Professions Code, Section 23958.4; and requesting that the
8	California Department of Alcoholic Beverage Control impose conditions on the
9	issuance of the license.
10	
11	WHEREAS, BR Polk LLC, is seeking the transfer of a Type-21 off-sale general
12	beer, wine, and distilled spirits liquor license to do business as Bi-Rite, located at 2134-
13	2140 Polk Street (District 3); and
14	WHEREAS, The Planning Department has verified that the area is properly
15	zoned and recommends approval; and
16	WHEREAS, The Police Department has filed zero protests and zero letters of
17	support with the Department of Alcoholic Beverage Control under California Business
18	and Professions Code, Section 24013, and recommends that the Department of
19	Alcoholic Beverage Control issue the liquor license with conditions; and
20	WHEREAS, The conditions recommended by the Police Department are the
21	following: 1) Petitioner(s) shall actively monitor the area under their control in an effort
22	to prevent the loitering of persons on any property adjacent to the licensed premises as
23	depicted on the ABC-253; and 2) The petitioner(s) shall be responsible for maintaining
24	free of litter the area adjacent to the premises over which they have control, as depicted
25	on ABC-253; now, therefore, be it

1	RESOLVED, That in accordance with California Business and Professions Code,
2	Section 23958.4, the Board of Supervisors of the City and County of San Francisco
3	hereby determines that the transfer of a Type-21 off-sale general beer, wine, and
4	distilled spirits liquor license to BR Polk LLC, doing business as Bi-Rite, located at
5	2134-2140 Polk Street, will serve the public convenience or necessity of the City and
6	County of San Francisco; and, be it
7	FURTHER RESOLVED, That the Board of Supervisors of the City and County of
8	San Francisco hereby endorses and adopts the recommendations of the Police
9	Department listed above and recommends that the Department of Alcoholic Beverage
10	Control issue the license with those conditions.
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From: <u>Carroll, John (BOS)</u>

To: <u>sam@biritemarket.com</u>; <u>Paola Horevicz Hurtado</u>; <u>Carrie Peters</u>

Cc: Alabanza, Analyn@ABC; amarjit.tamber@abc.ca.gov; Donovan, Dominica (BOS); Angulo, Sunny (BOS); Langlie,

Michelle (CPC); Crayton, Monique (BOS); VanHouten, Ben (ECN); CPC. Referrals; Salmonson, Joel (POL); Wong,

Joanne (POL); Jonas, Stephen (POL); Froines, Andrew (POL)

Subject: RE: Liquor License Transfer - 2134-2140 Polk Street - Bi-Rite - BOS File No. 240327

Date: Thursday, April 18, 2024 4:11:00 PM

Attachments: <u>image001.png</u>

Greetings,

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 - April 18, 2024

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

- 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; and
- 2) The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on ABC-253.

The Public Safety and Neighborhood Services Committee will hold this hearing at 10 am on Thursday, April 25, 2024.

I invite you to review the entire matter on our <u>Legislative Research Center</u> by following the link below:

Board of Supervisors File No. 240327

Thanks for the review.

John Carroll Assistant Clerk

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



Click here to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of



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 Matt Dorsey Supervisor Joel Engardio

From:

Lt. Steve Jonas #79

Officer in Charge

ALU/Permits Unit 415-553-9550

Date:

April 18, 2024

Subject:

P.C.N. Investigation Regarding:

BR Polk LLC

DBA: Bi-Rite

2134-2140 Polk St.

San Francisco CA. 94109

BR Polk LLC operating as "Bi-Rite", has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (Off-Sale General) license to be located at 2134-21-40 Polk St. (located between Vallejo St. and Broadway)

Hours of Operation:

8:00am to 10:00pm each day of the week.

Digest:

Bi-Rite would like to operate a Supermarket to be located at 2134-2140 Polk St. If approved, this license will allow them to sell beer, wine and distilled spirits.

Letters of Protest

0

Letters of Support

0

Police Calls for Service:

From March 2023 to March 2024

3 calls for service

Police Reports:

From March 2023 to March 2024

0 police reports

San Francisco Plot Information:

This premise is located in Plot: 528

A High Crime area is defined as 103 or more police reports in a plot for the year of 2023.

This plot had 124 police reports for **2023**, which is 21 **higher** than the **Citywide "High Crime"** average.

State Census Tract Information:

This premise is located in Census Tract: 109.02

Population for this tract is: 2,332

On-sale license authorized by census tract: 7 Active on-sale licenses: 30 with 0 pending

Off-sale licenses authorized by census tract: **2** Active off-sale licenses: 4 with 0 pending

Departmental Recommendation:

Points of consideration: 2

No opposition from Northern Station.

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

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

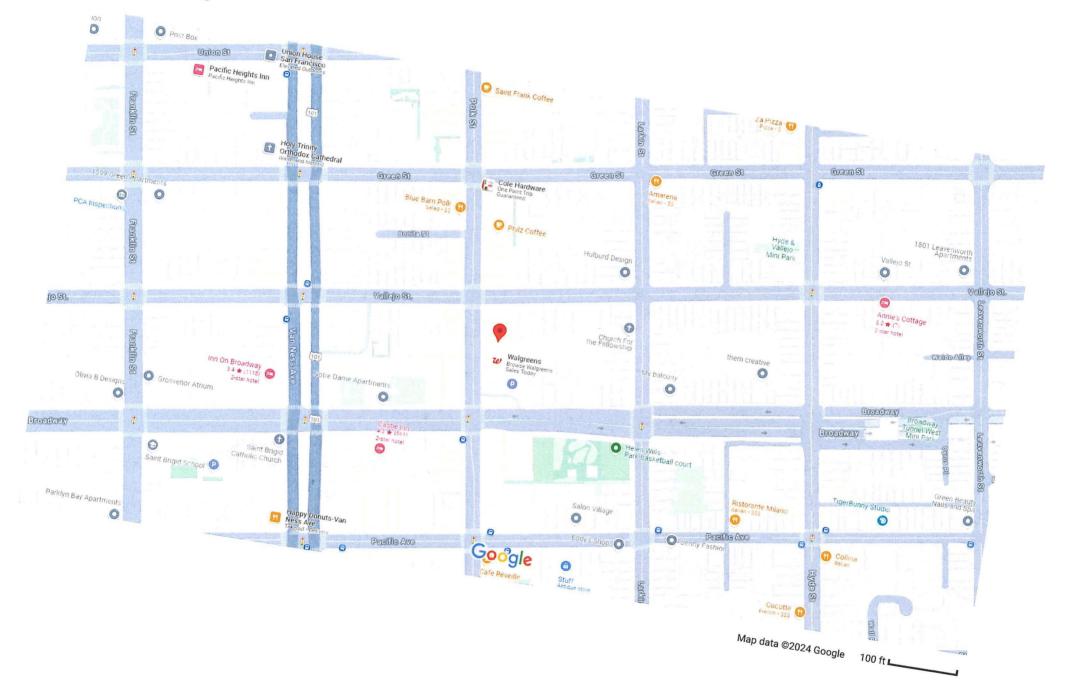
0 - Protest.

0 - Support

ALU Recommendation: **Approval with the 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.
- 2. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on ABC-253.

Walgreens



From: Carroll, John (BOS)

To: Salmonson, Joel (POL); Wong, Joanne (POL); Jonas, Stephen (POL); sam@biritemarket.com; Paola Horevicz

Hurtado; Carrie Peters

Cc: Alabanza, Analyn@ABC; amarjit.tamber@abc.ca.gov; Donovan, Dominica (BOS); Angulo, Sunny (BOS); Langlie,

Michelle (CPC); Crayton, Monique (BOS); VanHouten, Ben (ECN); CPC.Referrals

Subject: RE: Liquor License Transfer - 2134-2140 Polk Street - Bi-Rite - BOS File No. 240327

Date: Tuesday, April 2, 2024 3:46:00 PM

Attachments: image001.png

Good afternoon.

The Planning Department has completed their review of the subject application, and has forwarded their recommendation for approval. For your convenience, I have the review available from the link below:

Planning Dept. Response - Received April 2, 2024

The matter is now awaiting review by the Police Department's ALU.

After receiving review from the Police Department, 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 their consideration in the license matter.

The Public Safety and Neighborhood Services Committee will tentatively schedule this hearing for the regular meeting of April 25, 2024.

I invite you to review the entire matter on our <u>Legislative Research Center</u> by following the link below:

Board of Supervisors File No. 240327

Thanks for the review.

John Carroll **Assistant Clerk**

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



Click <u>here</u> to complete a Board of Supervisors Customer Service Satisfaction form.

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Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or

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 Depart Attn: Michelle Langli Phone No. 628-6	e	Zoning: P	March 29, 2024 ot Nos.: <u>0572/018A</u> olk NCD, 65-A
TO:	Police Departme Joel Salmonson Phone No. (415)		Quad: District Record No.	t 3 2024-002866MIS
				and Neighborhood Services ular meeting in April of 2024.
PLEASE I	John Carroll, Pub	PONSE by April 12, 2 lic Safety and Neighbo hn.carroll@sfgov.org	orhood Service	
Applicant	name:	BR Polk LLC		
Business	name:	Bi-Rite		
Application	on address:	2134-2140 Polk Stree	et	
Applicant	contact info:	Sam Mogannam sam@biritemarket.c	<u>:om</u>	
		Paola Horevicz Hurt paola@abclicensec		
		Carrie Peters carrie@abclicensec	ompany.com	
PLANN	ING REVIEW:	Approx	val 🗌 🛭	Denial
	Staff Contact: d comments on a trai	Michelle Langlie iling page.)		
	REVIEW:	Approving report.)	val 🗌 🛭	Denial





4/2/2024

Assistant Clerk of the Board of Supervisors City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102

Re: BOS referral - Liquor License Public Convenience or Necessity Referral for Bi-Rite - 2134-2140 Polk Street Planning Department Files No. 2024-002052MIS and 2024-002866MIS

To Whom It May Concern:

The Planning Department is recommending approval of the attached ABC Type 21 (Off-Sale General) Liscense and Type 86 (Instructional Tasting) License for a new General Grocery dba Bi-Rite and 2134-2140 Polk Street. General Grocery is a Retail Sales and Service use principally permitted in the Polk Street Neighborhood Commercial Zoning District per Planning Code Section 723. See Building Permit Applications 202211146482 202312192799, which approved the establishment of a Legacy Business General Grocery use (dba Bi-Rite), which replaces another Legacy Business General Grocery use (dba Real Food Company). Replacement of a Legacy Business does not require a CUA per 723(b)(2). Grocery use is expanding through a storefront merger (2134 and 2140 Polk St); allowed per PCS 723(b)(3). The new, expanded General Grocery will have a use size of approx. 8,200 sf, which exceeds 4,000 sf, but qualifies for a Use Size Exemption per PCS 121.2(b)(3). See Ordinance No. 011-23 for relevant Planning Code amendments, which became effective on March 31, 2023.

If you have any questions related to Planning's evaluation, please contact me at 628-652-7410.

Sincerely,

Midlly M. Langle

Michelle M. Langlie (she/her/hers), Senior Preservation Planner District 3/Recreation and Parks Liaison, Current Planning Division

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7410 | General Inquiries: pic@sfqov.org | www.sfplanning.org

San Francisco Property Information Map | San Francisco Permit Center

Department of Alcoholic Beverage Control

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control

33 NEW MONTGOMERY STREET

STE 1230

SAN FRANCISCO, CA 94105

(415) 356-6500

File Number: **656916**

Receipt Number: 2874684

Geographical Code: 3800

Copies Mailed Date: March 6, 2024

Issued Date:

DISTRICT SERVING LOCATION: SAN FRANCISCO

First Owner:

BR POLK LLC

0572/018A

Dist 3

Name of Business:

BI-RITE

NCD

Location of Business:

2134-2140 POLK ST

2024-002052MIS

State of California

SAN FRANCISCO

County Is Premises inside city limits

from

Yes

Census Tract:

0109.02

Mailing Address:(If different

3505 20TH ST

SAN FRANCISCO, CA 94109

SAN FRANCISCO, CA 94110-2416

premises address)

Type of license(s):

21,86

Dropping Partner: Yes

Transferor's license/name:

628523 / BABY BOY SF INC

License Type	Transaction Type	Master	Secondary LT And Count		
86 - Instructional Tasting License 21 - Off-Sale General	ORI PER/PRM	Y Y			
License Type	Transaction Description	Fee Code	Dup	Date	Fee
Application Fee	DBL TRF: PREMISES AND PERSON	NA	0	03/06/24	\$1,470.00
86 - Instructional Tasting License	ANNUAL FEE	NA	0	03/06/24	\$460.00
21 - Off-Sale General	ANNUAL FEE	NA	0	03/06/24	\$949.00
				Total	\$2,879.00

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?

STATE OF CALIFORNIA

County of SAN FRANCISCO

Date: February 29, 2024

Applicant Name(s)

BR POLK LLC

Recommend approval of ABC Type 21 & 86; Allowed in conjunction with existing General Grocery dba Bi-Rite. General Grocery is a Retail Sales and Service use principally permitted in the Polk Street Neighborhood Commercial Zoning District per Planning Code Section 723. 5/18/23: Approved the establishment of a General Grocery use (d.b.a BiRite), which replaces another General Grocery use (d.b.a. Real Food Company) which is also a Légacy Business. Replacement of Legacy Business does not require a CUA per 723(b)(2). Grocery use is expanding through a storefront merger (2134 and 2140 Polk St); allowed per PCS 723(b)(3). The new, expanded General Grocery will have a use size of approx. 8,200 sf, which exceeds 4,000 sf, but qualifies for a Use Size Exemption per PCS 121.2(b)(3). See Ordinance No. 011-23 for relevant Planning Code amendments, which became effective on March 31, 2023.

Midllh M. Langh

Michelle Langlie, Senior Planner SF Planning 628-652-7410



RECEIVED BOARD OF SUPERVISORS SAN FRANCISCO

2024 MAR 26 AM 11: 42

2027 HAN 20 ARTH: 42

Alisa Somera, Legislative Deputy Director San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 415-554-4445

Re:

Liquor License "PCN" Request

Type 21, Pending License No: 656916

2134-2140 Polk Street, San Francisco CA 94109 - Bi-Rite

To the Clerk of the Board,

The purpose of this letter is to respectfully request to be placed on the Board's calendar of the Public Safety and Neighborhood Services Committee for the required Public Convenience and Necessity approval regarding our Type 21 license. We are upgrading our ticense at our premises at 2124-2140 Polk Street where we will operate a grocery store for the neighborhood.

As a San Francisco institution since 1940, Bi-Rite Market has been in my family since 1964 and under my guidance since 1997. In 2019 we were inducted to the San Francisco Legacy Business registry. Over the past 25 years, Bi-Rite has become a family of successful businesses comprised of the original Market and world-renowned Creamery in the Mission, a second Market in the Western Addition, and a Catering commissary kitchen in the Bayview. We're excited to now be taking over the legacy established by the original Real Foods Co. on Polk Street, preserving its San Francisco Legacy business status, providing long-term continuity within the neighborhood, and ensuring the community continues to have access to nourishing, healthful food.

Integral to Bi-Rite's success over the past 25 years has been our unwavering commitment to building a healthier, more equitable, and sustainable community. Each year we support hundreds of local, San Francisco nonprofit organizations and schools with direct cash and product donations. We've helped incubate programs specifically designed to increase food security within San Francisco and the greater Bay Area, and we provide financial assistance to EBT Market Match programs through several San Francisco farmers markets. Our Markets serve as anchors in their neighborhoods, bringing people into the commercial corridors and creating meaningful synergies with the other merchants we partner and collaborate with.

Understanding that supporting a healthy community is only feasible when our staff is healthy, each member of Bi-Rite's 265+ staff receives full benefits, including employer-funded health care, 401(k) with company match, paid time off, and a 40% discount on food. And we became a Certified B Corporation in 2015, voluntarily being held accountable by the third-party to use our business as a force for good: serving our staff, guests, community, and planet responsibly.

Our current two Markets offer guests a full assortment of food and beverage offerings that make for a one-stop shop for all things food and drink. Specifically, guests have expressed a deep passion and appreciation for craft wine, beer, and distilled spirits. We offer beverage education and training and create a fun, safe environment to taste, learn, and buy, and our Markets provide a warm and welcoming shopping experience to every guest. We wish to provide the



same consistent consumer experience with the Polk Street Market, something we strongly believe the community desires and will appreciate.

Our planned hours of operation are 8:00am – 9:00pm, seven days a week, which is consistent with our two other Market locations. We will vigilantly monitor the surrounding area to always ensure the safety of our business and guests, and maintain a lawful business. Our experience in this area has allowed us to cultivate long-standing and meaningful relationships with community leaders and members. We have a Community Promise which details our standards for these relationships (https://biritemarket.com/community/love-always-promise/). Lastly, we intend to employ about 80 people for our operations at this location. Job creation is important to us, and we are proud to contribute to the City of San Francisco in this way.

We filed our application with the Department of ABC on February 29, 2024 with our opening date slated for summer 2024. Notification of our proposed license was sent to the surrounding neighborhood on March 14, 2024

We seek the SF Board of Supervisors' affirmative ruling that our application serves the public convenience and necessity of our City. Please notify us of our hearing date by sending a notification to me (<u>sam@biritemarket.com</u>) and to our consultants (<u>Paola@abclicensecompany.com</u> and <u>Carrie@abclicensecompany.com</u>).

Respectfully

Sam Mogannam

Founding Partner, Bi-Rite Family of Businesses

Department of Alcoholic Beverage Control

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control

33 NEW MONTGOMERY STREET

STE 1230

SAN FRANCISCO, CA 94105

(415) 356-6500

File Number: 656916

Receipt Number: 2874684 Geographical Code: 3800

Copies Mailed Date: March 6, 2024

Issued Date:

DISTRICT SERVING LOCATION: SAN FRANCISCO

First Owner:

BR POLK LLC

Name of Business:

BI-RITE

Location of Business:

2134-2140 POLK ST

SAN FRANCISCO, CA 94109

County

SAN FRANCISCO

Is Premises inside city limits

Yes

Census Tract:

0109.02

State of California

Mailing Address:(If different

from

3505 20TH ST

SAN FRANCISCO, CA 94110-2416

premises address)

Type of license(s):

21,86

Dropping Partner: Yes

Transferor's license/name:

628523 / BABY BOY SF INC

License Type 86 - Instructional Tasting License 21 - Off-Sale General	Transaction Type ORI PER/PRM	Master Y Y	Secondary LT And Count		
License Type	Transaction Description	Fee Code	Dup	Date	Fee
Application Fee	DBL TRF: PREMISES AND PERSON	NA	0	03/06/24	\$1,470.00
86 - Instructional Tasting License	ANNUAL FEE	NA	0	03/06/24	\$460.00
21 - Off-Sale General	ANNUAL FEE	NA	0	03/06/24	\$949.00
				Total	\$2,879.00

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: February 29, 2024

Applicant Name(s)

BR POLK LLC

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereb	y subm	it the following item for introduction (select only one):			
	1.	For reference to Committee (Ordinance, Resolution, Motion or Charter Amendm	nent)		
	2.	Request for next printed agenda (For Adoption Without Committee Reference) (Routine, non-controversial and/or commendatory matters only)	,		
	3.	Request for Hearing on a subject matter at Committee			
	4.	Request for Letter beginning with "Supervisor	inquiries"		
	5.	City Attorney Request			
	6.	Call File No. from Committee.			
	7.	Budget and Legislative Analyst Request (attached written Motion)			
	8.	Substitute Legislation File No.			
	9.	Reactivate File No.			
	10.	Topic submitted for Mayoral Appearance before the Board on			
The pr	oposed	legislation should be forwarded to the following (please check all appropriate box	xes):		
	□ Sm	nall Business Commission Youth Commission Ethics Commission	ion		
	□ Pla	anning Commission Building Inspection Commission Human Resource	es Department		
Genera	al Plan l	Referral sent to the Planning Department (proposed legislation subject to Charter	4.105 & Admin 2A.53		
	□ Ye	s 🗆 No			
(Note:	For Im	perative Agenda items (a Resolution not on the printed agenda), use the Imperati	ve Agenda Form.)		
Spons	or(s):				
Clerk	of the	Board			
Subject:					
Liquo	or Licer	se Transfer - 2134-2140 Polk Street - Bi-Rite			
Long	Title or	text listed:			
gene	ral bee ed at 2	consider that the person-to-person, premise-to-premise transfer of a Type- r, wine, and distilled spirits liquor license to the BR Polk LLC, doing busine 134-2140 Polk Street (District 3), will serve the public convenience or nece of San Francisco.	ess as Bi-Rite,		

Signature of Sponsoring Supervisor: