

File No. 240822

Committee Item No. 2

Board Item No. 18

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Ngbh Services

Date: September 26, 2024

Board of Supervisors Meeting:

Date: October 8, 2024

Cmte Board

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- Introduction Form
- Department/Agency Cover Letter and/or Report
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OTHER

- Police Department Report 090524
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- PC or N Referral to Planning and Police 081624
- PC or N Request Letter 080624
- _____
- _____
- _____
- _____
- _____

Prepared by: Monique Crayton

Date: September 20, 2024

Prepared by: Monique Crayton

Date: October 3, 2024

Prepared by: _____

Date: _____

1 [Liquor License Issuance - 3089-16th Street - Skylark]

2

3 **Resolution determining that the issuance of a Type-90 on-sale general music**
4 **venue liquor license to 3089 16th Street LLC, to do business as Skylark,**
5 **located at 3089-16th Street (District 9), will serve the public convenience or**
6 **necessity of the City and County of San Francisco, in accordance with**
7 **California Business and Professions Code, Section 23958.4; and requesting that**
8 **the California Department of Alcoholic Beverage Control impose conditions on**
9 **the issuance of the license.**

10

11 WHEREAS, 3089 16th Street LLC., is seeking the issuance of a Type-90 on-sale
12 general music venue liquor license to do business as Skylark, located at 3089-16 Street
13 (District 9); 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; 2) The petitioner(s) shall be responsible for maintaining free
24 of litter the area adjacent to the premises over which they have control, as depicted on
25 ABC-253; 3) (1) Except as provided in Condition 2 below, no noise shall be audible
beyond the area under the control of the licensee; (2) Any noise caused by

1 entertainment or amplified sound that is subject to the provisions of an active
2 Entertainment Permit issued by the San Francisco Entertainment Commission shall be
3 authorized in accordance with the limits established by that Entertainment Permit,
4 including any limitation on hours during which entertainment or amplified sound is
5 permitted. A violation of the entertainment or amplified sound noise conditions of the
6 Entertainment Permit, as determined by the San Francisco Entertainment Commission
7 (or any successor agency), shall be deemed to be a violation of this Condition. Any
8 noise that is not subject to, or is beyond the scope of, the Entertainment Permit shall be
9 subject to Condition I above. "Entertainment Permit" means any of the following: a Just
10 Add Music permit, a Limited Live Performance permit, a Place of Entertainment permit,
11 a Fixed Place Amplified Sound permit, or any similar such permit issued by the San
12 Francisco Entertainment Commission; 4) At any time, the premise is providing live
13 entertainment, the petitioner(s) shall have two (2) uniformed security guard(s) on the
14 premises and shall maintain order therein to prevent any activity which would interfere
15 with the quiet enjoyment of their nearby residents, or the surrounding community. The
16 uniform security guards must be licensed by the State of California Department of
17 Consumer Affairs; now, therefore, be it

18 RESOLVED, That in accordance with California Business and Professions Code,
19 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
20 hereby determines that the issuance of a Type-90 on-sale general music venue liquor
21 license to 3089 16th Street LLC., to do business as Skylark, located at 3089-16 Street,
22 will serve the public convenience or necessity of the City and County of San Francisco;
23 and, be it

24 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
25 San Francisco hereby endorses and adopts the recommendations of the Police

1 Department listed above and recommends that the Department of Alcoholic Beverage
2 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 Catherine Stefani
Supervisor Matt Dorsey
Supervisor Joel Engardio

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

Date: September 4, 2024

Subject: P.C.N. Investigation Regarding: First Owner: 3089 16th St LLC
DBA: Skylark
3089 16th St
San Francisco CA. 94103
ABC File # 90-660268

3089 16th ST LLC., operating as "Skylark", has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 90 (On Sale General Music Venue) license to be located at 3089 16th St. (located between Valencia St. and Mission St.)

Hours of Operation:

6am to 2am each day of the week.

Digest:

"3089 16th St. LLC." would like to operate a Live Entertainment Venue to be located at 3089 16th St. If approved, this license will allow them to sell Wine, Beer, and Distilled Spirits.

Letters of Protest

0

Letters of Support

0

Police Calls for Service:

From July 1, 2023 to July 1 ,2024

2 calls for service

Police Reports:

From July 1, 2023 to July 1, 2024

0 police reports

San Francisco Plot Information:

This premise is located in Plot: **414**

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

This plot had 486 police reports for **2023**, which is 383 **Higher** than the **Citywide “High Crime”** average.

State Census Tract Information:

This premise is located in Census Tract: **201.02**
Population for this tract is: **3,841**

On-sale license authorized by census tract: **10**
Active on-sale licenses: 27 with 0 pending

Off-sale licenses authorized by census tract: **2**
Active off-sale licenses: 3 with 0 pending

Departmental Recommendation:

Points of consideration: **2 (Church and Park)**

No opposition from **Mission Station**.

Applicant premise **is** located in a “**High Crime**” area.

Applicant premise **is** located in a “**High Concentration**” area.

0 - Protest.

0 - Support

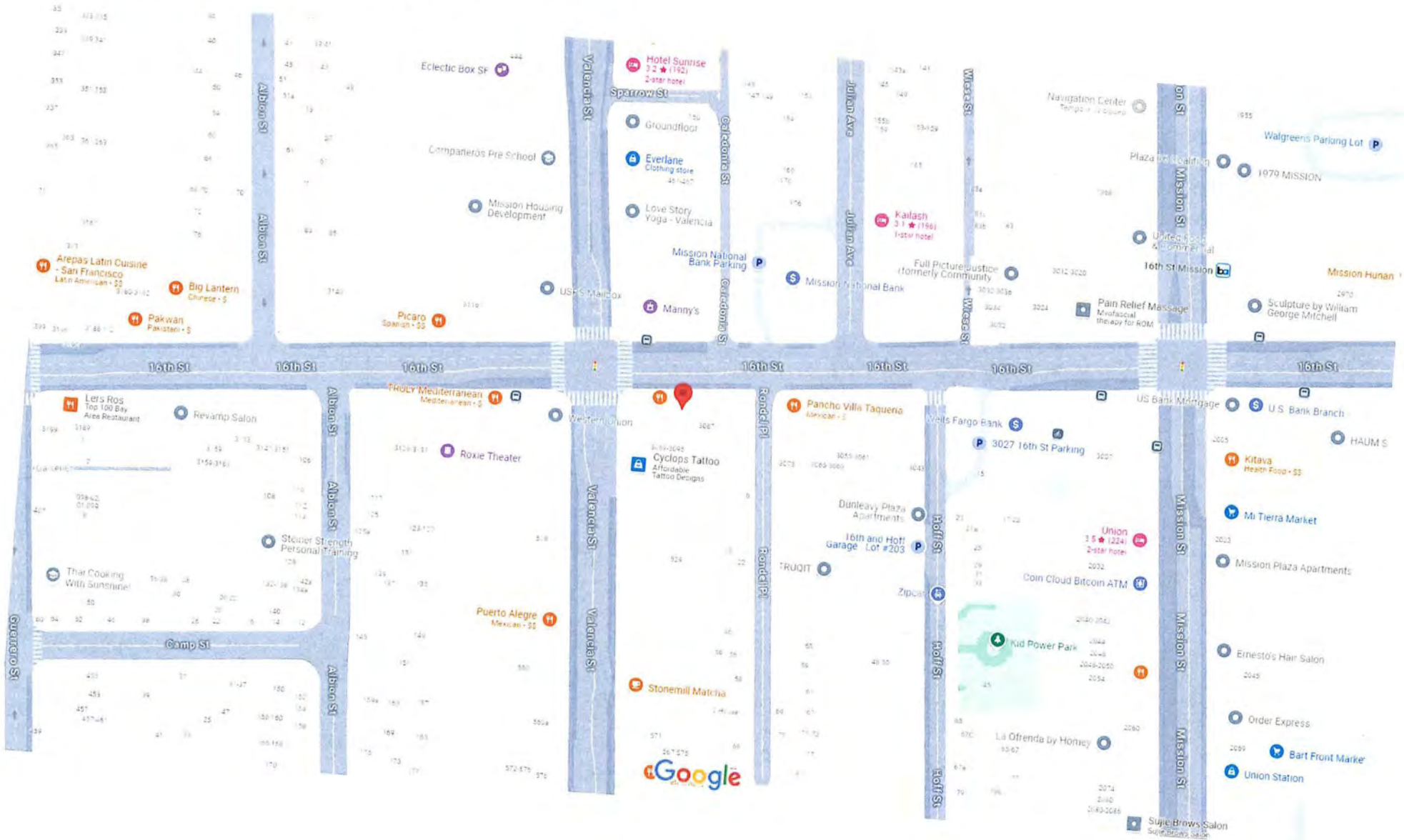
ALU Recommendation: **Approval with the condition:**

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.
3. (1) Except as provided in Condition 2 below, no noise shall be audible beyond the area under the control of the licensee. (SF district office only).

(2) Any noise caused by entertainment or amplified sound that is subject to the provisions of an active Entertainment Permit issued by the San Francisco Entertainment Commission shall be authorized in accordance with the limits established by that Entertainment Permit, including any limitation on hours during which entertainment or amplified sound is permitted. A violation of the entertainment or amplified sound noise conditions of the Entertainment Permit, as determined by the San Francisco Entertainment Commission (or any successor agency), shall be deemed to be a violation of this Condition. Any noise that is not subject to, or is beyond the scope of, the Entertainment Permit shall be subject to Condition 1 above.
“Entertainment Permit” means any of the following: a Just Add Music permit, a Limited Live Performance permit, a Place of Entertainment permit, a Fixed Place

Amplified Sound permit, or any similar such permit issued by the San Francisco Entertainment Commission. (SF district office only)

4. At any time, the premise is providing live entertainment, the petitioner(s) shall have two (2) uniformed security guard(s) on the premises and shall maintain order therein to prevent any activity which would interfere with the quiet enjoyment of their nearby residents, or the surrounding community. The uniform security guards must be licensed by the State of California Department of Consumer Affairs.



From: Carroll, John (BOS)
To: Froines, Andrew (POL); dave@poweredbydmp.com
Cc: Crayton, Monique (BOS); Somera, Alisa (BOS); Oropeza, Edgar (CPC); Logan, Sam (BOS); VanHouten, Ben (ECN); Alabanza, Ailyn@ABC; amarjitt.tambur@abc.ca.gov; Wong, Joanne (POL); Jonas, Stephen (POL); CPC, Referrals; Herrera, Ana (BOS); Ferrigno, Jennifer (BOS); Chung Hagen, Sheila (BOS); Prager, Jackie (BOS)
Subject: RE: Liquor License Issuance - 3089-16 Street - Skylark - BOS File No. 240822
Date: Tuesday, August 20, 2024 2:19:00 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 August 19, 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 a regular meeting in October of 2024.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 240822](#)

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

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: Edgar Oropeza
Phone No. _____
edgar.oropeza@sfgov.org

DATE: August 16, 2024

AP Block/Lot Nos.: 3569/049

Zoning: Valencia NCT 55-X

TO: Police Department
Andrew Froines
Phone No. (415) 837-7254

Quad: D 9 /D 10

Record No.: _____

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 October of 2024.

PLEASE EMAIL YOUR RESPONSE by August 30, 2024, to:
Monique Crayton, Public Safety and Neighborhood Services Committee Clerk.
monique.crayton@sfgov.org ~ (415) 554-7750

Applicant name: 3089 16th Street LLC

Business name: Skylark

Application address: 3089-16 Street
San Francisco, CA 94103

Applicant contact info: David Competente 415-602-6715
dave@poweredbydmp.com

PLANNING REVIEW: **Approval** **Denial**
Edgar Oropeza

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

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

From: [Oropeza, Edgar \(CPC\)](#)
To: [Carroll, John \(BOS\)](#); [CPC.Referrals](#)
Cc: [Crayton, Monique \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Logan, Sam \(BOS\)](#); [VanHouten, Ben \(ECN\)](#); [Alabanza, Analyn@ABC](#); [amarjit.tamber@abc.ca.gov](#)
Subject: Re: Liquor License Issuance - 3089-16 Street - Skylark - BOS File No. 240822
Date: Monday, August 19, 2024 1:53:57 PM
Attachments: [image001.png](#)
[PCN Referral 081624.pdf](#)

Hi all, the Planning Department recommends approval of the PCN request for the Skylark located at 3089 16th Street. The abandonment of the existing type 48 liquor license (Bar use) has significant implications in this case. The proposal to eliminate the existing type 48 (Bar use) and convert to a type 90 is permitted (Existing Nighttime entertainment venue) at the site. The Use for 3089 16th Street is now considered a Nighttime Entertainment Use per Section 102 of the Planning Code.

Per Planning Code Section 249.60, **MISSION ALCOHOLIC BEVERAGE SPECIAL USE SUBDISTRICT** and Sections 180 and 183, **NONCONFORMING USES: DISCONTINUANCE AND ABANDONMENT, the existing Bar Use will be considered Abandoned. A new Bar use or re-establishment of a Bar use at the site will be subject to Section 249.60 in the following manner. Relocation of an existing liquor establishment in this SUD to another location within this SUD may be allowed with Conditional Use authorization from the Planning Commission.**

For better response times, email communication is best.

Edgar Oropeza, Planner III

D 9 - D10

San Francisco Planning

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

Direct:628-652-7416 | sfplanning.org

San Francisco Property Information Map: <https://sfplanninggis.org/pim/>

INFORMATION INQUIRIES MAY BE SENT TO PIC@SFGOV.ORG.

Permit services are available at the Permit Center at 49 South Van Ness.

From: Carroll, John (BOS) <john.carroll@sfgov.org>

Sent: Friday, August 16, 2024 11:00 AM

To: [CPC.Referrals](mailto:CPC.Referrals@sfgov.org) <CPC.Referrals@sfgov.org>; [Froines, Andrew \(POL\)](mailto:Froines, Andrew (POL) <Andrew.Froines@sfgov.org>) <Andrew.Froines@sfgov.org>; dave@poweredbydmp.com <dave@poweredbydmp.com>

Cc: [Crayton, Monique \(BOS\)](mailto:monique.crayton@sfgov.org) <monique.crayton@sfgov.org>; [Somera, Alisa \(BOS\)](mailto:Somera, Alisa (BOS) <Alisa.Somera@sfgov.org) <Alisa.Somera@sfgov.org>

From: [Carroll, John \(BOS\)](#)
To: [CPC.Referrals](#); [Froines, Andrew \(POL\)](#); dave@poweredbydmp.com
Cc: [Crayton, Monique \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Oropeza, Edgar \(CPC\)](#); [Logan, Sam \(BOS\)](#); [VanHouten, Ben \(ECN\)](#); [Alabanza, Analyn@ABC](mailto:Alabanza_Analyn@ABC); amarjit.tamber@abc.ca.gov; [Wong, Joanne \(POL\)](#); [Jonas, Stephen \(POL\)](#)
Subject: Liquor License Issuance - 3089-16 Street - Skylark - BOS File No. 240822
Date: Friday, August 16, 2024 11:00:00 AM
Attachments: [image001.png](#)

Greetings,

The office of the Clerk of the Board has received a letter requesting public convenience or necessity findings for a liquor license issuance. I'm referring this matter to you for response via the following linked document:

[Referral Letter - Planning and Police Departments – August 16, 2024](#)

You may review the entire matter on our [Legislative Research Center](#) by following the link below:

- [Board of Supervisors File No. 240822](#)

After receiving review from the Planning and Police Departments, 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 consideration in the license matter.

The Public Safety and Neighborhood Services Committee will tentatively schedule this hearing for a regular meeting in October of 2024.

I request the Planning Department's response before August 30, 2024. Please confirm receipt of this message.

You may review the fact sheet for public convenience or necessity requests from the San Francisco Board of Supervisors via the following link:

[Liquor License Public Convenience or Necessity Request](#)

Thanks for the review.

John Carroll

Assistant Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445

August 6, 2024

Attn: Alisa Somera
Legislative Deputy Director
San Francisco Board of Supervisors
1 Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Applicant: 3089 16th Street LLC (David Competente) 415 602 6715
dave@poweredbydmp.com

Business Name & Address: Skylark; 3089 16TH ST, SAN FRANCISCO, CA, 94103

Mailing Address: 2559 45th Ave., San Francisco, CA 94116

License Type: New Application for ABC Type 90

Proposed Hours: Monday through Friday we plan on operating from 6pm to 2am; on Saturdays and Sundays we plan on opening at 2pm till 2am; there will be special occasions and events where we will potentially open before 2pm.

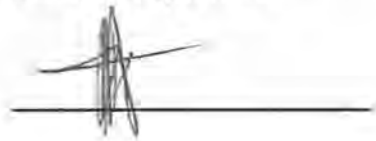
Application File Date: Application was filed in person on 6/28/2024

Notice: Posted a Public Notice Poster in front window of premises for 30 days starting on 7/3/24; on 7/15/24 served by mail the Notice of Intention to Engage in the Sale of Alcoholic Beverages (ABC-207E) to all neighbors within a 500-foot radius of the premises; signed and submitted Affidavit of Posting and Declaration of Service by Mail

Explanation: Our venue is known as a place for "good music and entertainment". This is quoted by many of our guests that say they come here specifically because the music is "the best". Currently the bar business has been really tough in this neighborhood with little to no weekday business. We get a lot of inquiries for private events from the mortuary around the block and other all age private events. Our number one question we get from callers is if we are an 18+ venue. With that being said, we feel that we would better serve the community and neighborhood by satisfying both the private event inquiries and being able to accommodate 18+ special events.

Thank you in advance,

Dave Competente

A handwritten signature in black ink, appearing to read "Dave Competente", is written over a solid horizontal line. The signature is somewhat stylized and overlaps the line.

Department of Alcoholic Beverage Control
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
 ABC 211 (6.99)

State of California

ELANE OLSHANETSKY

415 706 4922

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

File Number: **660268**
 Receipt Number: **2911270**
 Geographical Code: **3800**
 Copies Mailed Date: **July 1, 2024**
 Issued Date:

SB

DISTRICT SERVING LOCATION: **SAN FRANCISCO**

First Owner: **3089 16TH STREET LLC**
 Name of Business: **SKYLARK**
 Location of Business: **3089 16TH ST
 SAN FRANCISCO, CA 94103-3420**

County **SAN FRANCISCO**

Is Premises inside city limits **Yes** Census Tract: **0201.02**

Mailing Address:(If different from premises address) **2559 45TH AVE.
 SAN FRANCISCO, CA 94116**

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

Transferor's license/name:

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
90 - On-Sale General Music Venue	ORI	Y			
<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	ADD PRIMARY LICENSE TYPE	NA	0	07/01/24	\$18,635.00
90 - On-Sale General Music Ven	ANNUAL FEE	P40	0	07/01/24	\$1,450.00
Total					\$20,085.00

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: July 1, 2024

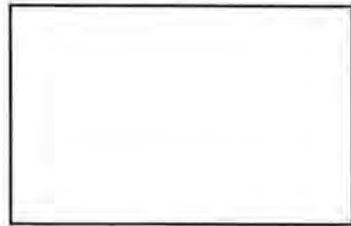
Applicant Name(s)

3089 16TH STREET LLC

RECEIVED
 CLERK OF SUPERVISOR
 SAN FRANCISCO
 2024 JUL -9 AM 9:55
PA

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 Issuance - 3089-16 Street - Skylark

Long Title or text listed:

Hearing to consider that the issuance of a Type-90 on-sale general music venue liquor license to 3089 16th Street LLC, to do business as Skylark located at 3089-16 Street (District 9), will serve the public convenience or necessity of the City and County of San Francisco.

Signature of Sponsoring Supervisor: 