

File No. 171058

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: January 10, 2018

Board of Supervisors Meeting:

Date: _____

Cmte Board

- Motion
- Resolution
- 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
- Award Letter
- Application
- Public Correspondence

OTHER

(Click the text below for a direct link to the document)

- SFPD ALU Recommendations - Received January 4, 2018
- Planning Department Review - Received October 12, 2017
- Referral to Planning and SFPD - October 2, 2017
- PC or N Request Letter - Received October 2, 2017
- _____

Prepared by: John Carroll

Date: January 5, 2018

Prepared by: _____

Date: _____

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Wednesday, January 03, 2018 2:09 PM
To: (carolyn.goossen@sfgov.org); Hamilton, Megan (BOS); 'Yu, Angelina (BOS)'; Boilard, Chelsea (BOS)
Cc: Lee, Ivy (ivy.lee@sfgov.org); Duong, Noelle (BOS); Lopez, Barbara (BOS); 'justin.gebb@abc.ca.gov'; 'thecitybeerstore@yahoo.com'; 'sgregg@dwt.com'; 'Meyer, Rose @ABC'; Gordon, Nelly (POL); George, Gigi (POL); CPC.Referrals
Subject: Liquor License PC or N - Liquor License - 1148-1150 Mission Street - City Beer Store

Good afternoon,

The Police Department has completed their review of the subject application, and has forwarded their recommendation for approval with conditions. For your convenience, I have their review available from the link below:

[Police Department Response - January 3, 2018](#)

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

[Board of Supervisors File No. 171058](#)

Thanks for the review.

John Carroll

Assistant Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

john.carroll@sfgov.org | bos.legislation@sfgov.org



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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 Hillary Ronen
Supervisor Jeff Sheehy
Supervisor Sandra Lee Fewer

From: A/Lieutenant Nelly Gordon *CO #492*
Officer in Charge
ABC Liaison Unit (ALU) 415-553-9550

Date: January 3, 2017

Subject: P.C.N. Investigation Regarding: City Beer Store, LLC
DBA: City Beer Store
1148 Mission Street #6
San Francisco, CA. 94103-1515
Craig Wathen
(415) 505-1304

Mr. Craig Wathen on behalf of City Beer Store has filed an application with the California Department of Alcoholic Beverage Control seeking to transfer the -Type 42 (On – Sale Beer and Wine) License from 1168 Folsom St, Unit 101 to 1148 Mission St #6 (located between 7th St and 8th St).

Hours of Operation:

10:00 am -12:00 am- Sunday –Wednesday
10:00 am – 2:00 am- Thursday – Saturday

Digest:

City Beer has been located at 1168 Folsom St, Unit 101 for the last 11 years. Mr. Wathen is the President of City Beer Store which currently operates under a Type 42 license-(On-Sale Beer and Wine). City Beer Store is moving to 1148 Mission St #6 and would like to continue to operate under the same license type. If approved, this license will allow City Club to sell on-sale Beer and Wine.

Letters of Protest:

No Record

Letters of Support:

No Record

Police Calls for Service:

From August 2016 to August 2017

0 call for service

Police Reports:

From August 2016 to August 2017

0 police report

San Francisco Plot Information:

This premise is located in Plot: **208**

A High Crime area is defined as **93** or more police reports in a plot for the year of **2016**.

This plot had **352** police reports for **2016**, which is **259** over the **Citywide "High Crime"** average.

State Census Tract Information:

This premise is located in Census Tract: **176.01**
Population for this tract is: **7,630**

On-sale license authorized by census tract: **27**
Active on-sale licenses: **74** with **0** pending

Off-sale licenses authorized by census tract: **7**
Active off-sale licenses: **10** with **0** pending

Departmental Recommendation:

Points of consideration: 0

No opposition from **Southern Station**

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

Applicant premise **is** located in an “**Over Saturated**” area.

0 - Record of protest.

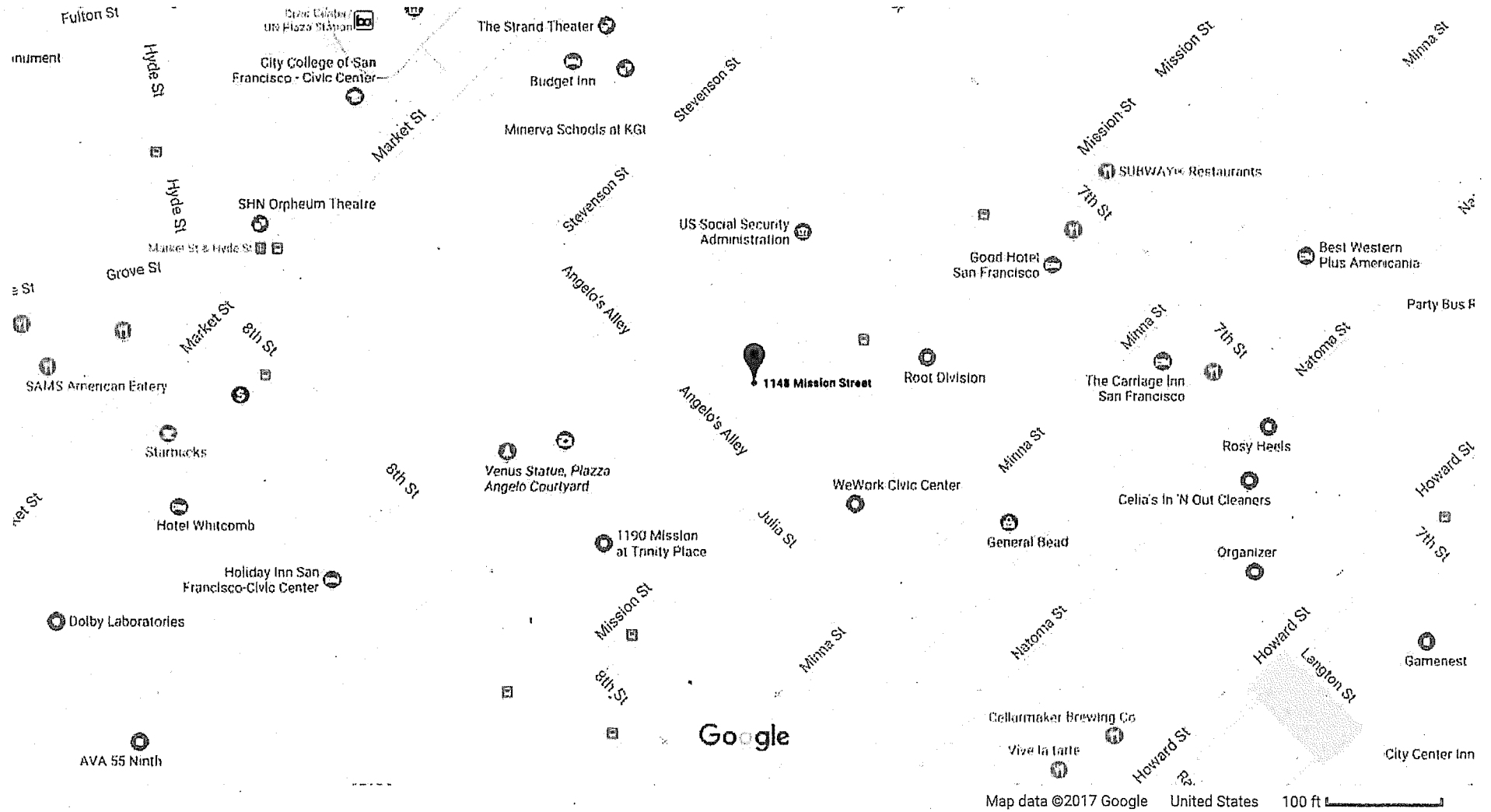
0 - Record of support.

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

1. Sales, service and consumption of alcoholic beverages shall be permitted between the hours of 10:00 a.m. to 12:00 a.m. Sunday – Wednesday; and 10:00 am- 2:00 am Thursday- Saturday.
2. No noise shall be audible at any nearby residences.
3. 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 ABC-253
4. Sales, service and consumption of alcoholic beverages shall be permitted in or on the patio area only between the hours of 10:00 a.m. and 10:00 pm each day of the week.
5. Sales and service of alcoholic beverages on said patio area shall be restricted to waiter/waitress service and only to patrons seated at a table
6. When the said outdoor patio area of the premises is being utilized for the sales, service and consumption of alcoholic beverages, a premise employee shall be in attendance and maintain continuous supervision at all times of said area.

❖ **It should be noted that the Applicant agrees with all the above conditions.**

Google Maps 1148 Mission St.



Google Maps 1149 Mission St

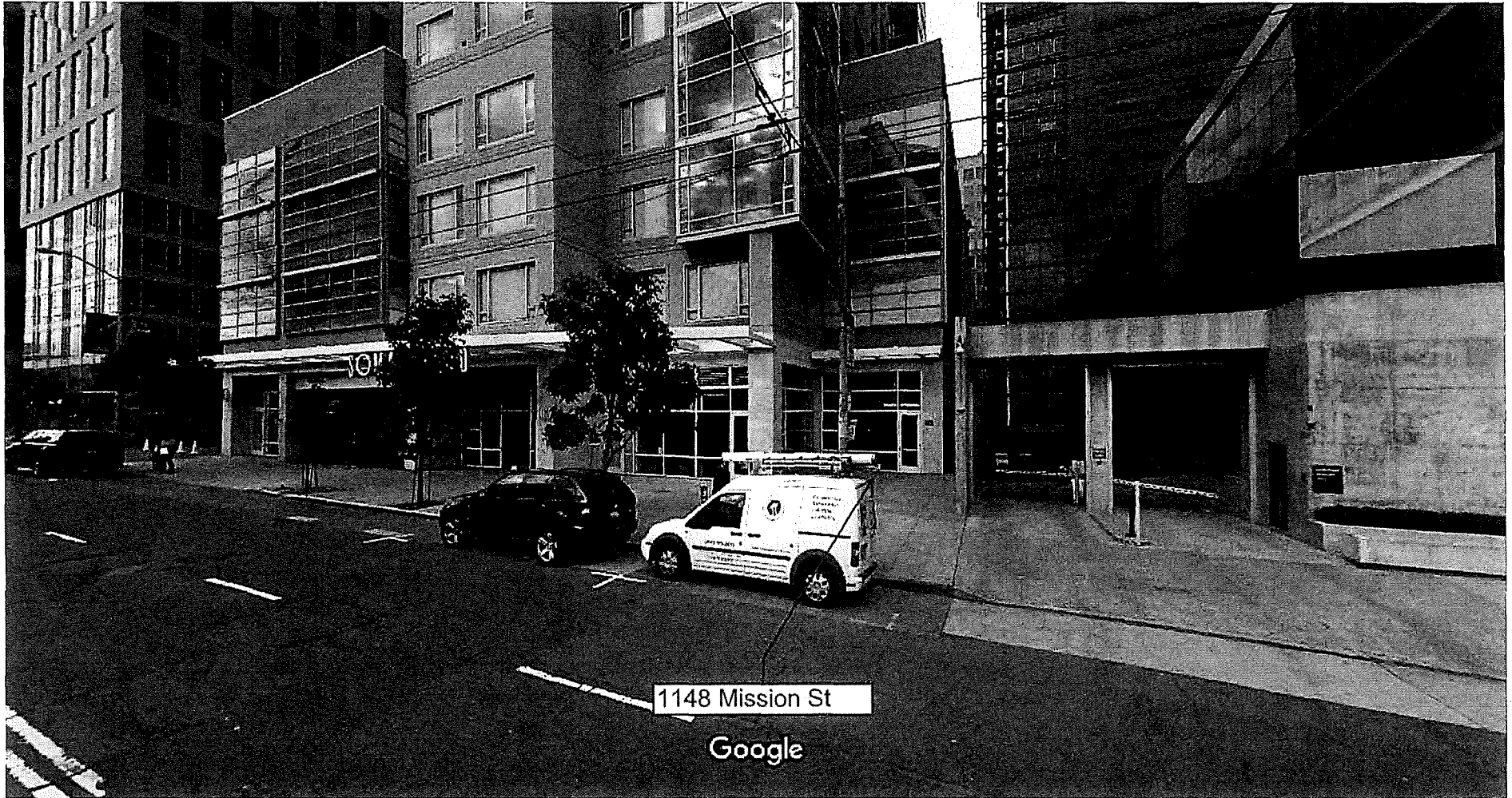

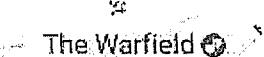


Image capture: Feb 2017 © 2017 Google United States

San Francisco, California

 Google, Inc.

Street View - Feb 2017

 The Warfield

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Monday, October 16, 2017 11:39 AM
To: Gordon, Nelly (POL); George, Gigi (POL)
Cc: (carolyn.goossen@sfgov.org); Lee, Ivy (ivy.lee@sfgov.org); Duong, Noelle (BOS); Lopez, Barbara (BOS); 'justin.gebb@abc.ca.gov'; 'thecitybeerstore@yahoo.com'; 'sgregg@dwt.com'; 'Meyer, Rose @ABC'
Subject: Liquor License PC or N Referral - 1148-1150 Mission Street - City Beer Store
Categories: 171058

Good morning,

The Planning Department has completed their review of the subject application, and has forwarded their recommendation for approval. For your convenience, I have their review available from the link below:

[Planning Dept. Response - Received October 12, 2017](#)


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

[Board of Supervisors File No. 171058](#)

I request the Police Department's response before November 13, 2017.

Thanks for the review.

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

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From: [Powell, Georgia \(CPC\)](#)
To: [Carroll, John \(BOS\)](#)
Subject: BofS/PCN Referral for 1148-1150 Mission Street
Date: Thursday, October 12, 2017 3:30:32 PM
Attachments: [Referral PCN - 1148-1150 Mission Street \(ID 949301\).pdf](#)

Please see attached.

Thanks,
Georgia Powell
Planning Department (Current Planning)
1650 Mission Street, Suite 400
San Francisco, CA 94103
Work (415) 558-6371
Fax (415) 558-6409
Georgia.Powell@sfgov.org

7



RECEIVED

OCT 2 - 2017

LIQUOR LICENSE REVIEW

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

File: 171058

Block/lot: 3702/059

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

Zoning: C-3-G

Quad: NE

DATE: October 2, 2017

Record #2017-012652

MIS

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 - Fax No: 554-5163

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

*Type 42 ABC license is permitted in conjunction
with a Bar use, principally permitted in the C-3-G
District per P.C. Sec. 210.2.*

POLICE COMMENTS: Approval

Denial

Andrew Perry 10/5/17

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

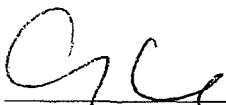
- We spoke with Edgar Oropeza with the San Francisco Planning Department and received his confirmation that the location is zoned properly for the business. Attached please find a copy of our email correspondence with Mr. Oropeza confirming the same.
- We have contacted Lieutenant Nelly Gordon with the 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, (415) 863-4894) and Jane Weil, president of the homeowners association for the SOMA Grand (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. 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.

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 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, complete form ABC-811) |
|---------------------|---|

| | |
|--|---|
| 2. LICENSE TYPE(S) (Check appropriate items) 20 Off-Sale Beer & Wine 21 Off-Sale General 40 On-Sale Beer 41 On-Sale Beer & Wine Eating Place X 42 On-Sale Beer & Wine Public Premises 47 On-Sale General Eating Place 48 On-Sale General Public Premises Other | 3. TRANSACTION TYPE (Check appropriate item) Original (New) Person-to-Person Transfer (check appropriate section): Section 24071 (Surviving spouse, corporations, fiduciaries, etc.) Section 24071.1 (Corporate Stock/Limited Partnership) Section 24071.2 (Limited Liability Company) X Premises-to-Premises Transfer Exchange Other |
|--|---|

4. TEMPORARY PERMIT REQUESTED (Person-to-Person transfers only)
 Yes No

| | |
|--|-------------------------|
| 5. PREMISES ADDRESS (Where license to be issued) (Street number and name, city, zip code) 1168 Folsom Unit 101, San Francisco, CA 94103 | County San Francisco |
|--|-------------------------|

| | | |
|--|---|--|
| 6. PREMISES TELEPHONE NUMBER (415) 505-1304 | 7. PREMISES ARE INSIDE CITY LIMITS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 8. BUSINESS NAME (DBA) YOU WILL USE City Business Store |
|--|---|--|

| | |
|---|---|
| 9. BUSINESS MAILING ADDRESS (Street number and name, city, state, zip code) 84 Monterey Blvd., San Francisco, CA 94131 | 10. MAILING ADDRESS <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary |
|---|---|

| | |
|---|---|
| 11. ABC LICENSE COST (Item #33a on reverse) 100.00 | 12. SUBTOTAL (Item #33f on reverse) 100.00 |
|---|---|

| | |
|--|---|
| 13. HAS THE APPLICANT(S) EVER BEEN CONVICTED OF A FELONY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 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 |
|--|---|

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.)

| | |
|---------------------|----------------------------------|
| City Beer Store LLC | 17. ABC LICENSE NUMBER 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 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | IF YES, LIST ESTIMATED COMPLETION DATE N/A | 20. FRANCHISE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|--|---|--|

| | |
|---|--|
| 21. NAME OF PERSON WE MAY CONTACT (For the applicant) Alyssa McTimpeny | 22. TITLE OF CONTACT PERSON Paralegal |
|---|--|

| | |
|--|---|
| 23. CONTACT TELEPHONE NUMBER (503) 778-5469 | 24. CONTACT E-MAIL ADDRESS alyssamctimpeny@dwt.com |
|--|---|

| | | | |
|---|--------------------------------|--|--------------------|
| 25. PREMISES IS CURRENTLY LICENSED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | IF YES, TYPE OF LICENSE N/A | 28. CURRENT LICENSE IS OPERATING <input type="checkbox"/> Yes <input type="checkbox"/> No | IF NO, DATE CLOSED |
|---|--------------------------------|--|--------------------|

FINANCIAL INFORMATION

| | | |
|----------------------------------|---------------------------------|-------------------------|
| 27. ESCROW COMPANY'S NAME N/A | ESCROW COMPANY'S ADDRESS N/A | TELEPHONE NUMBER () |
|----------------------------------|---------------------------------|-------------------------|

| | | |
|---|---|--------------------------------------|
| 28. BOOKKEEPER/ACCOUNTANT'S NAME Anne-Marie Gilpin | BOOKKEEPER/ACCOUNTANT'S ADDRESS 44 Montgomery St., Suite 1308, San Francisco, CA 94104 | TELEPHONE NUMBER (219) 921-6502 |
|---|---|--------------------------------------|

| | | |
|--|--|--------------------------------------|
| 29. LANDLORD'S NAME Wayward Son, Inc. | LANDLORD'S ADDRESS 84 Monterey Blvd., San Francisco, CA 94131 | TELEPHONE NUMBER (415) 505-1304 |
|--|--|--------------------------------------|

| | | |
|------------------------------|--|--|
| 30. MONTHLY RENT \$13,000 | 31. LEASE EXPIRATION DATE August 31, 2018 | 32. INDICATE WHETHER LEASE OR RENTAL AGREEMENT INCLUDES FURNITURE OR FIXTURES <input checked="" type="checkbox"/> All <input type="checkbox"/> Some <input type="checkbox"/> None |
|------------------------------|--|--|

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

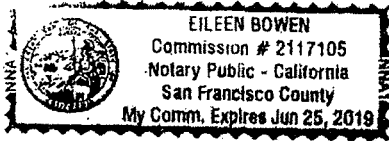
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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 Bowen
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

From: Oropeza, Edgar (CPC) <edgar.oropeza@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.oropeza@sfgov.org
Web: www.sfplanning.org



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

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Monday, October 02, 2017 12:01 PM
To: Rodgers, AnMarie; CPC.Referrals; Gordon, Nelly (POL)
Cc: (carolyn.goossen@sfgov.org); Lee, Ivy (ivy.lee@sfgov.org); Duong, Noelle (BOS); Lopez, Barbara (BOS); 'justin.gebb@abc.ca.gov'; 'joan.bernardino@abc.ca.gov'; 'thecitybeerstore@yahoo.com'; 'sgregg@dwt.com'
Subject: Liquor License PC or N Referral - 1148-1150 Mission Street - City Beer Store
Categories: 171058

Good morning,

The office of the Clerk of the Board has received a letter requesting public convenience or necessity recommendations for a liquor license transfer. This matter is being referred to you for response via the following linked document:

[Referral Letter to Planning and Police Departments](#)

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

[Board of Supervisors File No. 171058](#)

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 their consideration in the license matter.

I request the department's response before November 13, 2017.

Thanks for the review.

John Carroll

Assistant Clerk


Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

john.carroll@sfgov.org | bos.legislation@sfgov.org

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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

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 - Fax No: 554-5163

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

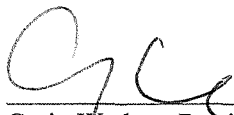
- We spoke with Edgar Oropeza with the San Francisco Planning Department and received his confirmation that the location is zoned properly for the business. Attached please find a copy of our email correspondence with Mr. Oropeza confirming the same.
- We have contacted Lieutenant Nelly Gordon with the 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, (415) 863-4894) and Jane Weil, president of the homeowners association for the SOMA Grand (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. 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.

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 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>(If yes, complete form ABC-811)</i> |
|---------------------|--|

| | |
|--|---|
| 2. LICENSE TYPE(S) (Check appropriate items) 20 Off-Sale Beer & Wine 21 Off-Sale General 40 On-Sale Beer 41 On-Sale Beer & Wine Eating Place X 42 On-Sale Beer & Wine Public Premises 47 On-Sale General Eating Place 48 On-Sale General Public Premises Other | 3. TRANSACTION TYPE (Check appropriate item) Original (New) Person-to-Person Transfer (check appropriate section): Section 24071 (Surviving spouse, corporations, fiduciaries, etc.) Section 24071.1 (Corporate Stock/Limited Partnership) Section 24071.2 (Limited Liability Company) X Premises-to-Premises Transfer Exchange Other |
|--|---|

4. TEMPORARY PERMIT REQUESTED (Person-to-Person transfers only)
 Yes No

| | |
|--|-------------------------|
| 5. PREMISES ADDRESS (Where license to be issued) (Street number and name, city, zip code) 1168 Folsom Unit 101, San Francisco, CA 94103 | County San Francisco |
|--|-------------------------|

| | | |
|--|---|--|
| 6. PREMISES TELEPHONE NUMBER (415) 505-1304 | 7. PREMISES ARE INSIDE CITY LIMITS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 8. BUSINESS NAME (DBA) YOU WILL USE City Business Store |
|--|---|--|

| | |
|---|---|
| 9. BUSINESS MAILING ADDRESS (Street number and name, city, state, zip code) 84 Monterey Blvd., San Francisco, CA 94131 | 10. MAILING ADDRESS <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary |
|---|---|

| | |
|---|---|
| 11. ABC LICENSE COST (Item #33a on reverse) 100.00 | 12. SUBTOTAL (Item #33f on reverse) 100.00 |
|---|---|

| | |
|--|---|
| 13. HAS THE APPLICANT(S) EVER BEEN CONVICTED OF A FELONY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 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 |
|--|---|

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.)

| | |
|---------------------|----------------------------------|
| City Beer Store LLC | 17. ABC LICENSE NUMBER 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 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 20. FRANCHISE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | IF YES, LIST ESTIMATED COMPLETION DATE N/A |
|--|--|---|

| | |
|---|--|
| 21. NAME OF PERSON WE MAY CONTACT (For the applicant) Alyssa McTimpeny | 22. TITLE OF CONTACT PERSON Paralegal |
|---|--|

| | |
|--|---|
| 23. CONTACT TELEPHONE NUMBER (503) 778-5469 | 24. CONTACT E-MAIL ADDRESS alyssamctimpeny@dwt.com |
|--|---|

| | | | |
|---|--------------------------------|--|--------------------|
| 25. PREMISES IS CURRENTLY LICENSED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | IF YES, TYPE OF LICENSE N/A | 26. CURRENT LICENSE IS OPERATING <input type="checkbox"/> Yes <input type="checkbox"/> No | IF NO, DATE CLOSED |
|---|--------------------------------|--|--------------------|

FINANCIAL INFORMATION

| | | |
|----------------------------------|---------------------------------|-------------------------|
| 27. ESCROW COMPANY'S NAME N/A | ESCROW COMPANY'S ADDRESS N/A | TELEPHONE NUMBER () |
|----------------------------------|---------------------------------|-------------------------|

| | | |
|---|---|--------------------------------------|
| 28. BOOKKEEPER/ACCOUNTANT'S NAME Anne-Marie Gilpin | BOOKKEEPER/ACCOUNTANT'S ADDRESS 44 Montgomery St., Suite 1308, San Francisco, CA 94104 | TELEPHONE NUMBER (219) 921-6502 |
|---|---|--------------------------------------|

| | | |
|--|--|--------------------------------------|
| 29. LANDLORD'S NAME Wayward Son, Inc. | LANDLORD'S ADDRESS 84 Monterey Blvd., San Francisco, CA 94131 | TELEPHONE NUMBER (415) 505-1304 |
|--|--|--------------------------------------|

| | | |
|------------------------------|--|--|
| 30. MONTHLY RENT \$13,000 | 31. LEASE EXPIRATION DATE August 31, 2018 | 32. INDICATE WHETHER LEASE OR RENTAL AGREEMENT INCLUDES FURNITURE OR FIXTURES <input checked="" type="checkbox"/> All <input type="checkbox"/> Some <input type="checkbox"/> None |
|------------------------------|--|--|

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

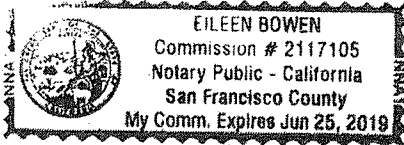
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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

From: Oropeza, Edgar (CPC) <edgar.oropeza@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.oropeza@sfgov.org
Web: www.sfplanning.org



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

Department of Alcoholic Beverage Control
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)
ABC 211 (6/99)

State of California

ALYSSA McTIMPENY

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

File Number: **584828** (503) 778-5469
Receipt Number: **2449770**
Geographical Code: **3800**
Copies Mailed Date: **August 31, 2017**
Issued Date:

DISTRICT SERVING LOCATION: **SAN FRANCISCO**
First Owner: **CITY BEER STORE LLC**
Name of Business: **CITY BEER STORE**
Location of Business: **1148 MISSION ST
#6
SAN FRANCISCO, CA 94103-1515**
County: **SAN FRANCISCO**
Is Premise inside city limits? **Yes**
Mailing Address: **84 MONTEREY BLVD
(If different from premises address) SAN FRANCISCO, CA 94131-3235**
Type of license(s): **42**

Census Tract **0176.01**

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 SEP -5 PM 2:44

Transferor's license/name: **509679 / CITY BEER STORE LLC** Dropping Partner: Yes No

| License Type | Transaction Type | Fee Type | Master | Dup | Date | Fee |
|----------------------------|-----------------------------|----------|--------|-----|----------|----------|
| 42 - On-Sale Beer And Wine | PREMISE TO PREMISE TRANSFER | NA | Y | 0 | 08/31/17 | \$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 FRANCISCO** Date: **August 31, 2017**

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)

CITY BEER STORE LLC

See 211 Signature Page



**California Department of Alcoholic Beverage
Control**
License Query System Summary
as of 10/1/2017

| |
|--|
| License Information |
| License Number: 584828 |
| Primary Owner: CITY BEER STORE LLC |
| ABC Office of Application: 24 - SAN FRANCISCO |
| Business Name |
| Doing Business As: CITY BEER STORE |
| Business Address |
| Address: 1148 MISSION ST #6 Census Tract: 0176.01 |
| City: SAN FRANCISCO County: SAN FRANCISCO |
| State: CA Zip Code: 94103 |
| Licensee Information |
| Licensee: CITY BEER STORE LLC |
| <i>Company Information</i> |
| OFFICER: WATHEN, CRAIG VINCENT (MEMBER) |
| OFFICER: WATHEN, ELIZABETH BARBARA (MEMBER) |
| STOCKHOLDER: WATHEN, CRAIG VINCENT |
| STOCKHOLDER: WATHEN, ELIZABETH BARBARA |
| License Types |
| 1) License Type: 42 - ON-SALE BEER AND WINE - PUBLIC PREMISES |
| License Type Status: PENDING |

Status Date: 31-AUG-2017 **Term:** 12 Month(s)

Original Issue Date: **Expiration Date:**

Master: Y **Duplicate:** 0 **Fee Code:** P40

License Type was Transferred On: **FROM:** 42-509679

Operating Restrictions

... No Operating Restrictions found ...

Current Disciplinary Action

... No Active Disciplinary Action found ...

Disciplinary History

... No Disciplinary History found ...

Hold Information

Hold Date: 31-AUG-2017 **Type:** FORM 220

Escrow

... No Escrow found ...

--- End of Report ---

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

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Liquor License - 1148-1150 Mission Street - City Beer Store

The text is listed below or attached:

Hearing to consider that the premise-to-premise transfer of a Type-42 on-sale beer and wine public premises liquor license to City Beer Store, LLC, located at 1148-1150 Mission Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco.

Signature of Sponsoring Supervisor: *Alisa Jomero*

For Clerk's Use Only: