

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 <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
FINANCIAL INFORMATION		
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. SUBTOTAL (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	\$
j. TOTAL INVESTMENT (Items f through i) (will equal total of amounts listed in item #33)	\$ 100,000.00

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

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

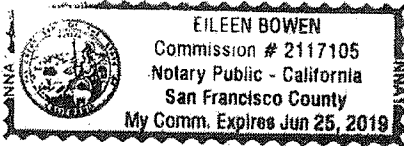
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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

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