

LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

TO: Planning Department
Georgia Powell
Phone No. (415) 558-6371

BOS File No. 180479

TO: Police Department
Inspector Nelly Gordon
Phone No. (415) 837-7273

DATE: May 8, 2018

Please submit your response in four to six weeks for the matter to be heard.

PLEASE EMAIL YOUR RESPONSE BY: June 22, 2018, to John Carroll,
Public Safety and Neighborhood Services Committee Clerk.

john.carroll@sfgov.org - Phone No: 554-4445

Applicant name: Angry Otter, Inc.

Business name: Tonic

Application address: 895 Post Street
San Francisco, CA 94109

Assessor's Parcel Block No. 0303, Lot No. 013B
RC-4 Zoning District
District 4: Downtown Planning District

Applicant contact info: Mark E. Rennie
870 Market Street, Suite 1260
San Francisco, CA 94102
415-981-4500
Rennie23@gmail.com

PLANNING REVIEW: ☐ Approval ☐ Denial

Planning Record No. _____

Planning Staff Contact: _____

Please print review comments on a trailing page.

POLICE REVIEW: ☐ Approval ☐ Denial

Please provide review comments in a trailing report.

MARK E. RENNIE
ATTORNEY AT LAW
870 MARKET STREET
THE FLOOD BUILDING, SUITE 1260
SAN FRANCISCO, CALIFORNIA 94102

(415) 981-4500
TELECOPIER (415) 981-3334

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2018 MAY -7 AM 8:08
AK

April 27, 2018

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: Angry Otter, Inc. dba Tonic
California ABC Liquor License Transfer
890 Post Street, San Francisco, CA 94109
Public Convenience and Necessity Determination Request
ABC Type-48 —On-Sale General
Premise to Premise Transfer from 2360 Polk St to 895 Post St. SF CA 94109

Dear Ms. Cavillo:

This office represents Angry Otter, Inc. dba Tonic. My client presently owns a bar and lounge located at 2360 Polk Street near Union Street. Unfortunately, Tonic has lost its lease and wishes to move nearby to 895 Post Street, to a long-vacant building that the company wishes to rehabilitate and convert to a new lounge and bar. We have just submitted an application to the California Department of Alcoholic Beverage Control (ABC) to move the business and its On-Sale General license [Type 48] to the new intended location.

Tonic is a local business that has been serving the community since 2008. This Tonic Beverage Group has built and owned nine other restaurants and bars and operates a successful beverage catering business. Tonic's owners, Mr. Ben Bleiman and Duncan Ley, are active in the community and have served in a number of community and City commissions and task forces. Duncan was the President of the Polk Street Merchants association from 2012-2016, served on the Wells Fargo Community Board which was instrumental in securing philanthropic dollars for a number of projects in the Tenderloin, sat on the Board of St. Francis Hospital and currently serves on the SF Cannabis Task Force as the small business representative, appointed by the SF Board of Supervisors. Ben is an San Francisco Entertainment Commissioner and the Chairman of the Board of Bay.org, the largest environmental nonprofit to serve SF Bay and its watershed, which owns and operates the Aquarium of the Bay at Pier 39. Ben also organized all of the bar

owners in San Francisco into an informal, but extremely active group called the SF Bar Owner Alliance, which is comprised of over 350 bar-owning members. Duncan and Ben also co-chair the California Music & Culture Association (CMAC) which is the only trade organization in San Francisco to represent bars, clubs, music venues and music festivals.

This proposed relocation of Tonic is now being vetted by the San Francisco Planning Department. The new lounge and bar is a principally permitted use in the RC-4 district where the lounge will be located. My clients intend to do extensive community outreach prior to moving their bar to Post Street. We will also meet with Supervisor Jane Kim's staff regarding this proposed transfer.

Since taking over Tonic in 2008, Duncan and Ben worked hard to insure the business was a positive influence on their community. They regularly and often offer the space at no cost for community events. Most effective, however, has been their "Guest Bartending" program which they have used to raise money for local nonprofits since 2009. Through this program, Tonic has raised over \$500,000 for charities.


Tonic has been well-managed and non-problematic since 2008. There have been no noise complaints and minimal police issues since the business opened ten years ago. My client will continue in the new location to be respectful to the neighborhood and to its customers. Tonic is committed to providing an excellent experience for their customers and will strive to make its Post Street area safer and crime free. Foremost, they will be Good Neighbors.

The requested move, if approved, will allow Tonic to offer more of what they are known for: friendly service and great value in a relaxed, and social atmosphere. Tonic will continue to provide jobs in the service industry that support and enhance opportunity for local residents and support other local businesses in the Lower Nob Hill neighborhood. The approval by the Board of Supervisors of the transfer of this existing ABC license would not have any detrimental effect on the surrounding neighborhood or the City of San Francisco. The clientele of this operation typically lives in the neighborhood and poses no public safety problems.

For the reasons outlined above, applicant Angry Otter, Inc. dba Tonic 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 895 Post Street.

Thank you for your consideration of this request.

Yours truly,



Mark E. Rennie

MER/mb

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

Atty. MARK RENNIE
(415) 981-5400

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

File Number: 593494
Receipt Number: 2497345
Geographical Code: 3800
Copies Mailed Date: May 1, 2018
Issued Date:

DISTRICT SERVING LOCATION: SAN FRANCISCOFirst Owner: ANGRY OTTER INCName of Business: TONIC

Location of Business: 895 POST ST
SAN FRANCISCO, CA 94109-6012

County: SAN FRANCISCOIs Premise inside city limits? YesCensus Tract 0122.01

Mailing Address: 2961 MISSION ST
(If different from premises address) SAN FRANCISCO, CA 94110-3917

Type of license(s): 48Transferor's license/name: 465268 / ANGRY OTTER INCDropping Partner: Yes ☐ No ☒

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
48 - On-Sale General Public	PREMISE TO PREMISE TRANSFER	P40	Y	0	05/01/18	\$100.00
Total						\$100.00

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

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of SAN FRANCISCODate: May 1, 2018

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

ANGRY OTTER INC



California Department of Alcoholic Beverage Control
License Query System Summary as of 05/07/2018

License Information	
License Number:	593494
Primary Owner:	ANGRY OTTER INC
ABC Office of Application:	24 - SAN FRANCISCO

Business Name
TONIC

Business Address
895 POST ST
SAN FRANCISCO, CA. 94109
County: SAN FRANCISCO Census Tract: 0122.01

Licensee Information
Licensee: ANGRY OTTER INC
Company Information
OFFICER: BLEIMAN, BENJAMIN SMITH (PRESIDENT)
OFFICER: BLEIMAN, BENJAMIN SMITH (DIRECTOR)
OFFICER: LEY, DUNCAN TALENTO (DIRECTOR)
OFFICER: LEY, DUNCAN TALENTO (SECRETARY/ASST SEC)
STOCKHOLDER: BLEIMAN, BENJAMIN SMITH
STOCKHOLDER: LEY, DUNCAN TALENTO

License Types
1) License Type: 48 - ON-SALE GENERAL PUBLIC PREMISES
License Type Status: PENDING
Status Date: 01-MAY-2018 Term: 12 Month(s)
Original Issue Date: Expiration Date:
Master: Y Duplicate: 0 Fee Code: P40
License Type was Transferred On: From: 48-465268
License Type was Transferred On: To:

Operating Restrictions
... No Operating Restrictions found ...

Disciplinary Action
... No Active Disciplinary Action found ...

Disciplinary History
... No Disciplinary History found ...

Holds
Hold Date: 01-MAY-2018 Type: FORM 220

Escrows
... No Escrow found ...

For a definition of codes, view our [glossary](#).