

File No. 220407

Committee Item No. 1

Board Item No. 30

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: June 9, 2022

Board of Supervisors Meeting:

Date: June 28, 2022

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- Motion
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- 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/Agreement
- Form 126 – Ethics Commission
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- Application
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OTHER

- PCN Request, dtd 4/8/22
- PCN Referral, dtd 4/13/22
- Police Department Response, dtd 6/3/22
- Planning Department Response, dtd 6/1/22
- _____
- _____
- _____
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- _____

Prepared by: Alisa Somera

Date: June 3, 2022

Prepared by: Jessica Perkinson

Date: June 24, 2022

1 [Liquor License Transfer - 1548 California Street - Soda Popinski's]

2

3 **Resolution determining that the premise-to-premise transfer of a Type-21 off-sale**
4 **general beer, wine, and distilled spirits liquor license to Bitter Badger, Inc., doing**
5 **business as Soda Popinski's, located at 1548 California Street (District 3), will**
6 **serve the public convenience or necessity of the City and County of San**
7 **Francisco, in accordance with California Business and Professions Code, Section**
8 **23958.4; and requesting that the California Department of Alcoholic Beverage**
9 **Control impose conditions on the issuance of the license.**

10

11 WHEREAS, Bitter Badger, Inc., is seeking the transfer of a Type-21 off sale
12 liquor license to do business as Soda Popinski's, located at 1548 California Street
13 (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 most recently certified ABC-253. 2) Signs shall be posted at all
24 entrance/exit points leading into the designated Off-Sale General License (type 21)

25

1 premises from the designated On-Sale General-Public Premises License (type 48)
2 stating "NO OPEN CONTAINERS OF ALCOHOLIC BEVERAGES BEYOND THIS
3 POINT". Said signs shall measure no less than seven inches by eleven inches (7"x 11")
4 and contain lettering no less than one (1) inch height.; now, therefore, be it

5 RESOLVED, That in accordance with California Business and Professions Code,
6 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
7 hereby determines that the transfer of a Type-21 off-sale general beer, wine, and
8 distilled spirits liquor license to Bitter Badger, Inc., doing business as Soda Popinski's,
9 located at 1548 California Street (District 3), will serve the public convenience or
10 necessity of the City and County of San Francisco; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
12 San Francisco hereby endorses and adopts the recommendations of the Police
13 Department listed above and recommends that the Department of Alcoholic Beverage
14 Control issue the license with those conditions.

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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 Gordon Mar
Supervisor Catherine Stefani
Supervisor Myrna Melgar

From: Lt. Steve Jonas #79 
Officer in Charge
ALU/Permits Unit 415-553-9550

Date: June 3, 2022

Subject: P.C.N. Investigation Regarding: Bitter Badger, Inc.
DBA: Soda Popinski's
1548 California St.
San Francisco, CA. 94109

Bitter Badger, Inc. (Soda Popinski's) has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (Off-Sale General) license to be located at 1548 California St. (located between Larkin St. and Polk St.)

Hours of Operation:

10:00 a.m. to 2:00 a.m. each day of the week.

Digest:

Bitter Badger Inc. (Soda Popinski's) would like to have small retail area inside of their Type-48 premise at 1548 California St. to sell Beer, Wine and Distilled Spirits.

Letters of Protest

0

Letters of Support

0

Police Calls for Service:

From March 2020 to March 2021

0 calls for service

Police Reports:

From March 2020 to March 2021

0 police reports

San Francisco Plot Information:

This premise is located in Plot: **535**

A High Crime area is defined as **84** or more police reports in a plot for the year of **2020**.

This plot had 222 police reports for **2020**, which is 138 **higher** than the **Citywide** "High Crime" average

State Census Tract Information:

This premise is located in Census Tract: **111.00**

Population for this tract is: **5,164**

On-sale license authorized by census tract: **17**

Active on-sale licenses: 20 with 0 pending

Off-sale licenses authorized by census tract: **4**

Active off-sale licenses: 7 with 0 pending

Departmental Recommendation:

Points of consideration: **0**

No opposition from **Northern Station**.

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

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

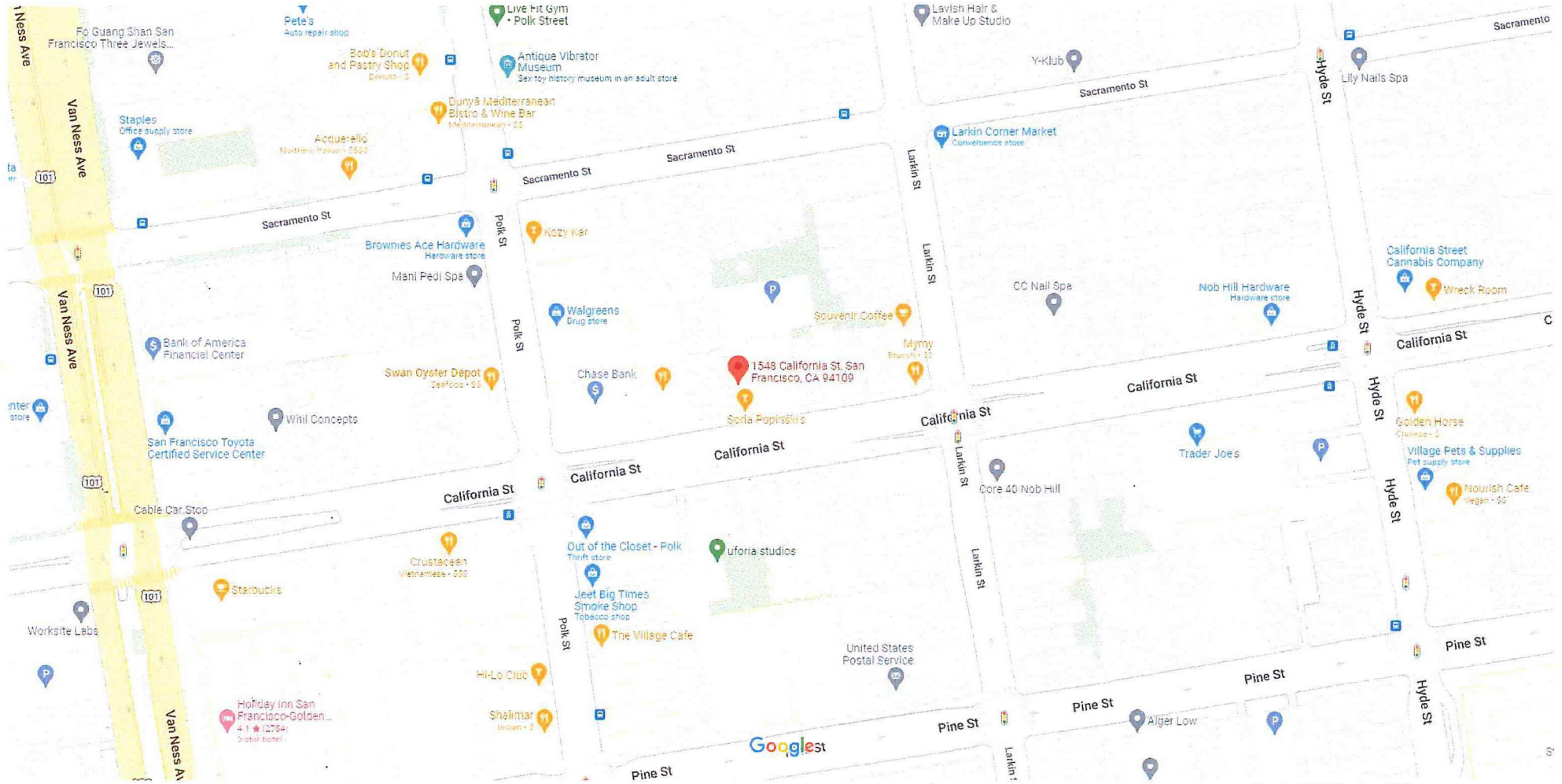
0 - Protest.

0 - Support

ALU Recommendation: **Approval with the following conditions:**

Conditions for Type 21- Off-Sale General

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 most recently certified ABC-253.
2. Signs shall be posted at all entrance/exit points leading into the designated Off-Sale General License (type 21) premises from the designated On-Sale General-Public Premises License (type 48) stating "NO OPEN CONTAINERS OF ALCOHOLIC BEVERAGES BEYOND THIS POINT". Said signs shall measure no less than seven inches by eleven inches (7"x11") and contain lettering no less than one (1) inch height.



Google

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. _____

DATE: April 13, 2022
AP Block/Lot Nos.: 0644 / 012
Zoning: Polk Street NCD 65-X
Quad: NE Planning Team
Record No.: 2021-002224MIS, 2022-003451MIS and
2021-007257MIS

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

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 June 9, 2022.

PLEASE EMAIL YOUR RESPONSE by Wednesday, June 1, 2022, to:
Alisa Somera, Public Safety and Neighborhood Services Committee Clerk.
alisa.somera@sfgov.org ~ (415) 554-7711

Applicant name: Bitter Badger, Inc.

Business name: Soda Popinski's

Application address: 1548 California Street, San Francisco, CA 94109

Applicant contact info: Mark E. Rennie
870 Market Street Suite 1260
(415) 981-4500
rennie23@gmail.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.)



San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

06/01/2022

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
Planning Department Files No. 2021-002224MIS, 2022-003451MIS and 2021-007257MIS

To Whom It May Concern:

The Planning Department is recommending approval of the attached/pending ABC Type 21 -(Package Store) in conjunction of existing bar dba Soda Popinksi's. Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Liquor Store is a Retail Sales and Service conditionally permitted in the Polk Street Neighborhood Commercial District per Planning Code Section 723. Approved under and subject to 2022-001116CUA.

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 | PIC Specialist
Northeast Team | Current Planning

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](#)

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

Mark Rennie

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

File Number: 523357
Receipt Number: 2663682
Geographical Code: 3800
Copies Mailed Date: March 3, 2021
Issued Date:

(415) 981-5400

DISTRICT SERVING LOCATION: SAN FRANCISCO NE
0644/012
First Owner: BITTER BADGER INC. NCD
Name of Business: SODA POPINSKI'S 2021-002224MIS
Location of Business: 1548 CALIFORNIA ST
SAN FRANCISCO, CA 94109-4708
County: SAN FRANCISCO
Is Premises inside city limits? Yes Census Tract: 0111.00
Mailing Address:(If different from premises address) 2961 MISSION ST
SAN FRANCISCO, CA 94110-3917
Type of license(s): 21 Dropping Partner: Yes No
Transferor's license/name: 18980 / LUCCA RAVIOLI COMPANY INC

Table with columns: License Type, Transaction Type, Master, Secondary LT And Count, License Type, Transaction Description, Fee Code, Dup, Date, Fee. Includes rows for Application Fee and ANNUAL FEE, with a Total of \$2,064.00.

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: March 3, 2021

Applicant Name(s)

BITTER BADGER INC.

Recommend approval of ABC Type 21 -(Package Store) in conjunction of existing bar dba Soda Popinski's. Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Liquor Store is a Retail Sales and Service conditionally permitted in the Polk Street Neighborhood Commercial District per Planning Code Section 723. Approved under and subject to 2022-001116CUA.

Michelle M. Langlie

Michelle Langlie, Senior Planner
SF Planning
628.652.7410

MARK E. RENNIE
ATTORNEY AT LAW
1222 SUTTER STREET
SAN FRANCISCO, CALIFORNIA 94109

(415) 981-4500

April 3, 2022

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

Via Messenger

Re: Bitter Badger, Inc. dba Soda Popinski's
California ABC Liquor License Transfer
1548 California Street, San Francisco, CA 94109

Public Convenience and Necessity Determination Request

ABC Type-21 —Off-Sale General

Premise to Premise Transfer from 1100 Valencia St to 1548 California St.

SF CA 94109 [reduction of current bar/lounge to allow for an adjacent small liquor store].

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
7:07 APR - 9 PM 4:19
BY [Signature]

Dear Ms. Cavillo:

This is re-submission of our original letter to the Board dated July 5, 2022, where we requested a PCN Determination on 1548 California Street. At the request of John Carroll, Clerk of the Public Safety and Neighborhood Committee, we withdrew our application until we had our Conditional Use Authorization application submitted to the Planning Commission and a hearing scheduled.

This office represents Bitter Badger, Inc. dba Soda Popinski's. My client as applied to the California Department of Alcoholic Beverage Control (ABC) for a premise-to-premise transfer of a Type 21 Off-Sale General license. Bitter Badger currently operates a Type-48 On-Sale General Public Premises license at this location and plans to reduce the footprint of its current premises to allow room for a small (200 sq. ft.) package store at this location.

There are surrounding residences within 100 feet of this proposed new package store. Our location has been a bar and lounge for many years and has served the community well for many years. This request is to allow Soda Popinski's to create a small off-sale liquor store at the same address specializing in San Francisco-manufactured craft spirits,

The area is properly zoned [NCD-Polk: Polk Street Neighborhood Commercial] but requires a Conditional Use Authorization (CUA) from the San Francisco Planning Commission. The CU application has been submitted and is scheduled for hearing in the next month. We do not see any problems with the San Francisco Police Department approving this new ABC license, with

conditions. We have the support for this application from many of our neighbors, and are open to the imposition of conditions, if necessary, to this license. We have the support of this application, also, from the Discover Polk Central Business District.

This new craft-spirits package store will benefit many residents who might otherwise have to travel to another neighborhood for a similar shopping experience. The Soda Popinski's store will also serve visitors from other San Francisco neighborhoods and tourists.

Soda Popinski's is locally-owned, and thus revenue and taxes from the business will stay in the community. This new ABC license will also benefit local San Francisco craft-spirits manufacturers by marketing and selling their excellent products. This new license will allow Soda Popinski's to remain open and viable, will sustain the pedestrian traffic to other businesses in the neighborhood, and keep more "eyes on the street" and make the neighborhood safer after 10 PM. Like many small businesses in San Francisco, the COVID-19 shutdown has been devastating to their business.

Soda Popinski's is part of the Tonic Beverage Group which has owned and managed ten bars and restaurants in San Francisco, including Tonic and Dr. Teeth. Soda has been well-managed and non-problematic since 2012. There have been no noise complaints and minimal police issues since the business opened ten years ago. My client will continue with the new business model to be respectful to the neighborhood and to its customers. Soda Popinski's is committed to providing an excellent experience for their customers and will strive to make its lower Nob Hill area safer and pedestrian friendly. . Foremost, they will be Good Neighbors.

Soda Popinski's package store will also give back to the community. The Tonic Group consistently offers their spaces at no cost to community groups. Their most effective fundraising has been their "Guest Bartending" program which has raised over \$500,000.00 to non-profits and charities since 2009. Partner Ben Bleiman is active in the Sf entertainment community and currently serves as the President of the San Francisco Entertainment Commission.

For the reasons outlined above, applicant Bitter Badger, Inc dba Soda Popinski's respectfully requests that this letter be forwarded to the Public Safety & Neighborhood Services Committee of the Board and that this Committee and the full Board of Supervisors make a determination under California Business and Professions Code Section 23958.4 that the public need or convenience would be served by the premise-to-premise transfer of this liquor license to a new location at 1548 California Street, San Francisco, CA 94109.

Thank you for your consideration of this request.

Yours truly,



Mark E. Rennie

MER/mb

Cc: Ben Bleiman,
Officer-in-Charge SFPD ALU

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