

# LIQUOR LICENSE REVIEW

**TO:** Planning Department  
AnMarie Rodgers/CTYPLN/SFGOV  
Georgia Powell/CTYPLN/SFGOV@SFGOV  
Fax No.: (415) 558-6409

**File:** 171058

**TO:** Police Department  
Inspector Nelly Gordon  
Phone: (415) 837-7273

**DATE:** October 2, 2017

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Please submit your response in four to six weeks for the matter to be heard.  
**PLEASE EMAIL YOUR RESPONSE BY:** November 13, 2017, to John Carroll,  
Public Safety and Neighborhood Services Committee Clerk.

[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) - Fax No: 554-5163

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**Applicant Name:** City Beer Store, LLC

**Business Name:** City Beer Store

**Application Address:** 1148-1150 Mission Street  
San Francisco, CA 94103

**and contact info:** Contact:  
Craig Wathen  
415-50-1304  
S. Knute Gregg  
415-276-6510

**PLANNING COMMENTS:**  Approval  Denial

**POLICE COMMENTS:**  Approval  Denial

CITY BEER STORE, LLC  
1168 Folsom Street  
San Francisco, CA 94103

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2017 OCT -2 AM 11:00

October 2, 2017

Clerk of the Board  
San Francisco Board of Supervisors  
Attn: John Carroll, Public Safety Neighborhood Services Committee  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: **City Beer Store, LLC Public Convenience and Necessity Application**  
**Attention: Craig Wathen, President**  
**Current Premises Address: 1168 Folsom Street, San Francisco, CA 94103**  
**Proposed New Premises Address: 1148-1150 Mission Street, San Francisco, CA 94103**  
Mailing Address: 84 Monterey Blvd., San Francisco, CA 94131  
Telephone Numbers: 415-505-1304 (cell), 415-503-1033 (business)  
Proposed Hours of Operation: 10 am – 2 am

Dear Mr. Carroll:

City Beer Store, LLC (“City Beer Store”) currently operates a beer tasting room and retail shop located at 1168 Folsom St, Unit 101, San Francisco, CA and holds an ABC Type 42 License at that location. When it was established in 2006, our vision was to create a friendly community gathering spot to sip craft beer in a laid back environment. Since opening, City Beer Store has become a neighborhood fixture as the go-to place for interesting craft beers from around the world.

City Beer Store has an opportunity to move their successful business to a new location just two short blocks away, at the SOMA Grand building located at 1148-1150 Mission Street, San Francisco, CA 94103 (the “SOMA Grand”). We have submitted a Premise to Premise Transfer application to the Alcohol Beverage Control to move the current Type 42 license to the new location, a copy of which is attached.

As part of the licensing process, it is our understanding that this move to the SOMA Grand requires us to apply for a public convenience and necessity resolution (the “PCN Resolution”) from the San Francisco Board of Supervisors per Cal. Bus. & Prof. Code §23958.4. We understand that these requests are handled by the Public Safety Neighborhood Services Committee (the “Committee”).

It is our intention to provide any information or documentation needed by the Committee to secure the PCN Resolution in connection with our proposed move. To that end, please consider the following;

- City Beer Store was established in 2006 and is privately owned and operated by my wife, Beth Wathen, and I. We have been residents of San Francisco since 2000.
- City Beer Store has no records of liquor law violations at its current location and intends to continue conducting its business in such a manner.
- The ABC’s public comment period expired on October 1st and it has not received any negative responses to date.

CITY BEER STORE, LLC  
1168 Folsom Street  
San Francisco, CA 94103


- We spoke with Edgar Oropeza with the San Francisco Planning Department and received his confirmation that the location is zoned properly for the business. Attached please find a copy of our email correspondence with Mr. Oropeza confirming the same.
- We have contacted Lieutenant Nelly Gordon with the San Francisco Police Department and are currently working with her to obtain clearance from SFPD.
- The business that previously occupied the space at the SOMA Grand held a California ABC license that permitted sales of liquor in addition to wine and beer, but our understanding is that they will be cancelling their license. Therefore, our move will not result in an addition to the total number of ABC licenses in the neighborhood; rather it will actually result in a net *decrease* in the total number of ABC licenses as well as the number of licenses permitting the sale of liquor.
- In connection with this proposed move, we have been in contact with Judith P. Roddy, a representative of CitiScape Property Management Group, LLC (the building manager for the SOMA Grand; [jroddy@citiscapesf.com](mailto:jroddy@citiscapesf.com), (415) 863-4894) and Jane Weil, president of the homeowners association for the SOMA Grand ([jane@janeweil.com](mailto:jane@janeweil.com)). They have both confirmed their support.
- In addition, the Board of Directors of the SOMA Grand Center Association approved an amendment to the building's covenants, conditions and restrictions for the purpose of facilitating City Beer Store's move to the SOMA Grand. We believe that this is indicative of the local support for City Beer Store and its business.
- City Beer Store has been nationally recognized for its contributions to the vibrant California beer scene. We are big supporters of local beer producers and are committed to operating a successful small business in San Francisco for the long term by providing employment opportunities and contributing to the local community as fun, social location. In sum, we believe City Beer Store serves the public convenience and necessity both in the neighborhood and citywide.

Based on the foregoing, we respectfully request that the San Francisco Board of Supervisors provide the PCN Resolution required for City Beer Store's move to the SOMA Grand. We are confident that this move will *allow City Beer Store to continue to function as important fixture for the neighborhood and the city of San Francisco.*

If you have any questions or would like any additional information about City Beer Store, please feel free to contact me by phone at 415-505-1304 or by e-mail at [thecitybeerstore@yahoo.com](mailto:thecitybeerstore@yahoo.com). Alternatively, you can also contact S. Knute Gregg of Davis Wright Tremaine LLP, City Beer Store's counsel, by phone at (415) 276-6510 or by e-mail at [sgregg@dwt.com](mailto:sgregg@dwt.com).

Sincerely,

CITY BEER STORE, LLC

  
\_\_\_\_\_  
Craig Wathen, President

cc: Knute Gregg, Davis Wright Tremaine LLP

Department of Alcoholic Beverage Control  
**APPLICATION QUESTIONNAIRE**

State of California  
 Edmund G. Brown Jr., Governor

*Please read instructions, which includes Privacy Notice, before completing form.*

|   |   |  |
|---|---|--|
| 1. APPLICANT'S NAME(S) (If an individual, first name, middle name, last name. Name of entity if corporation, limited partnership or limited liability company.) |   |  |
| City Beer Store LLC   |   | P-12 LICENSEE<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><small>(If yes, complete form ABC-811)</small>                     |
| 2. LICENSE TYPE(S) (Check appropriate items)  |   | 3. TRANSACTION TYPE (Check appropriate item)   |
| <input type="checkbox"/> 20 Off-Sale Beer & Wine  |   | Original (New)   |
| <input type="checkbox"/> 21 Off-Sale General  |   | Person-to-Person Transfer (check appropriate section):   |
| <input type="checkbox"/> 40 On-Sale Beer  |   | Section 24071 (Surviving spouse, corporations, fiduciaries, etc.)  |
| <input type="checkbox"/> 41 On-Sale Beer & Wine Eating Place  |   | Section 24071.1 (Corporate Stock/Limited Partnership)  |
| <input checked="" type="checkbox"/> 42 On-Sale Beer & Wine Public Premises  |   | Section 24071.2 (Limited Liability Company)  |
| <input type="checkbox"/> 47 On-Sale General Eating Place  |   | <input checked="" type="checkbox"/> Premises-to-Premises Transfer  |
| <input type="checkbox"/> 48 On-Sale General Public Premises   |   | Exchange   |
| Other   |   | Other  |
| 4. TEMPORARY PERMIT REQUESTED (Person-to-Person transfers only)   |   |  |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |   |  |
| 5. PREMISES ADDRESS (Where license to be issued) (Street number and name, city, zip code)   |   | County   |
| 1168 Folsom Unit 101, San Francisco, CA 94103   |   | San Francisco  |
| 6. PREMISES TELEPHONE NUMBER  | 7. PREMISES ARE INSIDE CITY LIMITS                                  | 8. BUSINESS NAME (DBA) YOU WILL USE  |
| ( 415 ) 505-1304  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | City Business Store  |
| 9. BUSINESS MAILING ADDRESS (Street number and name, city, state, zip code)   |   | 10. MAILING ADDRESS  |
| 84 Monterey Blvd., San Francisco, CA 94131  |   | <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary   |
| 11. ABC LICENSE COST (Item #33a on reverse)   |   | 12. SUBTOTAL (Item #33f on reverse)  |
| 100.00  |   | 100.00   |
| 13. HAS THE APPLICANT(S) EVER BEEN CONVICTED OF A FELONY?   |   | 14. HAS THE APPLICANT(S) EVER VIOLATED ANY OF THE PROVISIONS OF THE ALCOHOLIC BEVERAGE CONTROL ACT OR REGULATIONS OF THE DEPARTMENT PERTAINING TO THE ACT? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |
| 15. IF YES TO ITEM 13 OR 14, PLEASE EXPLAIN   |   |  |
|   |   |  |
| 16. TRANSFEROR'S NAME (If an individual, last, first, middle. Name of entity if corporation, limited partnership or limited liability company.)                 |   | 17. ABC LICENSE NUMBER   |
| City Beer Store LLC   |   | 509679   |
| 18. TRANSFEROR'S PREMISES ADDRESS (Where license is now issued) (Street number and name, city, zip code)  |   |  |
| 1148 Mission Street #6, San Francisco, CA 94103   |   |  |
| 19. PREMISES UNDER CONSTRUCTION   | IF YES, LIST ESTIMATED COMPLETION DATE                              | 20. FRANCHISE  |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   | N/A   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |
| 21. NAME OF PERSON WE MAY CONTACT (For the applicant)   |   | 22. TITLE OF CONTACT PERSON  |
| Alyssa McTimpeny  |   | Paralegal  |
| 23. CONTACT TELEPHONE NUMBER  |   | 24. CONTACT E-MAIL ADDRESS   |
| ( 503 ) 778-5469  |   | alyssamctimpeny@dwt.com  |
| 25. PREMISES IS CURRENTLY LICENSED  | IF YES, TYPE OF LICENSE   | 26. CURRENT LICENSE IS OPERATING   |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   | N/A   | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| <b>FINANCIAL INFORMATION</b>  |   |  |
| 27. ESCROW COMPANY'S NAME   | ESCROW COMPANY'S ADDRESS  | TELEPHONE NUMBER   |
| N/A   | N/A   | ( )  |
| 28. BOOKKEEPER/ACCOUNTANT'S NAME  | BOOKKEEPER/ACCOUNTANT'S ADDRESS                                     | TELEPHONE NUMBER   |
| Anne-Marie Gilpin   | 44 Montgomery St., Suite 1308, San Francisco, CA 94104              | ( 219 ) 921-6502   |
| 29. LANDLORD'S NAME   | LANDLORD'S ADDRESS  | TELEPHONE NUMBER   |
| Wayward Son, Inc.   | 84 Monterey Blvd., San Francisco, CA 94131                          | ( 415 ) 505-1304   |
| 30. MONTHLY RENT  | 31. LEASE EXPIRATION DATE   | 32. INDICATE WHETHER LEASE OR RENTAL AGREEMENT INCLUDES FURNITURE OR FIXTURES  |
| \$13,000  | August 31, 2018   | <input checked="" type="checkbox"/> All <input type="checkbox"/> Some <input type="checkbox"/> None  |

**33. INVESTMENT INFORMATION**

COST

|   |                      |
|---|----------------------|
| a. ABC License  | \$ 100.00            |
| b. Furniture/fixtures   | \$                   |
| c. Inventory  | \$                   |
| d. Goodwill/non-compete covenant  | \$                   |
| e. Leasehold and/or Improvements  | \$                   |
| f. <b>SUBTOTAL</b> (Usually should equal the recorded notice)   | \$                   |
| g. Fees for other licenses, permits, and deposits (approximate). Include Federal, State, County or City license fees or permits; lease and utility deposits | \$ 13,000.00         |
| h. Working capital (approximate)  | \$ 86,900.00         |
| i. Realty or interest therein   | \$                   |
| <b>j. TOTAL INVESTMENT (Items f through i) (will equal total of amounts listed in item #33)</b>   | <b>\$ 100,000.00</b> |

**34. Source of Funds for Total Investment (item #33) - Identify amount(s), type(s) and explain source(s) and/or terms of Repayment**

| Amount                  | Type                      | Source and/or Terms of Repayment                            |
|-------------------------|---------------------------|---|
| <i>Examples</i> \$1,000 | Gift                      | John Doe, Brother   |
| \$15,000                | Promissory Note           | to seller, payable @ \$1,000 per month for 15 months        |
| \$10,000                | Loan                      | from ABC Bank, @ 8.5% over 5 yrs; monthly payment = \$2,052 |
| \$100,000.00            | Business Checking Account | Wells Fargo   |
|                         |                           |   |
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|                         |                           |   |
|                         |                           |   |
|                         |                           |   |
|                         |                           |   |
|                         |                           |   |

**35. LIST ALL BANK ACCOUNTS FOR THIS BUSINESS OPERATION**

| BANK NAME | BANK ADDRESS | ACCOUNT NUMBER |
|-----------|--------------|----------------|
| a.        |              |                |

**c. NAMES OF ALL PERSONS AUTHORIZED TO SIGN ON BANK ACCOUNT(S) (Print)**

Craig Wathen and Elizabeth Wathen

I understand that falsification of the information on this form may constitute grounds for denial or revocation of the license(s). For a period of 90 days from this date, I/we hereby authorize the Department of Alcoholic Beverage Control, or any of its officers, to examine and secure copies of financial records consisting of signature cards, checking and savings accounts, notes and loan documents, deposit and withdrawal records, and escrow documents of my/our financial institution(s) or any financial records established in connection with this business. This authorization to examine records at any financial institution may be revoked at any time. I/we also authorize the Department of Alcoholic Beverage Control, or any of its officers, to examine and secure copies of any business records or documents established in connection with this business including, but not limited to those on file with my/our bookkeeper. I/we also read all of the above and declare under penalty of perjury that each and every statement is true and correct.

|   |              |             |
|---|--------------|-------------|
| 36 APPLICANT SIGNATURE (Only one signature needed)                                  | PRINTED NAME | DATE SIGNED |
|  | Craig Wathen | 8/30/17     |
| ATTEST (ABC Employee or Notary Public)  |              |             |

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

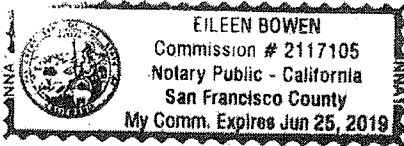
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of San Francisco  
On 8/30/17 before me, Eileen Bowen  
Date Here Insert Name and Title of the Officer  
personally appeared Craig Wather  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Eileen Bow  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

Corporate Officer — Title(s): \_\_\_\_\_

Partner —  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

Corporate Officer — Title(s): \_\_\_\_\_

Partner —  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

## McTimpeny, Alyssa

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**From:** Oropeza, Edgar (CPC) <edgar.orozeza@sfgov.org>  
**Sent:** Tuesday, September 26, 2017 3:03 PM  
**To:** McTimpeny, Alyssa  
**Subject:** RE: ABC Zoning Affidavit Form

Alyssa, thanks for your email.

There is no change to my previous comments in this case. If it were in any other district it may have complicated things a great deal ..but this is a downtown zoning district and retail uses (including a type 42) are principally permitted in this area.

Please keep a copy of this email or forward it to the ABC investigator.

Best to you.

Edgar Oropeza,  
Planner, Planning Information Center, Current Planning

Planning Department, City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415-558-6381 Fax: 415-558-6409  
Email: [edgar.orozeza@sfgov.org](mailto:edgar.orozeza@sfgov.org)  
Web: [www.sfplanning.org](http://www.sfplanning.org)



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**From:** McTimpeny, Alyssa [<mailto:AlyssaMcTimpeny@dwt.com>]  
**Sent:** Tuesday, September 26, 2017 2:50 PM  
**To:** Oropeza, Edgar (CPC)  
**Cc:** McTimpeny, Alyssa; Giametta, Jeff  
**Subject:** ABC Zoning Affidavit Form

Hi Edgar,

I left you a voicemail on this as well. You assisted me earlier with the ABC Zoning Affidavit for City Beer Store LLC for the premises located at 1148 Mission Street, San Francisco, CA 94103.

While at the premises, the ABC investigator found two entrances into the restaurant. One entrance is on 1148 Mission Street and the other is on 1150 Mission Street; therefore, she's asked us to amend the address to be "1148-1150 Mission Street San Francisco, CA". She also asked us to contact you again to have you confirm the zoning on the amended address.

I'm attaching an updated form with the amended address. I left the other zoning information as you completed earlier. If you could please reconfirm the zoning for us.

If you have any questions, please do not hesitate to contact me at 503-778-5469.

Thank you!  
Alyssa