[Liquor License, 461 Pacific Avenue]

Resolution determining that the issuance of a Type 42 On-Sale beer and wine public premises license to Jim Howell, for the Barrel Cellar, LLC located at 461 Pacific Avenue, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

WHEREAS, Jim Howell is seeking issuance of a Type 42 On-Sale beer and wine public premises license for the Barrel Cellar, LLC, located at 461 Pacific Avenue; and,

WHEREAS, The Planning Department has verified that the area is properly zoned; and,

WHEREAS, The Police Department recommends that the liquor license application be approved with conditions; now, therefore, be it

RESOLVED, That in accordance with Section 23958.4 of the California Business and Professions Code, the Board of Supervisors of the City and County of San Francisco hereby determines for the foregoing reasons that the issuance of a Type 42 On-Sale beer and wine public premises license, to Jim Howell for the Barrel Cellar, LLC, located at 461 Pacific Avenue will serve the public convenience or necessity of the people of the City and County of San Francisco.

Conditions: (1) The sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to 10:00 p.m. daily; (2) No open and or resealed/re-corked containers of alcoholic beverages shall be removed from the premises; (3) No noise shall be audible beyond the area under the control of the licensee(s); (4) No wine shall be sold with an alcoholic content greater than 15% by

volume except "Dinner Wines" which have been aged two years or more and maintained in corded bottles; (5) There shall be no consumption of alcoholic beverages on the sidewalk area in front of or adjacent to the premises; (6) Petitioner shall not make structural changes in the premises interior without prior written approval from the Department; (7) The interior lighting maintained therein shall be sufficient to make easily discernible the appearance and conduct of all persons and patrons in that portion of the premises where alcoholic beverages are sold, served, delivered or consumed; (8) The exterior of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences; (9) Loitering (loitering is defined as, "to stand idly about: linger aimlessly without lawful business") is prohibited on any sidewalk or property adjacent to the licensed premises under the control of the licensee; (10) The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control; (11) Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti with 72 hours following the beginning of the next weekday.

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City and County of San Francisco **Tails**

City Hall 1 Dr. Cariton B. Goodlett Place San Francisco, CA 94102-4689

Resolution

100032 File Number:

Date Passed: March 02, 2010

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March 02, 2010 Board of Supervisors - ADOPTED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and

Mirkarimi

Excused: 1 - Alioto-Pier

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File No. 100032

I hereby certify that the foregoing Resolution was ADOPTED on 3/2/2010 by the Board of Supervisors of the City and County of San Francisco.

> Angela Calvillo Clerk of the Board

Date Approved