

1 [Liquor License, 132 Eddy 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 Monika Bernstein, for dba “Realspace Art Gallery”**  
5 **located at 132 Eddy Street (District 6), will serve the public convenience and**  
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, Monika Bernstein is seeking issuance of a Type 42 on-sale beer and  
11 wine public premises license for dba “Realspace Art Gallery”, located at 132 Eddy  
12 Street; and,

13 WHEREAS, The City 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 Monika Bernstein for dba “Realspace  
21 Art Gallery”, located at 132 Eddy Street (District 6) will serve the public convenience  
22 and necessity of the people of the City and County of San Francisco.

23 Conditions: (1) The premises shall be operated as a bona fide art gallery (a  
24 room or building devoted to the exhibition of works of art) with the sale of beer and wine  
25 as an incidental part of the operation. The premises shall be used for no other purpose;

1 (2) The Petitioners shall not display any magazine, video or other printed material which  
2 contains pictures depicting: acts or simulated acts of sexual intercourse, masturbation,  
3 sodomy, bestiality, oral copulation, flagellation or sexual acts which are prohibited by  
4 law; any person being touched, caressed or fondled on the breast, buttocks, anus or  
5 genitals; scenes wherein a person displays the vulva or the anus or the genitals; scenes  
6 wherein artificial devices or inanimate objects are employed to depict, or drawings are  
7 employed to portray, any other prohibited activities described above; (3) The sale of  
8 alcoholic beverages for consumption off the premises is strictly prohibited; (4) Sales and  
9 service of alcoholic beverages shall be permitted only between the hours of 5:00 p.m.  
10 and 2:00 a.m. Wednesday through Saturday. There shall be no sale of alcoholic  
11 beverages permitted Sunday through Tuesday; (5) A single jukebox or stereo may be  
12 maintained upon the premises; (6) Music shall not be audible outside the premises; (7)  
13 Live entertainment shall be limited to the exhibition of art or the opening of a new art  
14 exhibit; (8) There shall be no exterior advertising or sign of any kind or type, including  
15 advertising directed to the exterior from within, promoting or indicating the availability of  
16 alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly  
17 visible to the exterior shall constitute a violation of this condition; (9) There shall be no  
18 patron dancing permitted on the premises at any time; (10) The Petitioners shall not  
19 maintain or construct any type of enclosed room intended for use by patrons or  
20 customers for any purpose; (11) Petitioners shall regularly police the area under their  
21 control in an effort to prevent the loitering of persons about the premises; (12)  
22 Petitioners shall be responsible for maintaining free of litter the area adjacent to the  
23 premises over which they have control, as depicted on the ABC-257 dated May 30,  
24 2002; (13) No pool or billiard tables may be maintained on the premises; and (14) There  
25 shall be no coin operated games or video machines upon the premises at any time.