

Lucky BAYVIEW

September 12, 2022

Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlet Place, Room 244
San Francisco, CA 94102

Re: Request for Resolution of Public Convenience or Necessity
Save Mart Supermarkets LLC
3801 3rd Street, San Francisco, CA 94124

SEP 12 PM 3:53
CLERK OF THE BOARD
SAN FRANCISCO BOARD OF SUPERVISORS
1 DR. CARLTON B. GOODLET PLACE
SAN FRANCISCO, CA 94102

Dear Board of Supervisors:

Save Mart Supermarkets LLC ("Save Mart") has applied to the Department of Alcoholic Beverage Control for a Type 20 Off-Sale Beer and Wine license for the new Save Mart supermarket ("Lucky Bayview") opening this fall in the Bayview Hunters Point neighborhood. Because the new store is located in a census tract that has an "undue concentration" of off-sale licenses under Section 23958.4 of the California Business and Professions Code, we are requesting a determination by the Board of Supervisors that public convenience or necessity will be served by issuance of the license .

Save Mart has applied for a person-to-person, premises-to-premises transfer of an existing Type 20 license to its new store location in the Bayview Plaza. Save Mart will occupy the retail space previously occupied by Walgreens, which has been vacant since 2019. The new grocery store will be open 7 days a week from 6 a.m. to 9 p.m. and will offer the Bayview community convenient access to fresh, quality groceries.

Save Mart is committed to offering a "Full Shop" for customers including a substantial fresh fruit and vegetable section, fresh dairy and cheese offerings, and fresh meat and poultry, in addition to household basics. Customers will also have a selection of beer and wine for purchase with their groceries. The beer and wine display will be located at the front of the store behind the checkout area and will account for less than 2% of the entire square footage of the store. While beer and wine will be only a small component of the overall grocery offerings, the ability to purchase alcoholic beverages along with food items is a convenience customers expect from a full-service grocery store.

Save Mart is committed to the safe and proper sale of alcoholic beverages and has put several measures into place to ensure that alcohol sales are conducted in a responsible manner, including training for all cashiers in responsible alcohol beverage sales, policies and procedures for checking ID of customers purchasing alcoholic beverages and requiring that all alcohol purchases be made by a live checker, and not at self-checkouts.

The Bayview Hunters Point neighborhood, with its more than 35,000 residents, has been identified as a food desert by the United States Department of Agriculture. The community deserves a full-service grocery store as well a business that will invest in the community. Save Mart management has been meeting regularly with an advisory committee of neighborhood residents to ensure that it understands and addresses the needs of local residents. Save Mart will hire employees from the District 10 neighborhood and is currently working with local vendors, including local breweries, to feature their products. Save Mart is committed to a comprehensive and continuing community engagement plan.

Lucky BAYVIEW

For the reasons set forth above, we respectfully request that the Board of Supervisors make a finding that issuance of the Type 20 license to Save Mart will serve public convenience or necessity.

Should you have any questions or concerns, please contact our alcoholic beverage attorney, Beth Aboulafia at 415-362-1215, ext. 104, or aboulafia@beveragelaw.com.

Sincerely,



Sadiq Ali, Manager

Save Mart Supermarkets LLC

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

September 1, 2022

Subject: Request for Determination of Public Convenience or Necessity

Applicant:

Brando Jessie
4153233773 or 6289467863
brando@chezbrando.com

Business:

Chez Brando LLC
775 Filbert Street, San Francisco, CA 94133

Mailing Address:

Brando Jessie
1854 Mason Street, San Francisco, CA 94133

License Type: 42 New Issuance

Proposed business hours: Daily 7am to 12am

Department of Alcohol Beverage Control Application filed August 18, 2022 at the San Francisco Office. License type & Number: 42-640553 (See Attached)

Public Notice of Application to Sell Alcoholic Beverages posted at 775 Filbert Street on August 19, 2011 and Notice of Intent to Sell Alcohol Mailing to all residents within 500ft mailed by US Post on August 31, 2022 (See attached)

Explanation of how the license will serve the public convenience or necessity:

First, to my knowledge I am the longest continuously operating African-American business owner in the North Beach neighborhood of San Francisco and opening Chez Brando is critical to my survival! Under my dba EBJ Enterprises, since 1999 I have been serving my community and like many other small business owners the pandemic has pushed me to the brink of closing my doors! I can't do that! I must continue, for myself and for the African-American community at large! The importance of this really hit home just a few days ago. On August 29, 2022 while standing outside of 775 Filbert (Chez Brando) I was approached by a young African-American male! He told me his name, Christian, he then said, "I had been told by my girlfriend that I had to meet you. She said that you are opening this wine bar and I really wanted to meet you." I then invited him inside and we talked for about 30 minutes. I will never forget what he told me. Christian said, "It is so important to me that you open this wine bar. As a young

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Clerk of the Board of Supervisors

do it." Christian's dream is to open his own business in the food and beverage industry and seeing someone who looks like him, doing something he wants to do, really helps! **Second**, A unique opportunity! As I understand it, Chez Brando may be the 1st African-American owned and operated wine bar in all of San Francisco! Also, the Small Business Association asked that I include in this request the following, *"San Francisco's Black population is only 5.4% with Black business owners less than 3%. Economic equity may be described as when the resources and available assets associated with the economy of a particular area or a specific region are considered to be balanced and allow citizens to participate in that economy without experiencing any bias based on race, creed, color, religion, or gender, etc. It is the fairness of a wide distribution of access to economic wealth. It means honest inclusion in a local economy in which all can take part, prosper, and reach their full capacity."* **Third**, in addition to myself Chez Brando will provide jobs for at least 2 full-time employees and 1 or more part-time employees! **Fourth**, as my wine bar is French (featuring French wines, cheeses, and charcuterie) it provides variety, without presenting competition to the Italian, organic and other types of wine bars currently in North Beach! **Fifth**, the location is off the main thoroughfares and offers my neighbors a place to take a glass of wine or beer closer to home and we will feature a happy hour, something no wine bar in the area offers. I believe locals should be able to come home after a hard day's work and get a nice glass of wine or beer without fear of breaking the bank! **Sixth**, situated on the corner of Filbert street and Mason street, where the cable car passes and Alcatraz can be seen on clear days, Chez Brando offers tourists a classic "San Francisco environment and view." Additionally, my plan is to make the parkette outside of Chez Brando a place where tourists and locals can come and "lock their love" as the parkette will feature the words, "I love you." in every language! **Seventh**, a sense of quaintness. My neighbors and I have already had several "PotLuck" events at the parklette and the sense of community is incredible! **Eighth**, my wine bar also focuses on wine education and we will be helping people to overcome their "fear of wine knowledge". With a background in chemistry, having done projects at Exxon, Coca-Cola, and the National Science Foundation and collecting French wines for many years I will offer San Francisco a unique experience! Whether it's drawing the actual chemical structures and formulas of wine components to help people better understand what happens when we drink a wine or discussing 2000 years of wine history, Chez Brando will be a place of community learning and sharing as much as a wine bar! Additionally, we will be inviting winemakers, sommeliers, and wine educators to give presentations. **Ninth**, to help other local businesses! I have already begun working with other businesses in the neighborhood and Bay Area to feature "local products" on the Chez Brando menu!

Sincerely,



Brando Jessie

Owner Chez Brando LLC

Posting should be accomplished within 5 days from the date of application.

Investigation cannot progress until this completed form, Affidavit of Posting, has been received by this office.

Date of Filing Application: **August 18, 2022**

Name of Applicant(s): **CHEZ BRANDO LLC**
Address of Premises: **775 FILBERT ST
SAN FRANCISCO, CA 94133-2703**
License(s) Applied for: **42 - On-Sale Beer And Wine - Public Premises**

I hereby certify under penalty of perjury that pursuant to the provisions of Section 23985 of the Alcoholic Beverage Control Act and Rule 109, Title 4, Chapter 1, California Code of Regulations, after filing an application to engage in the sale of alcoholic beverages at the above-designated premises, I did date the posting notice and on said date did post the notice in a conspicuous place on the premises and said notice shall remain posted for a period of at least 30 consecutive days.

NOTICE DATED AND POSTING: August 19, 2022

SIGNATURE OF APPLICANT:  DATE 8/19/2022

Please return within five (5) days to:

**Department of Alcoholic Beverage Control
33 NEW MONTGOMERY STREET
STE 1230
SAN FRANCISCO, CA 94105
(415) 356-6500**

Section 23985 and Rule 109.

Section 23985. POSTING NOTICE. After filing an application to engage in the sale of any alcoholic beverage at any premises, notice of intention to so commence shall be posted in a conspicuous place at the entrance to the premises. The applicant shall notify the department of the date when such notice is first posted. No License shall be issued for the premises until the notice has been so posted for at least 30 consecutive days. The notice shall be in such form as the department shall prescribe.

Notice of the application for a license pursuant to Section 24044 shall be posted at the proposed premises after the application is filed and shall remain so posted for at least 30 consecutive days. The applicant shall notify the department of the date when such notice is first posted.

Rule 109. POSTING NOTICE. After filing an application to sell alcoholic beverages at any premises, the applicant shall post on the proposed premises notice of intention to sell alcoholic beverages. The notice shall be at least two feet in length and fourteen inches in width. This notice shall be posted in a conspicuous place which can be readily observed by ordinary passersby at or near the entrance to the premises. In the case of a vacant lot, posting shall be on a post or stake of permanent material, at the midpoint of the largest boundary fronting on a public thoroughfare at a point not more than ten (10) feet from the sidewalk, or roadway in the absence of any sidewalk. This notice must be mounted upon heavy cardboard or wood backing affixed to the post or stake so as to be readily visible from the sidewalk or roadway.

The notice shall remain posted for at least 30 consecutive days.

Department of Alcoholic Beverage Control
DECLARATION OF SERVICE BY MAIL
ABC 207F

Complete this form, attach the original Form ABC-207E and return to ABC office listed below.
Refer to Instructions, Form ABC-528, for more information.

ABC District Office:

**Department of Alcoholic Beverage Control
33 NEW MONTGOMERY STREET
STE 1230
SAN FRANCISCO, CA 94105
(415) 356-6500**

Applicant(s) Name(s):

CHEZ BRANDO LLC

Premises Address:

**775 FILBERT ST
SAN FRANCISCO, CA 94133-2703**

I, Brando Jessie, do hereby declare that on 8/31/2022 served by mail upon each Resident of real property owner of real property within a 500-foot radius of the above-designated premises, by depositing in the United States Mail, with postage fully prepaid, a sealed envelope containing a true copy of the Notice of Intention to Engage in the Sale of Alcoholic Beverages (ABC-207E), a copy of which is attached hereto, giving the name(s) of the applicant(s), the type(s) of license(s) applied for, the address of the premises where the business is to be conducted, addressed to the resident/occupant for each of the following addresses (If more space is needed, use reverse or attach a separate sheet):

ADDRESS CITY ZIP CODE

Continued on reverse or on attachment

I declare under the penalty of perjury that the foregoing is true and correct.

Executed at San Francisco, California, this 31st day of August, 2022

Brando Jessie
Signature

NOTICE OF INTENTION TO ENGAGE IN THE SALE OF ALCOHOLIC BEVERAGES

ABC-207-E (9/05)

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

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

Date of Mailing: 8/31/22 Date Premises Posted: 8/19/2022

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

775 Filbert St
San Francisco, CA 94133-2703

Type of license(s) applied for:

42-On-Sale Beer and Wine-Public Premises

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

CHEZ BRANDO LLC

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

Chez Brando

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

Department of Alcoholic Beverage Control
33 New Montgomery St
Ste 1230
San Francisco, CA 94105
415.356.6500

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions
- This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
 - Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
 - Part 2 is to be completed by the applicant, and returned to ABC.
 - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

CHEZ BRANDO LLC

2. PREMISES ADDRESS (Street number and name, city, zip code)

775 FILBERT ST SAN FRANCISCO, CA 94133-2703

3. LICENSE TYPE

42

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast: | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only | <input type="checkbox"/> All | | |

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |

Other - describe: **Beer and Wine Public Premises**

5. COUNTY POPULATION

1,626/875,010

6. TOTAL NUMBER OF LICENSES IN COUNTY

On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

293 On-Sale Off-Sale

8. CENSUS TRACT NUMBER

107.02

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

5 On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

27 On-Sale Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed
- No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13) No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

120

14. TOTAL NUMBER OF REPORTING DISTRICTS

654

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

54,049

16. AVERAGE NO. OF OFFENSES PER DISTRICT

82.64

17. 120% OF AVER

99.16

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

98

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name: Board of Supervisors

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

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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 documentation, if desired. Do *not* proceed to Part 3.

22. APPLICANT SIGNATURE	23. DATE SIGNED
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PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes No See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME	27. CITY/COUNTY OFFICIAL TITLE	28. CITY/COUNTY OFFICIAL PHONE NUMBER
29. CITY/COUNTY OFFICIAL SIGNATURE	30. DATE SIGNED	