FILE NO. 021320

RESOLUTION NO. 4-03

[Liquor License, 132 Eddy Street]

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Monika Bernstein, for dba "Realspace Art Gallery" located at 132 Eddy Street (District 6), 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.

WHEREAS, Monika Bernstein is seeking issuance of a Type 42 on-sale beer and wine public premises license for dba "Realspace Art Gallery", located at 132 Eddy Street; and,

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

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

RESOLVED, That in accordance with Section 23958.4 of the California Business and Professions Code, the Board of Supervisors of the City and County of San Francisco hereby determines for the foregoing reasons that the issuance of a Type 42 on-sale beer and wine public premises license, to Monika Bernstein for dba "Realspace Art Gallery", located at 132 Eddy Street (District 6) will serve the public convenience and necessity of the people of the City and County of San Francisco.

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

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



Tails

Resolution

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

File Number: 021320

Date Passed:

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Monika Bernstein dba "Realspace Art Gallery" located at 132 Eddy Street (District 6), 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.

January 13, 2003 Board of Supervisors - ADOPTED

Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Ammiano, Sandoval Absent: 1 - McGoldrick File No. 021320

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I hereby certify that the foregoing Resolution was ADOPTED on January 13, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L./Y øung Clerk of the Board

Mayor Willie L. Brown Jr.

JAN 2 4 2003

Date Approved

File No. 021320