

1 [Liquor License Transfer –1221 Polk Street]

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3 **Resolution determining that the transfer of a Type 48 on-sale general public premises**  
4 **liquor license from 1092 Post Street to 1221 Polk Street (District 3), to Steven Black for**  
5 **Lush Lounge Inc., will serve the public convenience and necessity of the people of the**  
6 **City and County of San Francisco, in accordance with Section 23958.4 of the California**  
7 **Business and Professions Code, with conditions.**

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10 WHEREAS, Steven Black is seeking the transfer of a Type 48 on-sale general  
11 public premises liquor license from 1092 Post Street to 1221 Polk Street (District 3), for  
12 Lush Lounge Inc.; and,

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

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

17 RESOLVED, That in accordance with Section 23958.4 of the California Business  
18 and Professions Code, the Board of Supervisors of the City and County of San  
19 Francisco hereby determines for the foregoing reasons that the transfer of a Type 48  
20 on-sale general public premises liquor license to Steven Black for Lush Lounge Inc., will  
21 serve the public convenience and necessity of the people of the City and County of San  
22 Francisco.

23 Conditions: (1) The sales, service and consumption of alcoholic beverages shall  
24 be permitted only between the hours of 12:00 noon and 2:00 a.m. daily. (2) The sale of  
25 alcoholic beverages for consumption off the premises is strictly prohibited. (3) No noise

1 shall be audible beyond the area under the control of the licensee(s). (4) No person  
2 under the age of twenty-one (21 years of age) shall sell, furnish, or deliver alcoholic  
3 beverages. (5) Between the hours of 9:00 p.m. and to until one half hour past closing  
4 the petitioner(s) shall provide security personnel who shall maintain order therein and  
5 prevent any activity which would interfere with the quiet enjoyment of their property by  
6 nearby residents. Said personnel shall be clothed in such a manner as to be readily  
7 identifiable as security. (6) Petitioner shall not make structural changes in the premises  
8 interior without prior written approval from the Department. (7) The licensee  
9 acknowledges that at all times that the premises is open to the public that the licensee  
10 is solely responsible for the operation and conduct of this business. (8) At no time shall  
11 the licensee allow a third party promoter to have any control over the marketing,  
12 management, operation, or staffing of this business. (9) The applicant corporation shall  
13 report to the Department in writing any changes in directors, managing officers, and/or  
14 the issuance or transfer of shares of stock which results in a person or entity not  
15 previously approved owning 10% or more of its stock. This report shall be made within  
16 30 days of issuance, transfer, or change. (10) The interior lighting maintained therein  
17 shall be sufficient to make easily discernible the appearance and conduct of all persons  
18 and patrons in that portion of the premises where alcoholic beverages are sold, served,  
19 delivered or consumed. (11) The exterior of the premises shall be equipped with  
20 lighting of sufficient power to illuminate and make easily discernible the appearance and  
21 conduct of all persons on or about the premises. Additionally, the position of such  
22 lighting shall not disturb the normal privacy and use of any neighboring residences. (12)  
23 The licensee shall maintain a digital data imaging system with surveillance of the interior  
24 and exterior of all entrance and exit points. Said data shall be maintained for a period of  
25 no less than 30 days and made available to law enforcement upon request. (13)

1 Loitering (loitering is defined as, "to stand idly about; linger aimlessly without lawful  
2 business") is prohibited on any sidewalk or property adjacent to the licensed premises  
3 under the control of the licensee. (14) The petitioner(s) shall be responsible for  
4 maintaining free of litter the area adjacent to the premises over which they have control.  
5 (15) Graffiti shall be removed from the premises and all parking lots under the control of  
6 the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend  
7 day, or on a holiday, the licensee shall remove the graffiti within 72 hours following the  
8 beginning of the next weekday.

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City and County of San Francisco

Tails

Resolution

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

File Number: 091122

Date Passed:

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 1092 Post Street to 1221 Polk Street (District 3), to Steven Black for Lush Lounge Inc., will serve the public convenience and 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.

November 17, 2009 Board of Supervisors - ADOPTED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

I hereby certify that the foregoing Resolution was ADOPTED on 11/17/2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

Mayor Gavin Newsom

Date

11-23-09