

1 [Liquor License, 837 Divisadero Street]

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3 **Resolution determining that the issuance of a Type 48 on-sale general public**
4 **premises liquor license to Eric Whitaker for Mini Bar SF LLC, located at 837**
5 **Divisadero Street (District 5), will serve the public convenience or necessity of the**
6 **people of the City and County of San Francisco, in accordance with Section**
7 **23958.4 of the California Business and Professions Code, with conditions.**

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9 WHEREAS, Eric Whitaker is seeking issuance of a Type 48 on-sale general
10 public premises liquor license for Mini Bar SF LLC, located at 837 Divisadero Street;
11 and,

12 WHEREAS, The Planning Department has verified that the area is properly zoned;
13 and, the restrictions and conditions of which notice is hereby given are:

14 (1) Pursuant to Section 711.27 of the Planning Code, the proposed bar is allowed to
15 operate between the hours of 6 a.m. until 2 a.m. as of right and requires Conditional Use
16 authorization to operate between the hours of 2 a.m. and 6 a.m. within an NC-2 (Small-Scale
17 Neighborhood Commercial) Zoning District. (2) Notices shall be well-lit and prominently
18 displayed at all entrances to and exits from the establishment urging patrons to leave the
19 establishment and neighborhood in a quiet, peaceful, and orderly fashion and to please not
20 litter or block driveways in the neighborhood. (3) Employees of the establishment shall be
21 posted at all the entrances and exits to the establishment during the period from 10:00 p.m. to
22 such time past closing that all patrons have left the premises. These employees shall insure
23 that patrons waiting to enter the establishment and those exiting in the premises are urged to
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1 respect the quiet and cleanliness of the neighborhood as they walk to their parked vehicle or
2 otherwise leave the area. (4) The operator of the establishment shall maintain the entrances
3 and all sidewalks abutting the subject property in a clean condition. Such maintenance shall
4 include, at minimum, daily sweeping, litter pickup and disposal, and washing or
5 steam/pressure cleaning of the main entrance and abutting sidewalks at least once every two
6 weeks. (5) Sufficient toilet facilities shall be made accessible to patrons within the premises,
7 and toilet facilities shall be made accessible to prospective patrons who may be lined up
8 waiting to enter the establishment. (6) All project lighting shall be directed onto the project site
9 and immediately surrounding sidewalk area only, and designed and managed so as not to be
10 a nuisance to surrounding residents and businesses. Nighttime lighting shall be the minimum
11 necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to
12 any surrounding property. (7) The establishment shall provide adequate ventilation within the
13 structures such that doors and/or windows are not left open for such purposes resulting in
14 noise emission from the premises. (8) During the period from 10:00 p.m. to 6:00 a.m., sound
15 levels from the proposed bar shall not exceed the acceptable noise levels established for
16 residential uses by the San Francisco Noise Ordinance. (9) The operator of the establishment
17 shall appoint a person or persons to act as a community liaison to deal with issues of concern
18 to neighbors related to the operation of the bar. This liaison or designated representative
19 shall be available at the establishment during business hours. The operator of the
20 establishment shall report the name and telephone number of said community liaison to the
21 Zoning Administrator. (10) Should implementation of this project result in complaints from
22 neighborhood residents and/or businesses, which are not resolved by the operator of the
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1 establishment and are subsequently reported to the Planning Department's Enforcement
2 Division and found to be in violation of the Planning Code and/or specific conditions of
3 approval as set forth in this Notice of Special Restrictions, the Zoning Administrator may
4 consider revocation of the Planning Department's approval of this Building Permit Application.

5 The use of said property contrary to these special restrictions shall constitute a
6 violation of the Planning Code, and no release, modification or elimination of these restrictions
7 shall be valid unless notice thereof is recorded on the Land Records by the Zoning
8 Administrator of the City and County of San Francisco; except that in the event that the zoning
9 standards above are modified so as to be less restrictive and the uses herein restricted are
10 thereby permitted and in conformity with the provisions of the Planning Code, this document
11 would no longer be in effect and would be null and void.
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13 WHEREAS, The Police Department recommends that the liquor license
14 application be approved with conditions; now, therefore, be it

15 RESOLVED, That in accordance with Section 23958.4 of the California Business
16 and Professions Code, the Board of Supervisors of the City and County of San
17 Francisco hereby determines for the foregoing reasons that the issuance of a Type 48
18 on-sale general public premises license at 837 Divisadero Street, to Eric Whitaker for
19 Mini Bar SF LLC, will serve the public convenience and necessity of the people of the
20 City and County of San Francisco.
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22 Conditions: (1) The sale of alcoholic beverages for consumption off the premises is
23 strictly prohibited. (2) No noise shall be audible beyond the area under control of the
24 licensee(s) as defined on the ABC-257 dated 12/10/07. (3) Sales, service and
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1 consumption of alcoholic beverages shall be permitted only between the hours of 10:00
2 a.m. and 12:00 Sunday through Thursday and between the hours of 9:00 a.m. and 2:00
3 a.m. midnight on Friday and Saturday. (4) No person under the age of twenty-one (21
4 years of age) shall sell, furnish, or deliver alcoholic beverages. (5) No reduced price
5 alcoholic beverage promotion shall be allowed. (6) There shall be no coin operated
6 games or video machines maintained upon the premises at any time. (7) Loitering
7 (loitering is defined as "to stand idly about, linger aimlessly without lawful business) is
8 prohibited on any sidewalks or property adjacent to the licensed premises under the
9 control of the licensee. (8) The petitioner(s) shall be responsible for maintaining free of
10 litter the area adjacent to the premises over which they have control. (9) Graffiti shall be
11 removed from the premises and all parking lots under the control of the licensee within
12 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a
13 holiday, the licensee shall remove the graffiti within 72 hours following the beginning of
14 the next weekday. (10) Petitioner shall not make structural changes in the premise
15 interior without prior written approval from the Department. (11) The interior lighting
16 maintained therein shall be sufficient to make easily discernible the appearance and
17 conduct of all persons and patrons in that portion of the premises where alcoholic
18 beverages are sold, served, delivered or consumed. (12) The exterior of the premises
19 shall be equipped with lighting of sufficient power to illuminate and make easily
20 discernible the appearance and conduct of all persons on or about the premises.
21 Additionally, the position of such lighting shall not disturb the normal privacy and use of
22 any neighboring residences.
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City and County of San Francisco

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

Tails Resolution

File Number: 080017

Date Passed:

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Eric Whitaker for Mini Bar SF LLC, located at 837 Divisadero Street (District 5), will serve the convenience 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.

February 26, 2008 Board of Supervisors — ADOPTED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval

Excused: 1 - Dufty

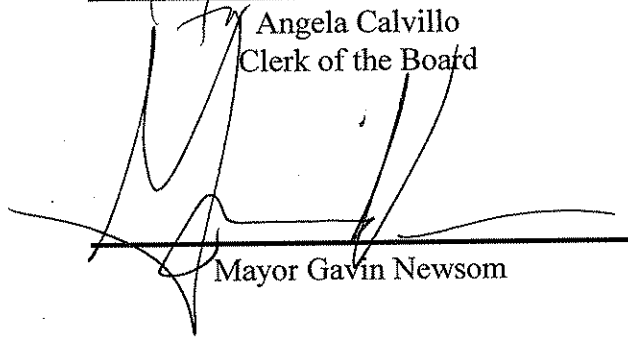
File No. 080017

I hereby certify that the foregoing Resolution was ADOPTED on February 26, 2008 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

2.29.08
Date Approved



Mayor Gavin Newsom