

MEMORANDUM

To: Dublin City Council
Dana McDaniel, City Manger
Jennifer Delgado, Clerk of Council

From: Jennifer D. Readler, Law Director
Jesse J. Shamp

Date: July 19, 2022

Re: First Watch Restaurants, Inc. DBA First Watch #1016's Application for a New D5I Liquor Permit

I. INTRODUCTION

The City of Dublin recently received a Notice to Legislative Authority ("Notice") from the Ohio Division of Liquor Control (the "Division") concerning First Watch Restaurants, Inc. DBA First Watch #1016 ("First Watch"). Dublin received this Notice pursuant to R.C. 4303.26 because First Watch applied for a new D5I permit and the proposed location for the permit premises is within the corporate limits of Dublin. As such, Dublin may request a hearing regarding the advisability of the issuance, transfer of ownership, or transfer of location of the permit.

II. BACKGROUND

First Watch is a foreign corporation that is actively registered with the Ohio Secretary of State. The address designated for the permit premises is 6505 Dublin Center Drive, Dublin, Ohio 43017. First Watch is seeking a D5I¹ liquor permit, which permits spirituous liquor for on premises consumption only, and beer, wine, and mixed beverages for on premises or off premises consumption in original sealed containers, until 2:30 am. A D5I permit is identical to a typical D5 permit, but is for restaurants meeting certain criteria.

First Watch must meet the following criteria for the State to issue it a D5I permit:

- (1) It is located in a municipal corporation or a township with a population of one hundred thousand or less.
- (2) It has inside seating capacity for at least one hundred forty persons.
- (3) It has at least four thousand square feet of floor area.
- (4) It offers full-course meals, appetizers, and sandwiches.

¹ First Watch has also applied to the Division for a D6 permit at the same premises, but the Notice to the City did not include this permit class.

(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts.

(6) It has at least one of the following characteristics:

(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars.

(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit.

The application is currently pending before the Division and the Division will determine whether or not First Watch meets the aforementioned requirements. According to the Division's records, First Watch does not have a history of violating Ohio liquor permit laws.

III. RECOMMENDATION

It appears unnecessary to request a hearing in this matter. The First Watch entity applying for the D5I permit does not have a history of liquor law violations. Regardless of whether Dublin desires to request a hearing, the Notice must be signed and returned to the Ohio Division of Liquor Control by August 5, 2022.

NOTICE TO LEGISLATIVE
AUTHORITY

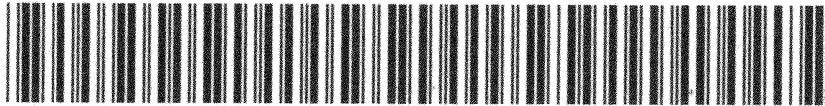
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

27401200190		NEW		FIRST WATCH RESTAURANTS INC FIRST WATCH #1016 6505 DUBLIN CENTER DRIVE DUBLIN OH 43017
PERMIT NUMBER		TYPE		
ISSUE DATE				
06 23 2022				
FILING DATE				
D51		PERMIT CLASSES		
25	066	B	D46959	
TAX DISTRICT		RECEIPT NO.		

FROM 07/05/2022

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	



MAILED 07/05/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN. 08/05/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

B NEW 2740120-0190

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF DUBLIN CITY COUNCIL
ATTN: LEGISLATIVE AFFAIRS
5200 EMERALD PARKWAY
DUBLIN OHIO 43017



Department of Commerce

Rev 2/10/2021

Mike DeWine, Governor
Jon Husted, Lt. Governor

Division of Liquor Control
Sheryl Maxfield, Director

Dear Local Legislative Authority Official:

Please find enclosed the legislative notice that is being sent to you regarding the applied for liquor permit as captioned on the notice. You **must**, within 30 days from the "mailed" date listed on the notice under the bar code:

- Notify the Division whether you object and want a hearing; or
- Ask for your one-time only, 30-day extension.
 - Any requests for a one-time, 30-day extension will be reviewed by the Division upon timely receipt. If granted, your additional 30-days runs from the expiration of the original 30-day period.

To be considered **timely**, your above response **must** be faxed, emailed, or mailed to the Division no later than the postmark deadline date given on the form. To speed up processing times and reduce paper, the Division respectfully asks that you either fax or email your response. Please send your response to:

FAX: (614) 644 – 3166

EMAIL: LiquorLicensingMailUnit@com.state.oh.us

MAIL: Ohio Division of Liquor Control
Attn: Licensing Unit
6606 Tussing Road
PO Box 4005
Reynoldsburg, Ohio 43068-9005

Please note that the Division is no longer sending ownership information with this legislative notice. If you want to know who owns the applied for permit you can find that information in two ways:

- Go to https://www.comapps.ohio.gov/liqr/liqr_apps/PermitLookup/PermitHolderOwnership.aspx and enter the permit number listed on the legislative notice; or
- Contact your police department or your county sheriff if you are a township fiscal officer or county clerk. The Division sends the applicable law enforcement agency the pertinent ownership information when it notifies them of the permit application.

Thank you in advance for your cooperation,

Division Licensing Section

Licensing Section
6606 Tussing Road
Reynoldsburg, OH 43068-9009

Fax 614-728-1281
TTY/TDD 800-750-0750
com.ohio.gov

D5	\$2,344	ORC 4303.18 Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.
D5I	\$2,344	ORC 4303.181 (Same as D5). Restaurant meeting certain criteria.