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**Date:** August 3, 2004

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**To:** Honorable Mayor and City Council

**From:** Councilwoman Laura Richardson, Sixth District *CBR, CHR*

**Subject:** **AGENDA ITEM No. 18 (D): PERSON-TO-PERSON TRANSFER OF AN ON-SALE BEER AND WINE ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EAGLE MARKET, 2336 PACIFIC AVENUE.**

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RECOMMENDED ACTION:

City Council receive and file the subject application with the attached agreed upon conditions.

Attachment

cc: City Manager  
City Attorney  
City Clerk  
Chief of Police

**Eagle Market**  
**2336 Pacific Avenue**

**OFF-SALE BEER AND WINE LICENSE**  
**LIST OF CONDITIONS**

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. and 9 p.m.
2. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 24 hours of being applied.
3. There shall be no coin operated games or video machines maintained upon the premises at any time.
4. The licensee(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
5. The parking lot 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 parking lot. Additionally, the position of such lighting shall not disturb the privacy and use of any neighboring residences.
6. No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles.
7. No individual beer or malt beverage products shall be sold in containers of less than 24 ounces unless sold in quantities of six or greater.
8. No wine shall be sold in bottles or containers smaller than 750 ml. and wine coolers shall not be sold in quantities of less than four per sale.
9. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
10. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
11. No pay phone will be maintained and no lease agreement will be approved for pay phone(s) on the exterior of the premises.
12. Loitering is prohibited on these premises and the area under the control of the licensee(s).
13. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages are prohibited on or around these premises.

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14. The licensee shall keep the property adjacent to the licensed premises and under the control of the licensee(s) clear of newspaper racks, benches, pay telephones, bicycle racks and any other objects that may encourage loitering.
15. There shall be no cups, glasses, or similar receptacles, commonly used for the drinking of beverages given away at the petitioner's premises in quantities of less than twenty-four or in their original multi-container package. Licensee(s) may sell such receptacles at fair market value.
16. The sale of beer and wine, measured by gross receipts on an annual basis, shall not exceed 25% of the sale of products, measured by gross receipts on an annual basis.
17. Noise shall not be audible from the exterior of the premises.
18. All ice shall be sold at or about prevailing prices in the area and in quantities of not less than 5 pounds per sale and shall not be given away free.
19. The licensee(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that reads as follows:

NO LOITERING, NO LITTERING  
NO DRINKING OF ALCOHOLIC BEVERAGES  
VIOLATORS ARE SUBJECT TO ARREST

The sign shall be at least two feet square with two inch lettering. The sign shall be in English and Spanish.

Vouchmeng Sieng  
Vouchmeng Sieng

7/30/04  
Date