Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Monday, April 24, 2023 2:11 PM
To: Salmonson, Joel (POL); Wong, Joanne (POL); Jonas, Stephen (POL)
Cc: Donovan, Dominica (BOS); Bolen, Jennifer M.(BOS); Hernandez, Melissa G (BOS); Kilgore, Preston (BOS); Smeallie, Kyle (BOS); Alabanza, Analyn@ABC; amarjit.tamber@abc.ca.gov; Jemma Jorel Lester; CPC.Referrals; Atoyebi, Tolu (CPC)
Subject: RE: Liquor License Issuance - 628 Divisadero Street - The Independent - BOS File No. 230336

Categories: 230336

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 20, 2023

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 a regular meeting of May 25, 2023.

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

Board of Supervisors File No. 230336

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 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 hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a*

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 31, 2023

AP Block/Lot Nos.: 1202/007
Zoning: Divis NCT
Quad: Dist 5
Record No.: 2023-002939MIS

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 25, 2023.

PLEASE EMAIL YOUR RESPONSE by April 21, 2023, to:
John Carroll, Public Safety and Neighborhood Services Committee Clerk.
john.carroll@sfgov.org ~ (415) 554-4445

Applicant name: The Independent, LLC

Business name: **The Independent**

Application address: 628 Divisadero Street
San Francisco, CA 94117

Applicant contact info: Jemma Jorel Lester
jemma@properpourco.com
845-389-3958

PLANNING REVIEW: ☒ **Approval** ☐ **Denial**

Planning Staff Contact: Sydney Tolu Atoyebi, Planner (District 5 & 8)
(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

4/20/2023

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

Re: **628 Divisadero Street - BOS Referral - Liquor License Public Convenience or Necessity Referral**
Planning Department File No. 2023-002939MIS

To Whom It May Concern:

The Planning Department recommends approval for ABC Type-90 license in conjunction with principally permitted Nighttime Entertainment use (d.b.a The Independent) in the Divisadero Street Neighborhood Commercial Transit Zoning District per Planning Code Section 759. All Eating and Drinking uses are subject to the following operating conditions of Planning Code Section 202.2(a)(1):

1. The business operator shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.

2. When located within an enclosed space, the premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

3. While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

4. Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

If you have any questions related to Planning's evaluation, please call me at (628) 652-7363.

Sincerely,

Sydney Toki Atoyebi

Sydney Toki Atoyebi, Planner
Districts 5 & 8, Current Planning Division

Department of Alcoholic Beverage Control

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

State of California

Jemma Lester
(845) 389-3958

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

File Number: **646379**
Receipt Number: **2780597**
Geographical Code: **3800**
Copies Mailed Date: **March 1, 2023**
Issued Date:

DISTRICT SERVING LOCATION: **SAN FRANCISCO**

1202/007
Dist 5
NCT
2023-001988MIS

First Owner: **INDEPENDENT LLC THE**
Name of Business: **INDEPENDENT THE**
Location of Business: **628 DIVISADERO ST**
SAN FRANCISCO, CA 94117

County: **SAN FRANCISCO**

Is Premises inside city limits? **Yes** Census Tract: **0164.00**

Mailing Address:(If different from premises address)

Type of license(s): **90** Dropping Partner: Yes___ No✓

Transferor's license/name:

License Type	Transaction Type	Master	Secondary LT And Count
90 - On-Sale General Music Venue	ORI	Y	

License Type	Transaction Description	Fee Code	Dup	Date	Fee
Application Fee	ADD PRIMARY LICENSE TYPE	NA	0	03/01/23	$17,335.00
90 - On-Sale General Music Venu	ANNUAL FEE	P40	0	03/01/23	$1,355.00
				Total	$18,690.00

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 1, 2023

Applicant Name(s)

INDEPENDENT LLC THE

Recommend Approval for ABC Type-90 license in conjunction with principally permitted Nighttime Entertainment use (d.b.a The Independent) in Divisadero Street NCT Zoning District per PC Section 759. Subject to the operating conditions of Planning Code Section 202.2(a)(1).

Sydney Tolu Atoyebi

Sydney Tolu Atoyebi
Districts 5 & 8, Current Planning
4/20/2023

THE INDEPENDENT LLC

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2023 MAR 30 PM 1:55
BY

Angela Calvillo, Clerk of the Board
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
Original Type #90 - 646379

To the Clerk of the Board,

The purpose of this letter is to respectfully request to be placed on the Board's PSNS Subcommittee calendar for Public Convenience and Necessity review for our Type 90 ABC license.

Our business, The Independent, proves to be necessary in San Francisco, as an integral part of the live music scene since 2005. We have been operating with the Dept. of ABC's Type 48 license intended for a bar. This has prohibited minors from being able to attend our performances.

With the new Type 90 Music Venue license now available, we would like to pursue this new license as it better conforms with our operations and allows us to cater to all ages without requiring us to operate as a restaurant.

We seek the SF Board of Supervisor's affirmative ruling that our application serves the public convenience and necessity of San Francisco.

Please include our ABC representative, Jemma Jorel Lester, on correspondence scheduling our hearing date. She can be reached via email at jemma@properpourco.com. Thank you for your kind consideration of this request.

Sincerely,

The Independent, LLC

Department of Alcoholic Beverage Control

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

State of California

Jemma Lester
(845)389-3958

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

File Number: **646379**
Receipt Number: **2780597**
Geographical Code: **3800**
Copies Mailed Date: **March 1, 2023**
Issued Date:

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2023 MAR -6 AM 8:59
BY

DISTRICT SERVING LOCATION: **SAN FRANCISCO**

First Owner: **INDEPENDENT LLC THE**
Name of Business: **INDEPENDENT THE**
Location of Business: **628 DIVISADERO ST**
SAN FRANCISCO, CA 94117
County: **SAN FRANCISCO**
Is Premises inside city limits? **Yes**
Census Tract: **0164.00**
Mailing Address:(If different from premises address)
Type of license(s): **90**
Dropping Partner: Yes___ No✓
Transferor's license/name:

License Type	Transaction Type	Master	Secondary LT And Count
90 - On-Sale General Music Venue	ORI	Y	

License Type	Transaction Description	Fee Code	Dup	Date	Fee
Application Fee	ADD PRIMARY LICENSE TYPE	NA	0	03/01/23	$17,335.00
90 - On-Sale General Music Venu	ANNUAL FEE	P40	0	03/01/23	$1,355.00
				Total	$18,690.00

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 1, 2023

Applicant Name(s)

INDEPENDENT LLC THE

CA

CALIFORNIA DEPARTMENT OF
Alcoholic Beverage Control

Report Date: Friday, March 31, 2023

LICENSE INFORMATION

License Number: 646379 **Primary Owner:** INDEPENDENT LLC THE

Office of Application: 24 - SAN FRANCISCO

BUSINESS NAME

INDEPENDENT THE

BUSINESS ADDRESS

628 DIVISADERO ST , SAN FRANCISCO, CA, 94117

County: SAN FRANCISCO **Census Tract:** 0164.00

LICENSEE INFORMATION

Licensee: INDEPENDENT LLC THE

Company Information

OFFICER: MYSTERY MACHINE PRODUCTIONS INC (MANAGING MEMBER)

OFFICER: AJZ LLC (MEMBER)

OFFICER: COX, RYAN JAMES (MEMBER)

OFFICER: OCONNOR, MICHAEL EDGEWORTH (MEMBER)

STOCKHOLDER: AJZ LLC

STOCKHOLDER: COX, RYAN JAMES

STOCKHOLDER: OCONNOR, MICHAEL EDGEWORTH

LICENSE TYPES

Allow up to six weeks for expiration date updates after fee waiver or renewal fee submittal.

90 - ON-SALE GENERAL MUSIC VENUE

License Type Status: PENDING **Status Date:** 01-MAR-2023 **Term:** 12 Month(s)

Original Issue Date: **Expiration Date:** **Master:** Y **Duplicate:** **Fee Code:** P40

Transfers:

OPERATING RESTRICTIONS:

No Operating Restrictions found

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:

Hold Type: FORM 220 **Hold Date:** 01-MAR-2023

ESCROWS:

No Escrow found