

File No. 240327

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Ngbh Services

Date: April 25, 2024

Board of Supervisors Meeting:

Date: _____

Cmte Board

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

OTHER

- Police Department Report – 041824
- Planning Department Review –040224
- PC or N Referral to Planning and Police – 032924
- PC or N Request Letter – 032624
- _____
- _____
- _____
- _____
- _____

Prepared by: Monique Crayton

Date: April 19, 2024

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

From: [Carroll, John \(BOS\)](#)
To: 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](#); [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: [image001.png](#)

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 [Legislative Research Center](#) 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 2134-2140 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



Map data ©2024 Google 100 ft

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 [Legislative Research Center](#) 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.

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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: Michelle Langlie
Phone No. 628-652-7410

DATE: March 29, 2024

AP Block/Lot Nos.: 0572/018A

Zoning: Polk NCD, 65-A

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

Quad: District 3

Record No.: 2024-002866MIS

Please submit your response within two weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for a regular meeting in April of 2024.

PLEASE EMAIL YOUR RESPONSE by April 12, 2024, to:
John Carroll, Public Safety and Neighborhood Services Committee Clerk.
john.carroll@sfgov.org ~ (415) 554-4445

Applicant name: BR Polk LLC

Business name: Bi-Rite

Application address: 2134-2140 Polk Street

Applicant contact info: Sam Mogannam
sam@biritemarket.com

Paola Horevicz Hurtado
paola@abclicensecompany.com

Carrie Peters
carrie@abclicensecompany.com

PLANNING REVIEW: Approval Denial

Planning Staff Contact: Michelle Langlie
(Please add comments on a trailing page.)

POLICE REVIEW: Approval Denial
(Please add comments in a trailing report.)



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) License 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,

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@sfgov.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)

State of California

Paola Hurtado

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

File Number: **656916** (510) 788-5881
 Receipt Number: **2874684**
 Geographical Code: **3800**
 Copies Mailed Date: **March 6, 2024**
 Issued Date:

DISTRICT SERVING LOCATION: **SAN FRANCISCO** 0572/018A
 First Owner: **BR POLK LLC** Dist 3
 Name of Business: **BI-RITE** NCD
 Location of Business: **2134-2140 POLK ST** 2024-002052MIS
SAN FRANCISCO, CA 94109
 County **SAN FRANCISCO**
 Is Premises inside city limits **Yes** Census Tract: **0109.02**
 Mailing Address:(If different from premises address) **3505 20TH ST**
SAN FRANCISCO, CA 94110-2416
 Type of license(s): **21, 86** Dropping Partner: Yes ___ No
 Transferor's license/name: **628523 / BABY BOY SF INC**

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>
86 - Instructional Tasting License	ORI	Y	
21 - Off-Sale General	PER/PRM	Y	

<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
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

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 Legacy 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.

Michelle M. Langlie

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



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2024 MAR 26 AM 11:42

BY JA

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 license at our premises at 2134-2140 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



EAT GOOD FOOD

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 (sam@biritemarket.com) and to our consultants (Paola@abclicensecompany.com and Carrie@abclicensecompany.com).

Respectfully,

A handwritten signature in black ink, appearing to be "Sam Mogannam". The signature is stylized and somewhat abstract, with a large loop at the end.

Sam Mogannam
Founding Partner, Bi-Rite Family of Businesses

Department of Alcoholic Beverage Control
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
 ABC 211 (6/99)

State of California

Paola Hurtado

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

File Number: **656916** (510) 788-5881
 Receipt Number: **2874684**
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 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**

Mailing Address:(If different from premises address) **3505 20TH ST
 SAN FRANCISCO, CA 94110-2416**

Type of license(s): **21, 86** Dropping Partner: Yes No

Transferor's license/name: **628523 / BABY BOY SF INC**

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
86 - Instructional Tasting License	ORI	Y			
21 - Off-Sale General	PER/PRM	Y			

<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	DBL TRF: PREMISES AND PERSON	NA	0	03/06/24	\$1,470.00
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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

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2024 MAR 11 AM 9:29
 BY *[Signature]*

Introduction Form

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

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 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 proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Clerk of the Board

Subject:

Liquor License Transfer - 2134-2140 Polk Street - Bi-Rite

Long Title or text listed:

Hearing to consider that the person-to-person, premise-to-premise transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to the BR Polk LLC, doing business as Bi-Rite, located at 2134-2140 Polk Street (District 3), will serve the public convenience or necessity of the City and County of San Francisco.

Signature of Sponsoring Supervisor:

Alisa Bornea