

1 [Liquor License – 2323 Market Street]

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3 **Resolution determining that the issuance of a Type 42 on-sale beer and wine**  
4 **public premises license to Shawn Higgins for D & H Sustainable Jewelers,**  
5 **located at 2323 Market Street (District 8), will serve the public convenience or**  
6 **necessity of the people of the City and County of San Francisco, in accordance**  
7 **with Section 23958.4 of the California Business and Professions Code, with**  
8 **conditions.**

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10 WHEREAS, Shawn Higgins is seeking the issuance of a Type 42 on-sale beer  
11 and wine public premises license for D & H Sustainable Jewelers, located at 2323  
12 Market Street; 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 issuance of a Type 42  
20 on-sale beer and wine public premises license to Shawn Higgins for D & H Sustainable  
21 Jewelers, located at 2323 Market Street, will serve the public convenience or necessity  
22 of the people of the City and County of San Francisco.

23 Conditions: (1) Sales, service, and consumption of alcoholic beverages shall be  
24 permitted only between the hours of 11:00 a.m. - 10:00 p.m. daily. (2) No noise shall be  
25 audible beyond the area under the control of the licensee. (3) Loitering (loitering is

1 defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on  
2 any sidewalks or property adjacent to the licensed premises under the control of the  
3 licensee. (4) The interior lighting maintained therein shall be sufficient to make easily  
4 discernible the appearance and conduct of all persons and patrons in that portion of the  
5 premises where alcoholic beverages are sold, served, delivered or consumed. (5) No  
6 person under the age of 21 shall sell or deliver alcoholic beverages. (6) No more than  
7 5% of the square footage of the premise will be used for the on-sale services,  
8 consumption and display of alcoholic beverages. (7) Petitioner shall not make structural  
9 changes in the premises interior without prior written approval from the Department. (8)  
10 The sale of alcoholic beverages for off-sale is strictly prohibited. (9) The sales and  
11 service of alcoholic beverages shall be incidental to the premises primary business the  
12 sale of jewelry.

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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:** 110003

**Date Passed:** June 07, 2011

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Shawn Higgins for D & H Sustainable Jewelers, located at 2323 Market Street (District 8), 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.

May 23, 2011 City Operations and Neighborhood Services Committee - PREPARED IN COMMITTEE AS A RESOLUTION APPROVING THE REQUEST WITH CONDITIONS

May 23, 2011 City Operations and Neighborhood Services Committee - RECOMMENDED

June 07, 2011 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110003

I hereby certify that the foregoing Resolution was ADOPTED on 6/7/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

Mayor Edwin Lee

6/13/11

Date Approved