

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
BRAD SAYLOR,)
Appellant(s))
vs.)
ENTERTAINMENT COMMISSION,)
Respondent)

Appeal No. **24-028**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on April 1, 2024, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the issuance on March 21, 2024 to Blue Plantain LLC, of a Limited Live Performance Permit (Indoor entertainment, outdoor entertainment & amplified sound in patio; Date and Time: Indoor entertainment allowed until 11 p.m. daily; outdoor amplified sound allowed 10 a.m.-10 p.m. daily; outdoor entertainment allowed 10 a.m.-10 p.m. daily but shall not exceed 4 hours up to 10 times per calendar year) at 2032 Union Street.

APPLICATION NO. EC-1743 LLP

FOR HEARING ON April 17, 2024

Address of Appellant(s):

Address of Other Parties:

<p>Brad Saylor, Appellant(s) c/o Andrew Grindstaff, Attorney for Appellant(s) Zacks & Freedman PC 601 Montgomery Street, Suite 400 San Francisco, CA 94111</p>	<p>Blue Plantain LLC, Permit Holder(s) c/o Jeff Davis & Benson Wang, Agents for Permit Holder(s) 2032 Union Street San Francisco, CA 94123</p>
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Date Filed: April 1, 2024

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 24-028

I / We, **Brad Saylor**, hereby appeal the following departmental action: **ISSUANCE** of **Limited Live Performance Permit No. EC-1743 LLP** by the **Entertainment Commission** which was issued or became effective on: **March 21, 2024**, to: **Blue Plantain LLC**, for the property located at: **2032 Union Street**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **April 5, 2024**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, jeff@palmhousehospitality.com, benenson@palmhousehospitality.com, and maggie.weiland@sfgov.org

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **April 11, 2024**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, agrindstaff@zfplaw.com and maggie.weiland@sfgov.org

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, April 17, 2024, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent:

Signature: Via Email

Print Name: Andrew Grindstaff, attorney for appellant

This office represents Brad Saylor (“Client”) as the owner of 3033 Buchanan Street, San Francisco, which neighbors Palm House, located at 2032 Union Street, San Francisco, and its application for a limited live performance permit (“LLP”). At its March 19, 2024, hearing, the Entertainment Commission approved the LLP application. We feel that this decision is in error.

For several years, Palm House’s residential neighbors have endured substantial noise disturbances due to Palm House’s inability or unwillingness to limit sound at their property. Sound readings taken from neighbor properties often measure well in excess of limits prescribed by Police Code Section 2909(b). Our Client and Palm House’s other residential neighbors have attempted to engage with Palm House in good faith over the years to solve persistent issues; however, little progress has been made.

At a minimum, Palm House is required to abide by the Good Neighbor Policy, which, in relevant part, requires permit holders to close windows during entertainment and seek to reduce noise escaping the venue. Despite repeated requests to Palm House’s management and on-site staff, Palm House continues to either open windows or allow patrons to open windows, especially toward the rear of the building. Palm House’s management has cited ventilation as a chief reason for opening windows; however, Palm House has no intention of installing an HVAC system or otherwise seeking other means of cooling the property so that it can keep its patrons comfortable. Rather, Palm House chooses to abandon its duties to be a “good neighbor” and causes residential neighbors to shoulder its failures by disturbing the neighbors’ quiet enjoyment of their properties.

The Entertainment Commission considered community opposition to the approval of the LLP; however, the EC failed to adequately assess the impacts of loud noise, well in excess of allowable limits, on residential neighbors and Palm House’s unwillingness to, at a minimum, facilitate its windows remaining closed during entertainment. We therefore respectfully request that the Board of Appeals deny the LLP or otherwise condition the LLP to provide safeguards and ensure Palm House remains a “good

neighbor.”

Entertainment Commission Permit

City and County of San Francisco; State of California

Limited Live Performance

Permit Number: EC-1743 LLP

Conditional Grant Date: March 19, 2024

Grant Date: March 21, 2024

Permit is hereby granted to: Jeffrey Davis and Benson Wang of BLUE PLANTAIN LLC

Business Name: Palm House

Location: 2032 Union St, San Francisco, CA 94123

EC Approved Activity: Indoor entertainment, outdoor entertainment & amplified sound in patio

Date and Time: Indoor entertainment allowed until 11pm daily; outdoor amplified sound allowed 10am-10pm daily; outdoor entertainment allowed 10am-10pm daily but shall not exceed 4 hours up to 10 times per calendar year

Unless revoked or suspended by the Entertainment Commission ("EC") during a current year, or unless the permit is valid for only a specified time, it shall be deemed that application for a tax license renewal has been made at the end of each year and the original application granted under the conditions, limitations and obligations set forth herein is unchanged.

This permit must be displayed at the above address in a conspicuous place. You are required to allow any EC Permit Administrator, EC Inspector, or San Francisco Police Officer to inspect your premises (Police Code Sec. 1060.11). You shall not transfer this permit to another person or conduct a separate business at a different location other than that described on this permit (Police Code Sec. 1060.24).

ANY CHANGE IN OWNERSHIP OF THIS PERMITTED BUSINESS REQUIRES A NEW APPLICATION BE FILED WITHIN TEN DAYS OF THE DATE OF THE CHANGE. IF A PERMIT IS CONDITIONALLY GRANTED AND AN APPEAL IS FILED BY ANY PERSON WITHIN 10 DAYS OF THE ISSUANCE, THE PERMIT IS NOT VALID UNTIL THE APPEALS PROCESS IS CONCLUDED AND A FINAL DECISION IS RENDERED BY THE BOARD OF APPEALS.

Pertinent information regarding this permit:

- Permit holder shall comply with San Francisco Municipal Police Code under the jurisdiction of the Entertainment Commission, including but not limited to, Article 15, Article 15.1, Article 15.2, and Article 29.
- Permit holder shall comply with the Commission-approved Security Plan.
- Adhere to the Entertainment Commission's Good Neighbor Policy.
- Indoor entertainment allowed until 11pm daily.
- Outdoor amplified sound at the front of the business allowed between 10am – 10pm daily
- Outdoor entertainment allowed between 10am – 10pm daily, but shall not exceed 10 events with entertainment per calendar year, and each event shall not exceed 4 hours of live entertainment.
- Sound abatement internal limit approved at 83dBA/94dBC maximum, measured from under the first birdcage chandelier on the right as you enter the main bar.
- Permit holder shall control the volume of outdoor entertainment and amplified sound so that it does not exceed ambient levels at a distance of 50 feet measured from the property plane.

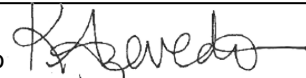
Failure to conduct your business in conformity with these regulations may subject you to a criminal citation or arrest and the revocation of your permit. This permit is accepted and subject to all legal obligations, requirements and the conditions set forth above.

Signature of Permittee:

Issued by:

Kaitlyn Azevedo

Acting Director, Entertainment Commission



Permit is not valid without current tax license.

BRIEF SUBMITTED BY THE APPELLANT(S)



ZACKS & FREEDMAN PC

April 5, 2024

Jose Lopez, President
San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
boardofappeals@sfgov.org

Via Email Only

**Re: 2032 Union Street – Appellant’s Brief
Appeal No. 24-028
Hearing Date: April 17, 2024**

Dear President Lopez and Members of the Board:

This office represents Brad Saylor (“**Saylor**”), who owns 3033 Buchanan Street, San Francisco, which is a single-family residential home directly adjacent to Palm House (“**Respondent**”), located at 2032 Union Street, San Francisco (“**Property**”). On March 21, 2024, the Entertainment Commission (“**EC**”) approved Respondent’s application for a Limited Live Performance permit (“**Permit**”). We ask that the Board of Appeals (“**Board**”) either rescind or modify the Permit because neither Respondent nor the Property itself can abide by the Good Neighbor Policy, which is a condition of the Permit.

Background

For nearly a decade, Respondent has operated a restaurant and entertainment venue at the Property. The Property is located in the Union Street Neighborhood Commercial District, which is a zoning district “designed to provide sufficient growth opportunities for commercial development . . . and protect adjacent residential livability.” (S.F. Planning Code § 725.) The Property fronts Union Street and extends northward toward Filbert Street approximately one hundred thirty-eight (138) feet. (See Exhibit 1, Parcel Map.) Measuring between property lines, the Property is approximately twenty-seven (27) feet from the edge of Saylor’s residential property

line. (See Exhibit 1, Parcel Map.) As is typical of residential properties in the Cow Hollow area, living areas are located toward the rear of the properties.

Respondent hosts patrons for both dining and entertainment on both its outdoor patio and throughout the internal area of the Property, which stretches to the property line. (See Exhibit 2, LLP Permit Application, pp. 20-21.) The Property is not equipped with a mechanical ventilation system, such as an HVAC, so Respondent relies on windows to maintain adequate heating and cooling for its patrons. (See Exhibit 3, Staff Report, dated December 19, 2023, p. 6.)

For years, Respondent’s residential neighbors have suffered unreasonable noise emanating from the Property, both in excess of allowable limits and well outside the times prescribed by Code. As we noted repeatedly to the EC, despite Saylor’s and other residential neighbors’ pleas for Respondent to limit disturbances, Respondent either cannot or will not meaningfully ensure it maintains adequate noise levels. At the EC’s March 19, 2024, hearing, Jeff Davis, Respondent’s Managing Director, committed (not for the first time [Exhibit 4, Davis Letter]) to ensuring Respondent’s rear windows are closed by 10 P.M. Mr. Davis also provided that Respondent has a sound limiting device installed on its speaker system, which allegedly caps sound output. However, sound readings measured from Saylor’s property line during Respondent’s entertainment productions measure well above limits—often due to rear windows remaining open during the day or night. Despite our repeated requests that the EC require Respondent to close its windows during entertainment or at a minimum limit indoor performances to 10 P.M., the EC erroneously approved the Permit without either condition. (See Exhibit 5, Approved LLP Permit.)

In short, Respondent’s business model is supported through its disturbance of residential neighbors’ quiet enjoyment of their properties.

The Permit Must Be Rescinded

The Permit is conditioned, *inter alia*, on (1) adherence to the Good Neighbor Policy; and

(2) an internal sound limit of 83 dBA/94 dBC, as measured from the Union Street end of the “solarium”—i.e., the first internal room adjacent to the outdoor patio area (see Exhibit 6, Solarium); and (3) controlling noise so as not to exceed ambient levels measured 50 feet from the property plane. (See Exhibit 5, Approved LLP Permit.)

Good Neighbor Policy

The Good Neighbor Policy requires permit holder to keep windows closed “while hosting entertainment, unless otherwise conditioned on the permit.” (Exhibit 7, Good Neighbor Policy.) However, Palm House’s current physical design cannot sustain adequate temperatures during entertainment productions without opening windows because the Property is not equipped with a mechanical ventilation system. Respondent has repeatedly indicated that it has no plans to install an HVAC system at the Property to address this issue.

Further, Respondent’s on-site management staff either cannot or will not ensure that windows remain closed if, for example, Respondent’s patrons open them. In our first letter to the EC, we requested that Respondent install locks on the windows as a precaution from patrons taking Respondent’s cooling issues into their own hands. (See Exhibit 8, Grindstaff Letter, dated December 13, 2023.) In response, Mr. Davis expressed safety concerns about installing locks on windows. However, this office is unaware of any state or local law that supports such a concern. In fact, given that the ground level slopes downward from Union Street toward the rear of the Property, the relative height between ground level and Respondent’s rear windows suggests that there would be no life safety concerns of having static windows that do not open in this location. (See Exhibit 9, Parcel Map – Westward View.)

Thus, Respondent’s ventilation system and management protocols cannot sustain Respondent’s compliance with the Good Neighbor Policy and therefore violate a core condition of the Permit.

Sound Limits

The Permit allows for internal noise levels of 83 dBA/94 dBC, measured from the middle of the Property’s solarium. (See Exhibit 5, Approved LLP Permit; Exhibit 6, Solarium.) Further, the Permit requires Respondent to limit noise to not exceed ambient levels at least fifty (50) feet from the property line. (Exhibit 5, Approved LLP Permit.) Commercial properties such as the subject Property are forbidden from producing noise in excess of 8 dBA/8 dBC above the local ambient level “*at any point outside of the property plane.*” (S.F. Police Code § 2909(b).) Neither the staff report nor the Permit indicate the ambient noise level outside of the property plane. (See Exhibit 3, Staff Report, dated December 19, 2023, pp. 5-6; Exhibit 5, Approved LLP Permit.)

However, sound readings measured from Saylor’s rear yard, well within fifty (50) feet of the Property’s external building envelope, routinely measure above 80 dBA when Respondent hosts entertainment. It is no surprise that these readings have been measured when Respondent’s windows are, despite assurances to the contrary, wide open. Although the appropriate ambient noise level at the Property’s boundary line is unknown, it is very likely that Respondent’s failure to contain its noise expressly violates both the Permit and San Francisco Code.

Conclusion

Respondent is one of many successful and thriving businesses which adds to the character and vibrancy of the Cow Hollow community. However, Respondent’s residential neighbors have suffered through years of noise disturbances caused by Respondent’s refusal to be a “good neighbor.” Constant noise in excess of allowable limits stretching well into the night has disrupted residential neighbors’ quiet enjoyment of their properties, ironically upsetting the balance of community harmony that the Good Neighbor Policy was designed to maintain. First, Respondent’s physical design and management practices are inapposite to adherence to the Good Neighbor Policy. Second, because Respondent refuses to actually limit noise emanating from the Property,

Respondent is almost certainly already in violation of both the Permit and the Police Code. For these reasons, the Board must rescind the Permit or otherwise modify the conditions of the Permit.

We thank the Board for its thoughtful consideration.

Very truly yours,

ZACKS & FREEDMAN, PC



Andrew Grindstaff

Encl.

EXHIBIT 1

Palm House

Outline in **RED** shows Palm House's building envelope

Distances Between Palm House and Appellant's Property:

A (distance between property lines): ~27'

B (distance from rear window to property line): ~40'

C (distance from rear window to Appellant's home): ~85'

Signatories to 3/13/24 Opposition Letter:

--3029 Buchanan

--3033 Buchanan

--3047 Buchanan

--3051 Buchanan

--3053 Buchanan

--3065 Buchanan



EXHIBIT 2



Permit referral request

To SFPD CPC EC Sound

Date 11/17/2023

We have received the attached application for a permit from the business listed below:

Permit(s) requested BP LLP

Entertainment Commission notes:

We have received the attached application for a Billiard Parlor permit and a Limited Live Performance permit that includes outdoor entertainment and amplified sound on their private patio at the front of the business of the address listed below.

Name Jeffrey Davis and Benson Wang of BLUE PLANTAIN LLC

DBA PALM HOUSE

Street address 2032 UNION ST

Hearing date 12/19/2023

Except for Planning, SFPD, and SF Port, we do not need a response before the hearing date.

Please enter your recommendation below.

Your department _____

Your recommendation:

Signature _____ Date _____

1. Permit type

Permit type

Entertainment may include musicians, bands, DJs, theater performances, comedy shows, drag shows, karaoke, fashion shows, or poetry readings. Entertainment does not include indoor pre-recorded music from a playlist, indoor trivia, music lessons or indoor magic shows.

1.1

Tell us what you want to do

Choose one answer.

- I want to host live entertainment until 2:00 am

You are applying for a Place of Entertainment (POE) permit.

i Before completing this application you must email the Entertainment Commission at email@sfgov.org and visit the Planning Information Counter inside the Permit Center at 49 South Van Ness Avenue.

- I want to host live entertainment until 10:00 or 11:00 pm

You are applying for a Limited Live Performance (LLP) permit.

- None of the above

⚠ You only need to answer this if you selected "None of the above" on question 1.1 on page 2.

Amplified sound

Outdoor amplified sound includes TVs with sound, prerecorded music, and any amplified sound.

1.2

Do you want to host outdoor amplified sound, such as prerecorded music or TV with no live entertainment?

Choose one answer.

- Yes

If you only want outdoor amplified sound, you are applying for a Fixed Place Amplified Sound (FPAS) permit. If you want outdoor amplified sound and live entertainment it will be part of your LLP or POE permit.

i Before completing this application you must email the Entertainment Commission at email@sfgov.org and visit the Planning Information Counter inside the Permit Center at 49 South Van Ness Avenue.

- No

Continue **1. Permit type** on the next page →

Extended hours

1.3

Do you want to host entertainment or serve food after 2 am?

Choose one answer.

Yes

You are applying for an Extended Hours Premises (EHP) permit.

i Before completing this application you must email the Entertainment Commission at email@sfgov.org and visit the Planning Information Counter inside the Permit Center at 49 South Van Ness Avenue.

No

Pool tables

You need a permit only if you charge your customers to use the pool tables.

1.4

Do you want to have 1 or more pool table that you charge customers to use?

Choose one answer.

Yes

You are applying for a Billiard Parlor (BP) permit

No

Amusement devices

You need a permit if you are:

- A bar and charge your customers to use 2 or more paid machines, or
- Not a bar and have 11 or more paid machines.

1.5

Do you want to have 2 or more paid machines, such as pinball, skeeball, or other arcade style games?

Choose one answer.

Yes

You are applying for a Mechanical Amusement Device (MAD) permit.vv


No

To be completed by the Entertainment Commission.

Neighborhood outreach plan:

We will send a letter to our neighbors notifying them of the LLP permit application

2. Type of entertainment

 You only need to complete this section if you selected to apply for a Place of Entertainment (POE) or Limited Live Performance (LLP) permit on question 1.1, or an Extended Hours Premises (EHP) permit on question 1.3.

Type of entertainment

Outdoor amplified sound includes TVs with sound, prerecorded music, and any amplified sound.

Entertainment may include musicians, bands, DJs, theater performances, comedy shows, drag shows, karaoke, fashion shows, or poetry readings.

Entertainment does not include indoor pre-recorded music from a playlist, indoor trivia, music lessons, or indoor magic shows.

2.1

What type of entertainment would you like to provide?

Select all that apply

- Indoor entertainment
- Outdoor entertainment
- Outdoor amplified sound

3. About you

Complete this section as the person submitting the application on behalf of the business seeking an entertainment permit.

Your role

3.1

Tell us about your role.

Select one option.

- Business owner
- Business manager
- Nonprofit director
- Other role _____

About you

We will use this information to contact you.

3.2

Name Jeffrey Davis

Email [REDACTED]

Phone [REDACTED]

4. Business owners

Number of owners

If you are a non-profit organization, list the number of your directors.

4.1

Number of people owning 10% or more of the business.

2

Business owners

Enter your director information if you are a non-profit organization, and leave the "Percentage owned" field blank.

4.2

Business owner 1

Name Jeffrey Davis Percentage owned 22

Email [REDACTED] Phone [REDACTED]

Residential address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Business owner 2 (if applicable)

Name Benson Wang Percentage owned 28

Email [REDACTED] Phone [REDACTED]

Residential address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Business owner 3 (if applicable)

Name _____ Percentage owned _____

Email _____ Phone _____

Residential address _____

City _____ State _____ Zip _____

Continue 4. Business owners on next page →

6. Business location

Business information

6.1

Business Account Number (BAN)

Your BAN is a 7-digit number. If you don't know it, find your BAN at <https://data.sfgov.org/Economy-and-Community/Registered-Business-Locations-San-Francisco/g8m3-pdis/data>

0488201

Business name (DBA) PALM HOUSE

Ownership name BLUE PLANTAIN LLC

Date of incorporation 04-15-2014

Location information

6.2

Location identification number (LIN)

Your LIN is a 12-digit number. If you don't know it, find your LIN at <https://data.sfgov.org/Economy-and-Community/Registered-Business-Locations-San-Francisco/g8m3-pdis/data>

0488201-01-001

Location street address 2032 UNION ST

License code (LIC) D04 H26

7. Business activity

Business identity

7.1

Select what best describes your business.

Choose one answer.




- Bar
- Restaurant or cafe
- Live entertainment venue
- Retail
- Other _____

Food and alcohol


7.2

Will you be serving these items?

Choose one answer.

- Food
 -  Include a copy of your permit to operate from the Department of Public Health. You must provide this before a permit can be issued.
- Alcohol
 -  Include a copy of your permit to operate from the Department of Public Health. You must provide this before a permit can be issued.
- Both food and alcohol
 -  Include a copy of your permit to operate from the Department of Public Health. You must provide this before a permit can be issued.
- Neither

Continue 7. Business activity on next page →

 You only need to answer this if you selected "Alcohol" or "Both food and alcohol" on question 7.2.

Liquor license

7.3

Do you have a liquor license?

You need a liquor license to serve alcohol at your business.

Choose one answer.

- Yes, I have a liquor license
- Yes, I have a temporary liquor license
- No, but I have applied for a liquor license

 You only need to answer this if you selected "Alcohol" or "Both food and alcohol" on question 7.2.

Liquor license type

7.4

Liquor license type

Select all that apply.

- Type 41
- Type 47
- Type 48
- Type 90
- Other _____

 You only need to answer this if you selected "Alcohol" or "Both food and alcohol" on question 7.2.


Liquor license permit number

7.5

Liquor license permit number

If you don't know it, you can look it up at <https://www.abc.ca.gov/licensing/license-lookup/>

538253

-  Attach a copy of your liquor license. You must provide this before a permit can be issued.

8. Proposed hours

Your business hours

Include all hours you are open even when you do not plan to have entertainment.


Additional details:

8.1

Your hours of operation for your business.

For each day you are open, enter your hours as 4 digits, like 09:00 am.

Monday	10:00 AM - 2:00 AM
Tuesday	10:00 AM - 2:00 AM
Wednesday	10:00 AM - 2:00 AM
Thursday	10:00 AM - 2:00 AM
Friday	10:00 AM - 2:00 AM
Saturday	9:00 AM - 2:00 AM
Sunday	9:00 AM - 2:00 AM

 You only need to answer this if you selected "Indoor entertainment" on question 2.1.

Indoor entertainment hours

Only include the hours you plan to have indoor entertainment.

Additional details:

Indoor entertainment will occur in the main dining room, bar area, or solarium.

8.2

Your proposed indoor entertainment hours.

Enter your hours as 4 digits, like 09:00 am.

Monday	10:00 AM - 11:00 PM
Tuesday	10:00 AM - 11:00 PM
Wednesday	10:00 AM - 11:00 PM
Thursday	10:00 AM - 11:00 PM
Friday	10:00 AM - 11:00 PM
Saturday	10:00 AM - 11:00 PM
Sunday	10:00 AM - 11:00 PM

Continue 8. Proposed hours on next page →

⚠ You only need to answer this if you selected "Outdoor entertainment" on question 2.1.

Outdoor entertainment hours

Only include the hours you plan to have outdoor entertainment.

Additional details:

Outdoor entertainment would occur on the patio and would not exceed 4 hours per day and 10x total per calendar year.

8.3

Your proposed outdoor entertainment hours.

Enter your hours as 4 digits, like 09:00 am.

Monday	10:00 AM - 10:00 PM
Tuesday	10:00 AM - 10:00 PM
Wednesday	10:00 AM - 10:00 PM
Thursday	10:00 AM - 10:00 PM
Friday	10:00 AM - 10:00 PM
Saturday	10:00 AM - 10:00 PM
Sunday	10:00 AM - 10:00 PM

⚠ You only need to answer this if you selected to apply for a Fixed Place Amplified Sound (FPAS) permit on question 1.2, or "Outdoor amplified sound" on question 2.1.

Outdoor amplified sound hours

Only include the hours you plan to have outdoor amplified sound.

Additional details:

Amplified sound will be inside the patio and on the sidewalk for our outdoor dining patrons

8.4

Your proposed outdoor amplified sound hours.

Enter your hours as 4 digits, like 09:00 am.

Monday	10:00 AM - 10:00 PM
Tuesday	10:00 AM - 10:00 PM
Wednesday	10:00 AM - 10:00 PM
Thursday	10:00 AM - 10:00 PM
Friday	10:00 AM - 10:00 PM
Saturday	10:00 AM - 10:00 PM
Sunday	10:00 AM - 10:00 PM

9. Entertainment details

⚠ You only need to complete this section if you selected to apply for a Place of Entertainment (POE) or Limited Live Performance (LLP) permit on question 1.1, a Fixed Place Amplified Sound (FPAS) permit on question 1.2, or an Extended Hours Premises (EHP) permit on question 1.3.

⚠ You only need to answer this if you selected "Indoor entertainment" on question 2.1.

Indoor entertainment description

9.1

Describe your proposed indoor entertainment.

Djs, bands, comedy, karaoke, fashion shows

⚠ You only need to answer this if you selected "Indoor entertainment" on question 2.1.

Indoor sound system

Soundproofing and testing are not required to receive a permit.

9.2

Describe your sound system, including soundproofing and testing you have done.

in house sound system that performers can plug into, or they will bring their own equipment

Continue 9. Entertainment details on next page →

⚠ You only need to answer this if you selected to apply for an Extended Hours Premises (EHP) permit on question 1.3, or “Indoor entertainment” on question 2.1.

Indoor occupancy

If you have a public assembly permit from the Fire Department, enter the occupancy you were approved for.

9.3

What is the occupancy of your space?

125

i If the occupancy is 50 or greater, attach a copy of your public assembly permit from the Fire Department. You must provide this before a permit can be issued.

⚠ You only need to answer this if you selected “Outdoor entertainment” on question 2.1.

Outdoor entertainment description

Outdoor entertainment may include live music, comedy, drag shows, and DJs.

9.4

Describe your proposed outdoor entertainment.

Live music, fashion shows, comedy

⚠ You only need to answer this if you selected to apply for a Fixed Place Amplified Sound (FPAS) permit on question 1.2, or either “Outdoor entertainment” or “Outdoor amplified sound” on question 2.1.

Nearby public buildings

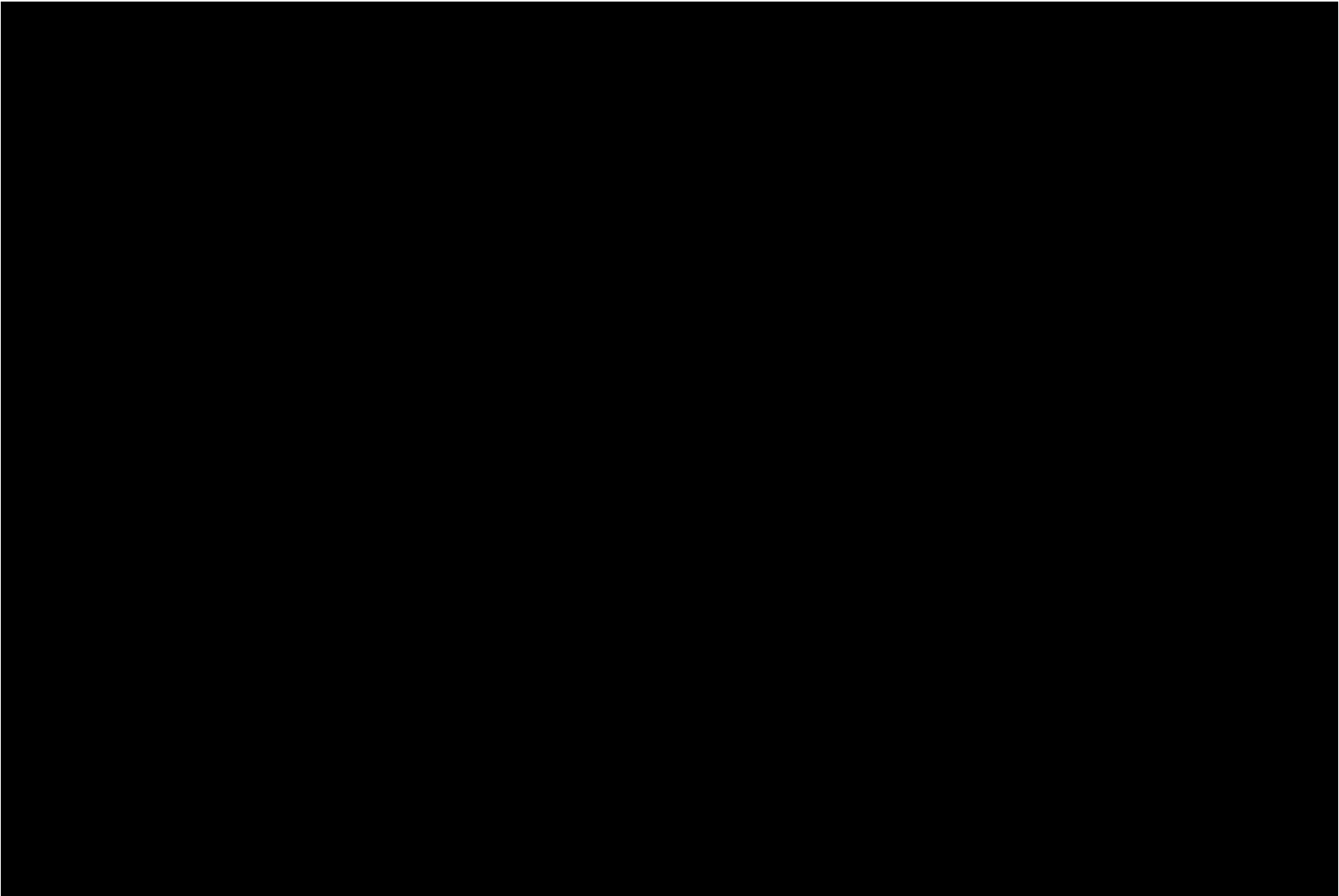
Outdoor Examples of public buildings include: hospitals, schools, houses of worship, courthouses, and public libraries

9.5

List any public buildings within 300 feet of your business.

None

Continue 9. Entertainment details on next page →



⚠ You only need to answer this if you selected to apply for a Fixed Place Amplified Sound (FPAS) permit on question 1.2 or "Outdoor amplified sound" on question 2.1.

Outdoor amplified sound description

Include the number of speakers, the size, and location.

9.8

Describe your proposed outdoor amplified sound, including the sound system and its location.

Speakers (4 standard 8" outdoor speakers) and TVs (2) on Patio. We'll be playing sports games, movies, and prerecorded music. Possibly having human speeches and trivia.

12. Pool tables and other devices

⚠ You only need to complete this section if you selected to apply for a Billiard Parlor (BP) permit on question 1.4 or a Mechanical Amusement Device (MAD) permit on question 1.5.

⚠ You only need to answer this question if you selected to apply for a Billiard Parlor (BP) permit on question 1.4.

Number of pool tables

Include pool tables you have now and any new ones you want to add.

12.1

Total number of pool tables

1

⚠ You only need to answer this question if you selected to apply for a Billiard Parlor (BP) permit on question 1.4.

Pool table owner

Tell us the company, corporation, or individual that you rent the tables from. You can also say self-owned.

12.2

Who owns these pool tables?

Blue Plantain LLC DBA House


Continue 12. Pool tables and other devices on the next page →

15. Legal agreements

Legal agreements

15.1


- I declare under penalty of perjury that the foregoing is true and correct. I understand that any false or incomplete information provided by me in connection with this application constitutes cause to either deny the requested permit or revoke the permit if granted.

 You only need to answer this if you selected to apply for a Fixed Place Amplified Sound (FPAS) permit on question 1.2, or either "Outdoor entertainment" or "Outdoor Amplified Sound (OAS)" on question 2.1.

Outdoor noise levels

15.2


- I hereby certify that the business shall comply with the maximum noise levels as established under Municipal Police Code, Article 15.1 Sec. 1060.16 for this outdoor premises, unless otherwise conditioned by the Entertainment Commission.

 You only need to answer this if you selected "Indoor entertainment" on question 2.1.

Indoor noise levels

15.3

- I hereby certify that the business shall comply with the maximum noise levels as established under Municipal Police Code Article 29 Sec. 2909(b) for indoor entertainment, unless otherwise conditioned by the Entertainment Commission.

 You only need to answer this if you selected to apply for a Place of Entertainment (POE) permit on question 1.1, or an Extended Hours Premises (EHP) permit on question 1.3.

Security plan

15.4

- I hereby certify that the business shall adhere to the Security Plan approved by the Entertainment Commission.

Continue **15. Legal agreements** on the next page →

Shared spaces

15.5

I acknowledge that if my entertainment is hosted in an approved Shared Spaces, Tables and Chairs, or Parklet location, my entertainment permit is only valid with a current permit from the appropriate program or a Temporary Use Authorization (TUA) from the Planning Department.

Property owner's approval

15.6

I hereby certify that I have the property owner's approval to host the entertainment described in this application on the property.

Signature

15.7

Signature Jeffrey Davis Date 11/17/2023

BUSINESS REGISTRATION CERTIFICATE

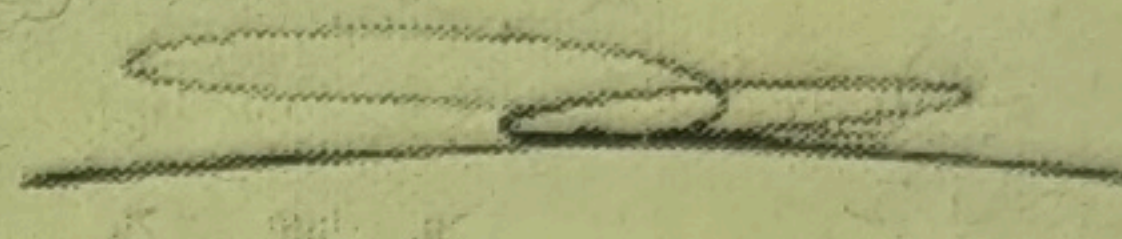
RENEW BY DATE
05-31-2024

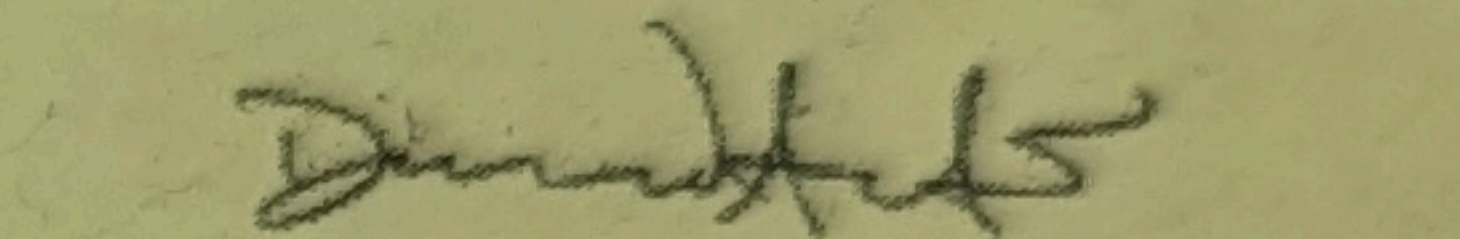
EXPIRATION DATE
06-30-2024

BUSINESS ACCOUNT NUMBER 0488201	LOCATION ID 0488201-01-001
TRADE NAME (DBA) PALM HOUSE	BUSINESS LOCATION 2032 UNION ST
BUSINESS BLUE PLANTAIN LLC	THIRD PARTY TAX COLLECTOR
<input type="checkbox"/> PARKING TAX	<input type="checkbox"/> TRANSIENT OCCUPANCY TAX

BLUE PLANTAIN LLC
2032 UNION ST
SAN FRANCISCO CA 94123

CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE TREASURER & TAX COLLECTOR


José Cisneros
Treasurer


David Augustine
Tax Collector

Read reverse side. To update addresses or to close a business, go to <https://sftreasurer.org/business-account-update>.


POST CLEARLY VISIBLE AT THIS BUSINESS LOCATION

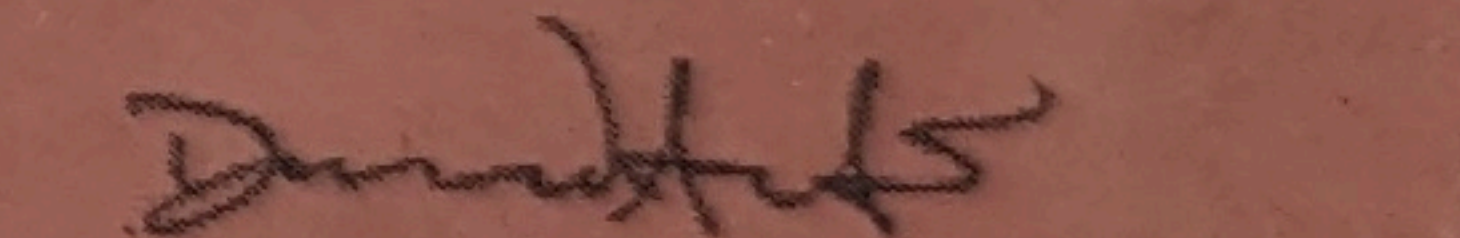
City & County of San Francisco
Office of the Treasurer & Tax Collector

1 Dr. Carlton B. Goodlett Place
City Hall, Room 140
San Francisco, CA 94102

Business Account Number 0488201	Period Covered 04/01/2023 - 03/31/2024	Fee Paid 601.00
Class / Permit Number/License Plate D04 / 57437	Description D04 - PLACES OF PUBLIC ASSEMBL	Units 125
Business Trade Name PALM HOUSE	Business Location 2032 UNION ST	LIN/Location Identification Number 0488201-01-001

BLUE PLANTAIN LLC
2032 UNION ST
SAN FRANCISCO CA 94123


José Cisneros
Treasurer


David Augustine
Tax Collector


NOT TRANSFERABLE

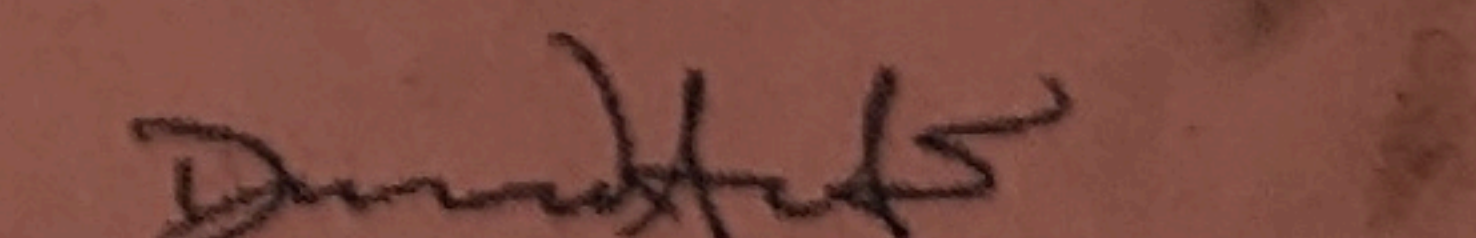
See reverse side for additional information
Please post conspicuously at the business location

NOT TRANSFERABLE

Business Account Number 0488201	Period Covered 04/01/2023 - 03/31/2024	Fee Paid 1520.00
Class / Permit Number/License Plate H26 / 78747	Description H26 - RESTAURANT OVER 2,000 SQ	Units 1
Business Trade Name PALM HOUSE	Business Location 2032 UNION ST	LIN/Location Identification Number 0488201-01-001

BLUE PLANTAIN LLC
2032 UNION ST
SAN FRANCISCO CA 94123


José Cisneros
Treasurer


David Augustine
Tax Collector

See reverse side for additional information

STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
ALCOHOLIC BEVERAGE LICENSE
CATERER PERMIT

VALID FROM

Feb 01, 2023

BLUE PLANTAIN, LLC
2032 UNION ST
SAN FRANCISCO, CA 94123-4103

EXPIRES

Jan 31, 2024

TYPE NUMBER DUP

58 538253 1

AREA CODE

3800 24

BUSINESS ADDRESS DBA: PALM HOUSE
(IF DIFFERENT)

RENEWAL

CONDITIONS

OWNERS: BLUE PLANTAIN, LLC

7



IMPORTANT INFORMATION

EFFECTIVE PERIOD: This license is effective only for the operating period shown above. A new license will be sent 4 to 6 weeks after the expiration date on your license if payment is timely. Your license status will remain in good standing for 60 days after the expiration date if the renewal payment was received timely. To check the status of your license, visit <http://www.abc.ca.gov/datport/LQSMenu.html>.

RENEWAL NOTICES: Renewal notices are sent to premises address unless a specific mailing address is requested. If a notice is not received 30 days before expiration date shown above, contact the nearest ABC office. To assure receipt of notices, advise your local ABC office of any change in address.

RENEWAL DATES: It is the licensee's responsibility to pay the required renewal fee by the expiration date shown above.

A Penalty is charged for late renewal and the license can be automatically revoked for failure to pay.

RENEWAL PAYMENTS: Renewal payments can be made in person by visiting your local office or sent by mail to ABC Headquarters, 3927 Lennane Drive, Suite 100, Sacramento, CA 95834. If you do not have your renewal notice, your license number and the reason for payment (ex. ? renewal?) must be clearly indicated on the check. You can contact your local ABC office for your renewal fee amount.

SEASONAL LICENSES: It is the licensee's responsibility to pay the required renewal fee prior to the next operating period.

POSTING: Cover this license with glass or other transparent material and post it on premises in a conspicuous place.

CONDITIONS: A copy of all applicable conditions must be kept on premises.

LICENSEE NAME: Only 10 names will be printed on each license. If there are more names associated with the license, they will be indicated by "AND XX OTHERS". All names are on file and available upon request from your local ABC office.

DBA: If you change your business name please notify your local ABC office.

If you have any questions regarding this license, contact your local ABC office. You can find the contact information for each district office at <http://www.abc.ca.gov/distmap.html>.

NOTE: CONTACT YOUR LOCAL ABC OFFICE IF YOUR LICENSED PREMISES WILL BE TEMPORARILY CLOSED FOR MORE THAN 15 DAYS OR WILL BE PERMANENTLY CLOSED.

<http://www.abc.ca.gov>



@ca_abc

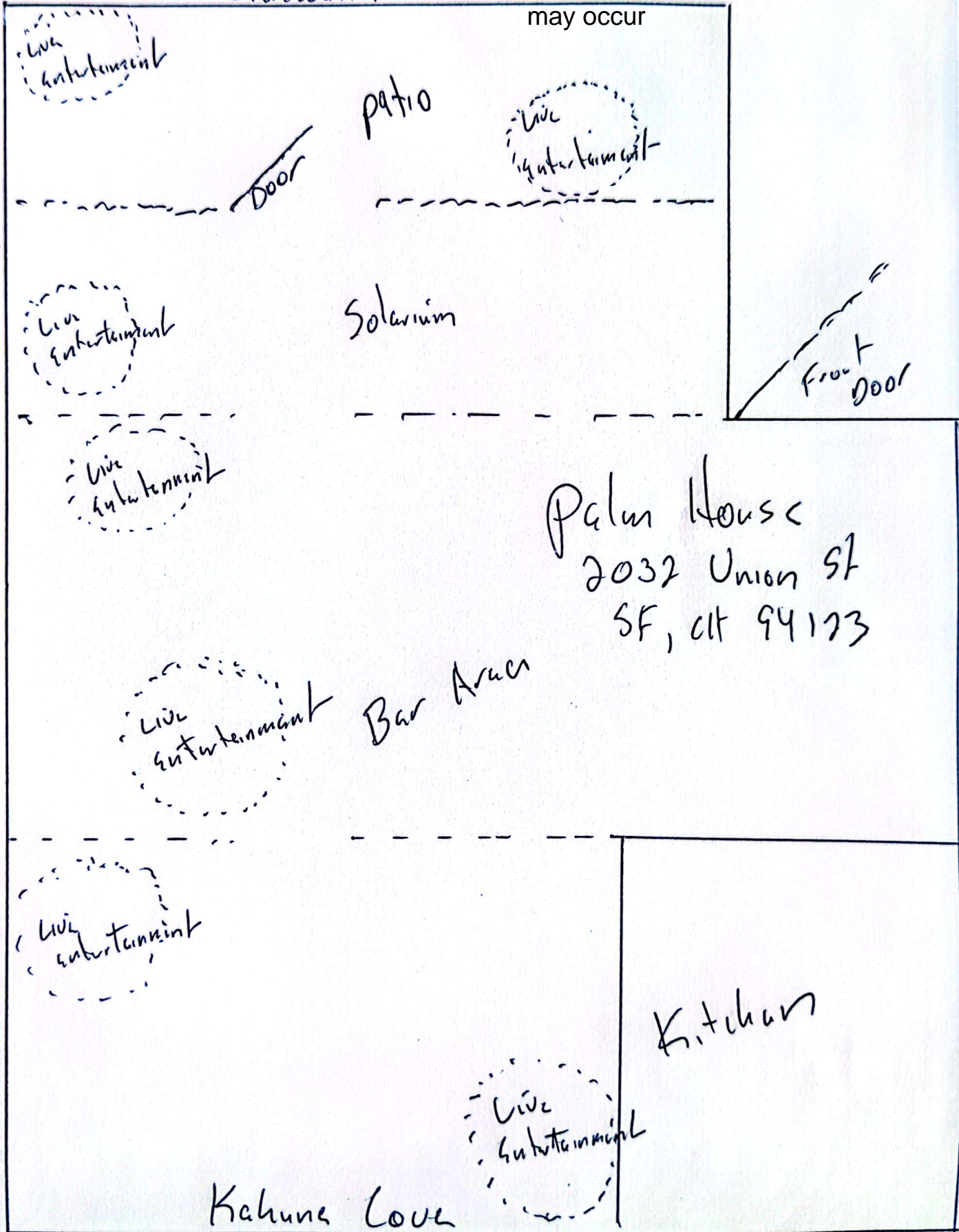


CaliforniaABC

Union St.

All proposed performance areas are 5' x 5' in dimension. We have listed all of the locations that a performance may occur

Sidewalk



Palmer House
2032 Union St
SF, CA 94123

Union St

Palm House
2032 Union St.
SF, CA 94123

Side Walk

Outdoor speaker locations

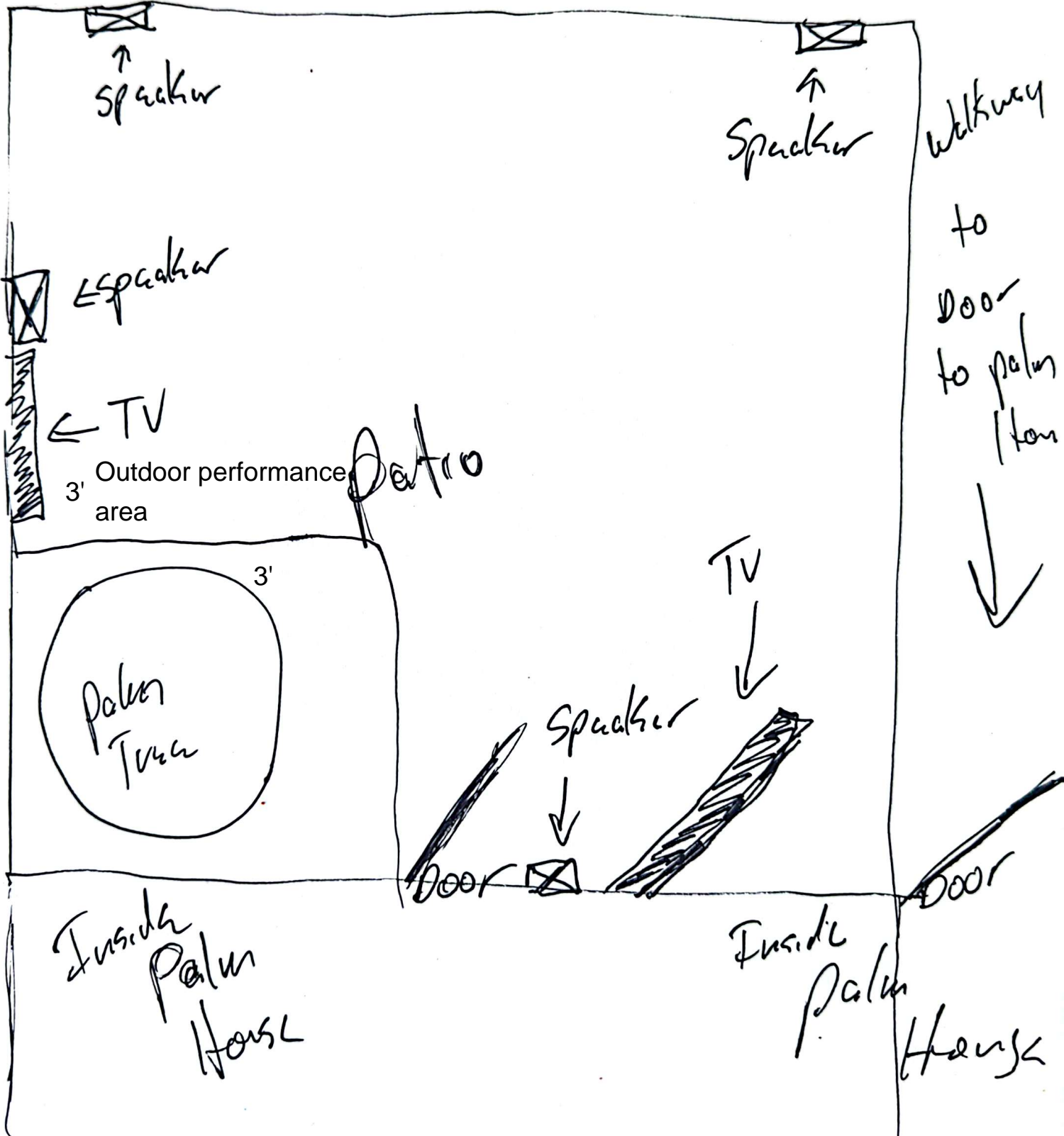


EXHIBIT 3



Entertainment Commission

City and County of San Francisco

Memorandum

To: San Francisco Entertainment Commission
From: Kaitlyn Azevedo, Deputy Director, Dylan Rice, Senior Analyst
Date: December 19, 2023
Re: **Hearing and Possible Action regarding applications for permits** under the jurisdiction of the Entertainment Commission.

6. **Hearing and Possible Action regarding applications for permits under the jurisdiction of the Entertainment Commission.** [Discussion and Possible Action Item]

Regular Agenda:

- a. ECOTE23-396 Down With This Sort Of Thing, LLC ***dba Casements***, 2351 Mission St – Amendment to One Time Outdoor Event Permit to host outdoor entertainment and amplified sound with extended duration from 1/7/24 – 12/6/24, daily from 4pm-10pm.

The first permit on our regular agenda is an amendment to a One Time Outdoor Event permit to allow Casements to extend their outdoor entertainment and amplified sound in their back patio through December 6, 2024. They would like to host DJs, live bands, and pre-recorded music daily from 4pm-10pm. Casements is in the process of getting Planning approval to obtain a permanent outdoor entertainment permit, and will be working with Deputy Director Azevedo to apply for our brick-and-mortar permit after they get the Planning approval. So this extended duration one-time permit is intended to be an interim solution until they obtain the permanent brick-and-mortar permit. The applicant conducted neighborhood outreach to residents and businesses within a 1 block radius, and we received one complaint from a neighbor about this permit application.

You will see in your folder:

- Casement's permit application
- Their neighborhood outreach letter and map
- The neighbor complaint

SFPD Mission Station did not have any added conditions.

Staff recommendation: Approval with:
(1) Good Neighbor Policy

(2) Outdoor entertainment and amplified sound allowed daily from 4pm-10pm between 1/7/24 – 12/6/24.

(3) Permit holder shall comply with Municipal Police Code Article 15.1 Section 1060.16 including but not limited to (b)(3): The volume of outdoor amplified sound shall be controlled so that it does not exceed ambient levels at a distance of 100 feet measured from the property plane.

(4) No entertainment and/or amplified sound may occur outside of the date(s), time(s), and location(s) that the Entertainment Commission has approved for your event.

(5) Amplified sound equipment must be stationary and fixed to a specific location.

(6) While hosting entertainment and/or amplified sound, permit holder shall have a staff member on site who is able to provide proof of permit, and is aware of all permit conditions including any approved sound limits. (EC Good Neighbor Policy Condition #1).

(7) Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who has direct authority over the premises or permitted location, knowledge of all permit conditions including any approved sound limits, and shall respond in a timely manner to address concerns (EC Good Neighbor Policy Condition #4).

(8) Within 24 hours of any violent incident, or any time SFPD responds to a call for service at the premises or permitted location, permit holder shall complete and send an Incident Report to the Entertainment Commission and the SFPD District Station Permit Officer. The Incident Report Form is available at https://sf.gov/sites/default/files/2022-06/Incident%20Report_Fillable.pdf.

(9) Permit holder shall abide by all applicable City, State and Federal laws.

(10) Permit holder shall comply with the Commission approved security plan.

(11) Permit holder is required to allow inspection by any EC permit administrator, EC inspector, or San Francisco Police Officer. (Police Code Sec. 1060.11).

Here to speak with you tonight is Chris Hastings, owner of Casements.

b. ECOTE23-402 SkyStar Wheel LLC ***dba SkyStar Wheel Fisherman's Wharf***, 2860 Taylor St, parking lot - Amendment to One Time Outdoor Event Permit to host outdoor amplified sound with extended duration from 12/27/23 – 4/30/24, daily from 10am-10pm.

The next permit is an amendment to a One Time Outdoor Event permit to allow the SkyStar Wheel at Fisherman's Wharf to extend their outdoor amplified sound activity through the duration of their lease with the Port, which ends on April 30, 2024. SkyStar Wheel is a Ferris wheel that recently relocated from Golden Gate Park to Fisherman's Wharf. SkyStar Wheel would like to provide ambient pre-recorded music for the riders on the Ferris wheel daily from 10am-10pm, starting on December 27, 2023. If they get approved to extend their lease with the Port beyond April, they would like to extend their outdoor amplified sound as well. If that happens, I'm recommending that

the we review that amendment administratively so the Director can make a determination, subject to the 365-day limit for an extended duration One Time Event permit. The applicant did extensive outreach to the businesses within a 1 block radius of the premises. We received no opposition to this application and SFPD Central Station did not provide any recommendation.

You will see in your folder:

- SkyStar Wheel's permit application
- Their neighborhood outreach letter and map

Staff recommendation: Approval with:

(1) Good Neighbor Policy

(2) Outdoor amplified sound allowed daily from 10am-10pm daily between 12/27/23 – 4/30/24.

(3) Permit holder shall comply with Municipal Police Code Article 15.1 Section 1060.16 including but not limited to (b)(3): The volume of outdoor amplified sound shall be controlled so that it does not exceed ambient levels at a distance of 50 feet measured from the property plane.

(4) No entertainment and/or amplified sound may occur outside of the date(s), time(s), and location(s) that the Entertainment Commission has approved for your event.

(5) Amplified sound equipment must be stationary and fixed to a specific location.

(6) While hosting entertainment and/or amplified sound, permit holder shall have a staff member on site who is able to provide proof of permit, and is aware of all permit conditions including any approved sound limits. (EC Good Neighbor Policy Condition #1).

(7) Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who has direct authority over the premises or permitted location, knowledge of all permit conditions including any approved sound limits, and shall respond in a timely manner to address concerns (EC Good Neighbor Policy Condition #4).

(8) Within 24 hours of any violent incident, or any time SFPD responds to a call for service at the premises or permitted location, permit holder shall complete and send an Incident Report to the Entertainment Commission and the SFPD District Station Permit Officer. The Incident Report Form is available at https://sf.gov/sites/default/files/2022-06/Incident%20Report_Fillable.pdf.

(9) Permit holder shall abide by all applicable City, State and Federal laws.

(10) Permit holder shall comply with the Commission approved security plan.

(11) Permit holder is required to allow inspection by any EC permit administrator, EC inspector, or San Francisco Police Officer. (Police Code Sec. 1060.11).

Here to speak with you tonight is Todd Barbee from SkyStar Wheel.

- c. EC-1741 – Fabricius Johannes Wiest of BIERGARTEN LLC, **dba Biergarten**, 424 Octavia St. – Limited Live Performance including outdoor amplified sound and entertainment

The next permit on our regular agenda is for an outdoor Limited Live Performance permit for Biergarten, located at 424 Octavia Street. Biergarten’s name explains itself, as they are a fully outdoor beer garden that also serves German style food. The business is applying for an LLP permit so they can host live music and amplified sound for their patrons. Their proposed entertainment includes DJs, comedy acts, and unamplified brass bands, and they’re requesting the ability to host the outdoor entertainment between 3pm – 8pm Wednesday - Friday, between 1pm – 8pm on Saturday, and between 1pm – 7pm on Sunday, but would not exceed 5 hours per day. Senior Inspector Zverina has already set an external sound limit for the premises so as not to exceed ambient volumes at a distance 100’ from the property plane and that limit is reflected in the staff recommendations below. Additionally, they’d like the ability to host outdoor amplified sound for prerecorded music and human speeches during the same hours I just mentioned, but the volume of this activity should not exceed ambient volumes at a distance 50’ from the property plane. The business has two speakers they’ll use for both the prerecorded music and the live performances, allowing them to control the volume and ensure compliance with their sound limits. The applicants conducted extensive outreach, using Radius Services to send a letter to their surrounding residential and commercial neighbors. There was no opposition for this permit, and SFPD Northern Station did not have any added conditions. Here to speak with you tonight is manager, Connor Patterson.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
2. Outdoor entertainment allowed Wednesday - Friday between 3pm – 8pm, Saturday between 1pm – 8pm, and Sunday between 1pm – 7pm but shall not exceed 5 hours per day;
3. Outdoor amplified sound allowed Wednesday - Friday between 3pm – 8pm, Saturday between 1pm – 8pm, and Sunday between 1pm – 7pm;
4. Permit holder shall control the volume of outdoor amplified sound so that it does not exceed ambient levels at a distance of 50 feet measured from the property plane; and
5. Sound abatement external limit approved at 79dBA/87dBC maximum, measured from just inside the main entrance to the right.

- b. EC-1737 – ODC THEATER, **dba ODC Theater**, 3153 17th St. – Place of Entertainment

The next permit on our regular agenda is for a Place of Entertainment permit for ODC Theater, located at 3153 17th Street. ODC Theater was built in 1979 and has been a staple in the Mission, serving as a professional dance company, a school, and a theater. They applicants are coming into compliance by applying for the POE permit, and will continue hosting theatrical and dance performances at the premises. They conducted extensive outreach, notifying all of their surrounding residential and commercial neighbors, as well as the nearby American Indian Cultural District. There was no opposition for this permit and SFPD Mission Station did not have any added conditions. Here to speak with you tonight is their Chief of Staff, Garth Grimboll.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
2. Indoor entertainment allowed until 2am

- c. EC-1742 - Noelle Calixto and Richard Howard of AVILA PARTNERS, **dba Campus**, 2241 Chestnut St. – Fixed Place Amplified Sound on their rear private patio

The next permit on our regular agenda tonight is for a JAM to BAM transition to an FPAS permit for Campus, located at 2241 Chestnut Street. Campus has held a JAM permit for outdoor amplified sound daily from 4pm – 10pm on their private patio since March 2021. Under this FPAS permit application, they'd like to expand their amplified sound hours to Monday – Friday 2pm – 10pm, Saturday 12pm – 10pm, and Sunday 10am – 10pm. The staff recommendation is to continue with the same sound condition, requiring that the volume of the amplified sound not exceed ambient at a distance 50' from the property plane. The applicant conducted neighborhood outreach alerting all of their surrounding neighbors of the permit application. There was no opposition for this permit application, and SFPD Northern Station had no added conditions. Here to speak with you tonight is owner, Noelle Calixto.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
2. Outdoor amplified sound allowed Monday – Friday 2pm – 10pm, Saturday 12pm – 10pm, and Sunday 10am – 10pm; and
3. Permit holder shall control the volume of outdoor amplified sound so that it does not exceed ambient levels at a distance of 50 feet measured from the property plane

- d. EC- 1743 - Jeffrey Davis and Benson Wang of BLUE PLANTAIN LLC, **dba Palm House**, 2032 Union St. – Billiard Parlor and Limited Live Performance permit that includes outdoor entertainment and amplified sound on front private patio

The final permit is for a JAM to BAM LLP permit that includes outdoor entertainment and amplified sound on the front patio at Palm House, located at 2032 Union St. They have also applied for a Billiard Parlor permit for their pool table. Palm House has held a JAM permit for outdoor entertainment and amplified sound on their front patio from 4pm – 10pm Tuesday – Sunday since November 2020, and we've received zero complaints to date about this business. Under this LLP application, they'd like to add indoor entertainment until 11pm, and expand their outdoor hours for both entertainment and amplified sound. They are seeking the ability to host outdoor entertainment daily between 10am – 10pm but shall host no more than 10 events with entertainment per calendar year, and each event shall not exceed 4 hours of live entertainment. They'd like the ability to host outdoor amplified sound daily between 10am – 10pm. The applicant notified all of their commercial and residential neighbors about their LLP application nearly 30 days in advance of the hearing, however on December 13th, the deadline for public comments, I received 4 letters of opposition for this permit. I provided education to each of the neighbors and asked if they'd like to be put in touch with the applicant directly, but only one took me up on the offer. All of the letters are included in your file, but you'll see that one includes proposed permit conditions for you all to adopt. As I explained to the neighbor and their counsel, who submitted the letter on their behalf, this Commission only has the ability to impose time, place, and manner conditions, and all but one was outside of that scope. I provided a copy of the letter to the applicant, and he replied with a written response, which is also included in your file. We also met with the neighbor yesterday to discuss their concerns. In the email correspondence included in your file, you'll see that the neighbor requested modifications to the business' speaker configuration, which actually are all currently happening so no changes needed to be made. I also think it's important to remind the Commission that the neighbor lives in the rear of the business, and this application is for indoor entertainment and outdoor amplified sound and outdoor entertainment at the front of the business. The distance from the front of Palm House to the front of this neighbors' home is 350' feet around the

block. Although the business does not have any outdoor programming to the rear of the business, they do have a back room with windows that they sometimes open for ventilation since they do not have an HVAC system. Based on the neighbors' feedback about hearing noise from the back room, the owner has agreed to ensure all windows are closed by 10pm regardless if they are hosting entertainment. Regarding the neighbors' letter, the time related condition that was proposed requested having indoor entertainment end at 10pm, however, I do want to reiterate to you all that we have never received a sound complaint about this business and we have no enforcement history with them. As such, staff recommend allowing the entertainment to end at 11pm per the zoning controls of their district, and of course there is always a possibility of bringing the business back into a hearing for potential reconditioning if future compliance issues arise. SFPD Northern Station did not have any added conditions, and here to speak with you tonight is one of the owners, Jeff Davis.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
2. Indoor entertainment allowed until 11pm daily; and
3. Outdoor amplified sound at the front of the business allowed between 10am – 10pm daily; and
4. Outdoor entertainment allowed between 10am – 10pm daily, but shall not exceed 10 events with entertainment per calendar year, and each event shall not exceed 4 hours of live entertainment; and
5. Sound abatement internal limit approved at 83dBA/94dBC maximum, measured from under the first birdcage chandelier on the right as you enter the main bar; and
6. Permit holder shall control the volume of outdoor entertainment and amplified sound so that it does not exceed ambient levels at a distance of 50 feet measured from the property plane.

EXHIBIT 4

Dear Neighbor,

Thank you for expressing your concerns about our LLP permit application.

We understand your concerns and want to be the best neighbors as possible. First, my number is 818-512-4296 and email address is jeff@palmhhousehospitality.com. If there is ever an issue with noise, please do not hesitate to text, call, or email me.

We are applying for this permit to add new ways to create income at Palm House. We made it through Covid, but unfortunately 2022 and 2023 have been abysmal. Without this permit, Palm House will probably not make through 2024 and will close its doors much like many of the other SF restaurants. I appreciate your suggestions for conditions, but unfortunately, we just don't have the funds to add a HVAC system and/or new windows. I wish we did because Palm House currently has no heating or air conditioning. However, per the Good Neighbor Policy (GNP, attached), all windows will be closed any time we host indoor entertainment. We are also happy to take this a step further and ensure that all windows are closed by 10pm nightly, even if we aren't hosting entertainment. We will also make sure that speakers are not facing windows, per your request. We have also removed our parklet to help eliminate any extra outdoor noise.

All our staff will be following the GNP, and I want to reassure you that our team will work diligently to not add any disturbances. I'm always available to talk, so please do not hesitate to reach out.

Thank you,
Jeffrey Davis
Palm House

EXHIBIT 5

Entertainment Commission Permit

City and County of San Francisco; State of California

Limited Live Performance

Permit Number: EC-1743 LLP

Conditional Grant Date: March 19, 2024

Grant Date: March 21, 2024

Permit is hereby granted to: Jeffrey Davis and Benson Wang of BLUE PLANTAIN LLC

Business Name: Palm House

Location: 2032 Union St, San Francisco, CA 94123

EC Approved Activity: Indoor entertainment, outdoor entertainment & amplified sound in patio

Date and Time: Indoor entertainment allowed until 11pm daily; outdoor amplified sound allowed 10am-10pm daily; outdoor entertainment allowed 10am-10pm daily but shall not exceed 4 hours up to 10 times per calendar year

Unless revoked or suspended by the Entertainment Commission ("EC") during a current year, or unless the permit is valid for only a specified time, it shall be deemed that application for a tax license renewal has been made at the end of each year and the original application granted under the conditions, limitations and obligations set forth herein is unchanged.

This permit must be displayed at the above address in a conspicuous place. You are required to allow any EC Permit Administrator, EC Inspector, or San Francisco Police Officer to inspect your premises (Police Code Sec. 1060.11). You shall not transfer this permit to another person or conduct a separate business at a different location other than that described on this permit (Police Code Sec. 1060.24).

ANY CHANGE IN OWNERSHIP OF THIS PERMITTED BUSINESS REQUIRES A NEW APPLICATION BE FILED WITHIN TEN DAYS OF THE DATE OF THE CHANGE. IF A PERMIT IS CONDITIONALLY GRANTED AND AN APPEAL IS FILED BY ANY PERSON WITHIN 10 DAYS OF THE ISSUANCE, THE PERMIT IS NOT VALID UNTIL THE APPEALS PROCESS IS CONCLUDED AND A FINAL DECISION IS RENDERED BY THE BOARD OF APPEALS.

Pertinent information regarding this permit:

- Permit holder shall comply with San Francisco Municipal Police Code under the jurisdiction of the Entertainment Commission, including but not limited to, Article 15, Article 15.1, Article 15.2, and Article 29.
- Permit holder shall comply with the Commission-approved Security Plan.
- Adhere to the Entertainment Commission's Good Neighbor Policy.
- Indoor entertainment allowed until 11pm daily.
- Outdoor amplified sound at the front of the business allowed between 10am – 10pm daily
- Outdoor entertainment allowed between 10am – 10pm daily, but shall not exceed 10 events with entertainment per calendar year, and each event shall not exceed 4 hours of live entertainment.
- Sound abatement internal limit approved at 83dBA/94dBC maximum, measured from under the first birdcage chandelier on the right as you enter the main bar.
- Permit holder shall control the volume of outdoor entertainment and amplified sound so that it does not exceed ambient levels at a distance of 50 feet measured from the property plane.

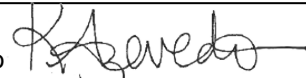
Failure to conduct your business in conformity with these regulations may subject you to a criminal citation or arrest and the revocation of your permit. This permit is accepted and subject to all legal obligations, requirements and the conditions set forth above.

Signature of Permittee:

Issued by:

Kaitlyn Azevedo

Acting Director, Entertainment Commission



Permit is not valid without current tax license.

EXHIBIT 6



EXHIBIT 7

Good Neighbor Policy

For a business with an entertainment permit, learn how to be a good neighbor to nearby residents and businesses.

1. While hosting entertainment, permit holder shall always have a staff member on site who is able to provide proof of permit, is trained in every aspect of venue operation, and is aware of all permit conditions.

2. Permit holder is responsible for the safety and security of venue patrons and the surrounding neighborhood. The Commission approved security plan shall be followed, and permit holder shall secure the sidewalk for a 100-foot radius in all directions around the premises of the business to prevent injury to persons and/or damage to property. (See Footnote 1) Security staff shall be placed at all entrances and exits during the period from 10:00pm to such time past closing that all patrons have left the vicinity.

3. Permit holder shall post easily visible signs outside each entrance and exit instructing patrons to:

a) Respect the neighborhood by keeping voices low,

b) Follow City & County of SF smoking regulations (See Footnote 2), and

c) Obey City & County of SF anti-loitering regulations. (See Footnote 3)

All signs and walkways shall be well lit. Sidewalks shall be kept clear for pedestrians. Cars shall not be double parked.

4. Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who has direct authority over the premises, knowledge of all permit conditions, and shall respond in a timely manner to address concerns.

- [SF Municipal Police Code Article 15.1 "security plan" definition](#)
- [SF Health Code Article 19F SEC. 1009.22\(i\)\(1\)](#)
- [SF Municipal Police Code Article 2 Section 121\(b\)](#)
- <https://www.abc.ca.gov/education/lead-training>
- [SF Municipal Police Code Article 29 Section 2909\(b\)](#)

5. Permit holder shall maintain, and be prepared to verify, records at the premises of current L.E.A.D certification for all persons working at the premises. (See Footnote 4)

6. Permit holder shall maintain all entrances and exits to the building and all sidewalks within 100 feet of the premises in a clean and sanitary condition. At some point between 30 minutes after closing and 8:00am, permit holder shall walk the area within 100 feet of the property and dispose of any litter that may have been left by patrons.

7. Permit holder shall take measures to reduce the amount of sound that escapes the venue. All doors and windows must be kept closed while hosting entertainment, unless

otherwise conditioned on the permit. Permit holder shall be familiar with, and abide by, sound ordinances enforced by the Entertainment Commission, including but not limited to, the following:

a) Regulation of Noise - Noise Limits

1) Commercial & Industrial Property (See Footnote 5)

2) Public Property (See Footnote 6)

b) Outdoor Amplified Sound Regulations (See Footnote 7)

c) Unnecessary Noise (See Footnote 8)

8. Within 24 hours of any violent incident, or any time SFPD responds to a call for service at the premises, permit holder shall complete and send an incident report to (1) their SFPD District Station Permit Officer and (2) the Entertainment Commission. (See Footnote 9)

Footnotes

1. [SF Municipal Police Code Article 15.1 "security plan" definition](#)

2. [SF Health Code Article 19F SEC. 1009.22\(i\)\(1\)](#)

3. [SF Municipal Police Code Article 2 Section 121\(b\)](#)

4. <https://www.abc.ca.gov/education/lead-training>

5. [SF Municipal Police Code Article 29 Section 2909\(b\)](#)

6. [SF Municipal Police Code Article 29 Section 2909\(c\)](#)

7. [SF Municipal Police Code Article 15.1 Section 1060.16\(b\)\(3\)](#)

8. [SF Municipal Police Code Article 1 Section 49\(b\)](#)

9. https://sf.gov/sites/default/files/2022-06/Incident%20Report_Fillable.p...

Last updated July 26, 2022

Department

[Entertainment Commission](#)

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City and County
of San Francisco

EXHIBIT 8



ZACKS & FREEDMAN PC

December 13, 2023

Kaitlyn Azevedo
Deputy Director
Entertainment Commission
49 South Van Ness Avenue, 2nd Floor
San Francisco, CA 94103

Via Email Only

Re: Application by Palm House for Limited Live Performance Permit
2023 Union Street, San Francisco, California (“Permit Application Venue”)

Dear Ms. Azevedo:

This office represents Brad Saylor, who is the owner of 3033 Buchanan Street, San Francisco—a single family home that is situated on the same block as the Permit Application Venue. Our client was recently made aware of an application by Palm House, located at 2032 Union Street, San Francisco, for a Limited Live Performance permit (“LLP”) from the Entertainment Commission (“EC”). As a resident in close proximity to Palm House, our client is gravely concerned about the referenced application due to persistent issues with noise and related disturbances to our Client’s quiet enjoyment of his property. We therefore request that the EC either deny the permit outright or require certain concessions from Palm House to address noise concerns.

For many years, residents of the area have complained of loud noises late into the evening, and far later than allowed by ordinance. Our client has engaged in good faith with Palm House and its management team to request, at a bare minimum, that Palm House close its back windows to limit noise from live music performances on site, putting aside that such requests have been made well past midnight. This “good neighbor” behavior was already required by City law, as well as the conditions of their previous permit. (See Police Code Sections 2909(b), 2901(f).) However, Palm House has regularly and cavalierly violated these restrictions. Decibel readings from the interior of our client’s property consistently reveal sound levels in excess of allowable limits, even with Palm House’s windows closed.

Our client and Palm House’s other residential neighbors have often been ignored by management and sometimes even intimidated by Palm House’s bouncers when attempting to report excessive noise. Thus, despite our client’s repeated attempts to work with Palm House to solve the devastating noise issues, our client feels that little effort has been made by Palm House to meaningfully engage with its community to address disturbance concerns.

Palm House’s ownership has previously indicated that Palm House may host multiple events per day, especially on the weekends. However, the premises and building were not constructed with live entertainment in mind and in particular not with the frequency ownership may well intend for the space. Indeed, Palm House’s permit application reveals seven (7) locations

where it may host live music (**Exhibit 1**), two (2) of those locations are outdoors and four (4) others about the windows facing our client's property (See **Exhibit 2**). As noted above, even with windows closed, noise levels reach unpermitted levels well beyond the outer perimeter of Palm House. Further, the building itself is antiquated, often reaching excessive indoor temperatures at maximum patron capacity—which is Palm House's most cited reason for keeping windows open. Thus, the premises is ill-suited to weather consistent live entertainment and continued utilization for that purpose creates a public safety problem.

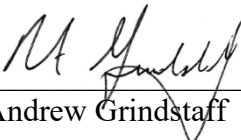
Our client wishes that Palm House continue to thrive as a well-respected, highly patronized business in the Cow Hollow community. However, our client and the neighbors of Palm House have endured many years of unfortunate and devastating disturbances from Palm House's unwillingness and inability to abate excessive noise from live entertainment. We believe that this history of disruption of the quiet enjoyment of the neighbors justifies the denial of the permit. Nonetheless, if the EC sees fit to approve it, our client respectfully suggests that the EC impose the following conditions on the approval of Palm House's LLP application:

- Installation of an HVAC system to minimize the need to open windows
- Replacement of old windows with fixed pane, STC-rated windows to limit noise
- Installation of plexiglass sound barrier with acoustic caulking in patio openings
- Limitation of live entertainment—both indoor and outdoor—to run no later than 10 P.M.
- Repositioning indoor and outdoor speakers to direct sound away from windows—including relocation of indoor speakers away from the windows themselves—and toward Union Street
- Provision of monthly sound monitoring reports to neighbors in the vicinity of Palm House

Our client welcomes the opportunity to meaningfully engage with EC and Palm House to further discuss solutions that benefit all stakeholders relative to Palm House's LLP application. We thank the Entertainment Commission for its consideration.

Very truly yours,

ZACKS & FREEDMAN, PC



Andrew Grindstaff

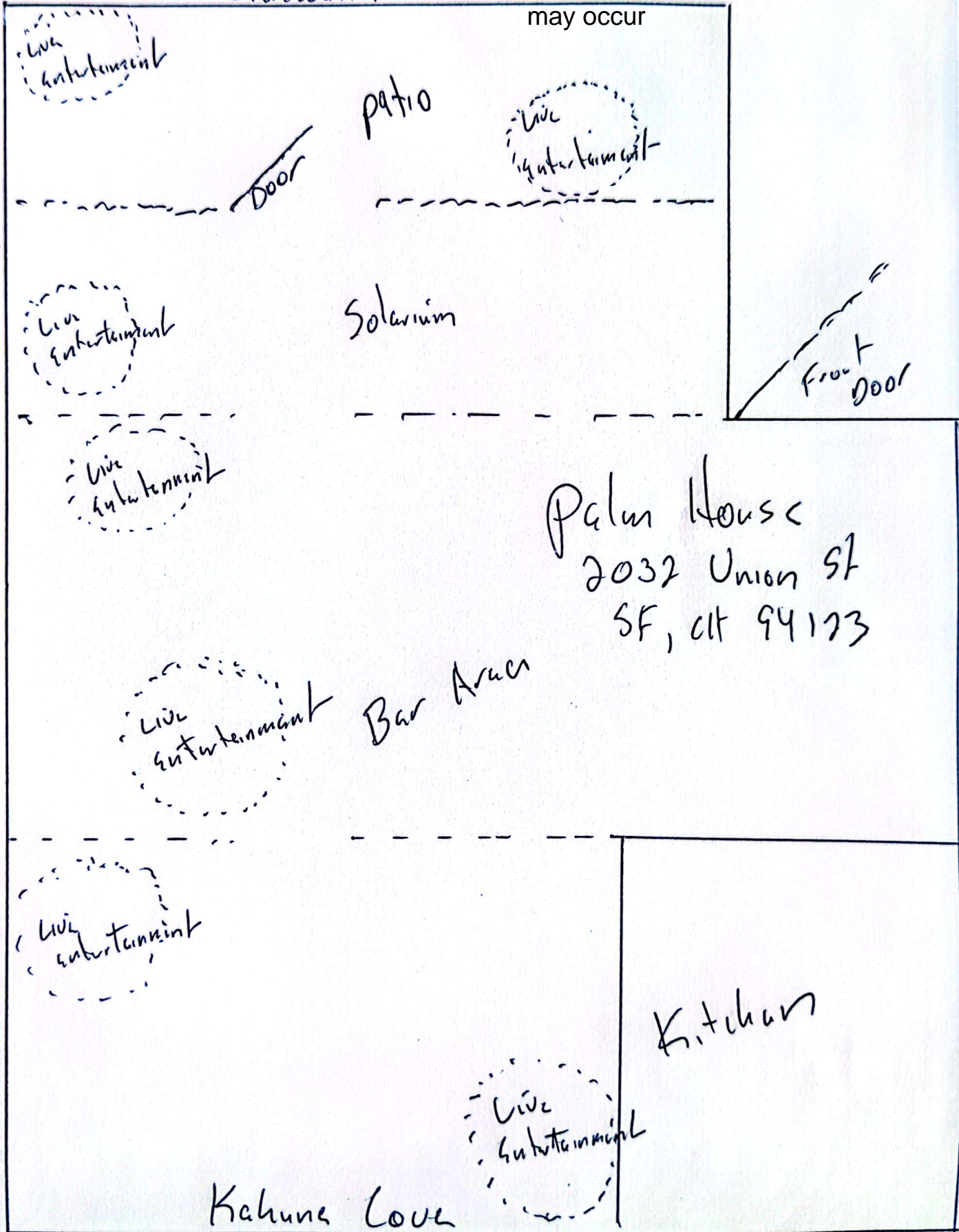
Encl.

EXHIBIT 1

Union St.

All proposed performance areas are 5' x 5' in dimension. We have listed all of the locations that a performance may occur

Sidewalk



Union St

Palm House
2032 Union St.
SF, CA 94123

Side Walk

Outdoor speaker locations

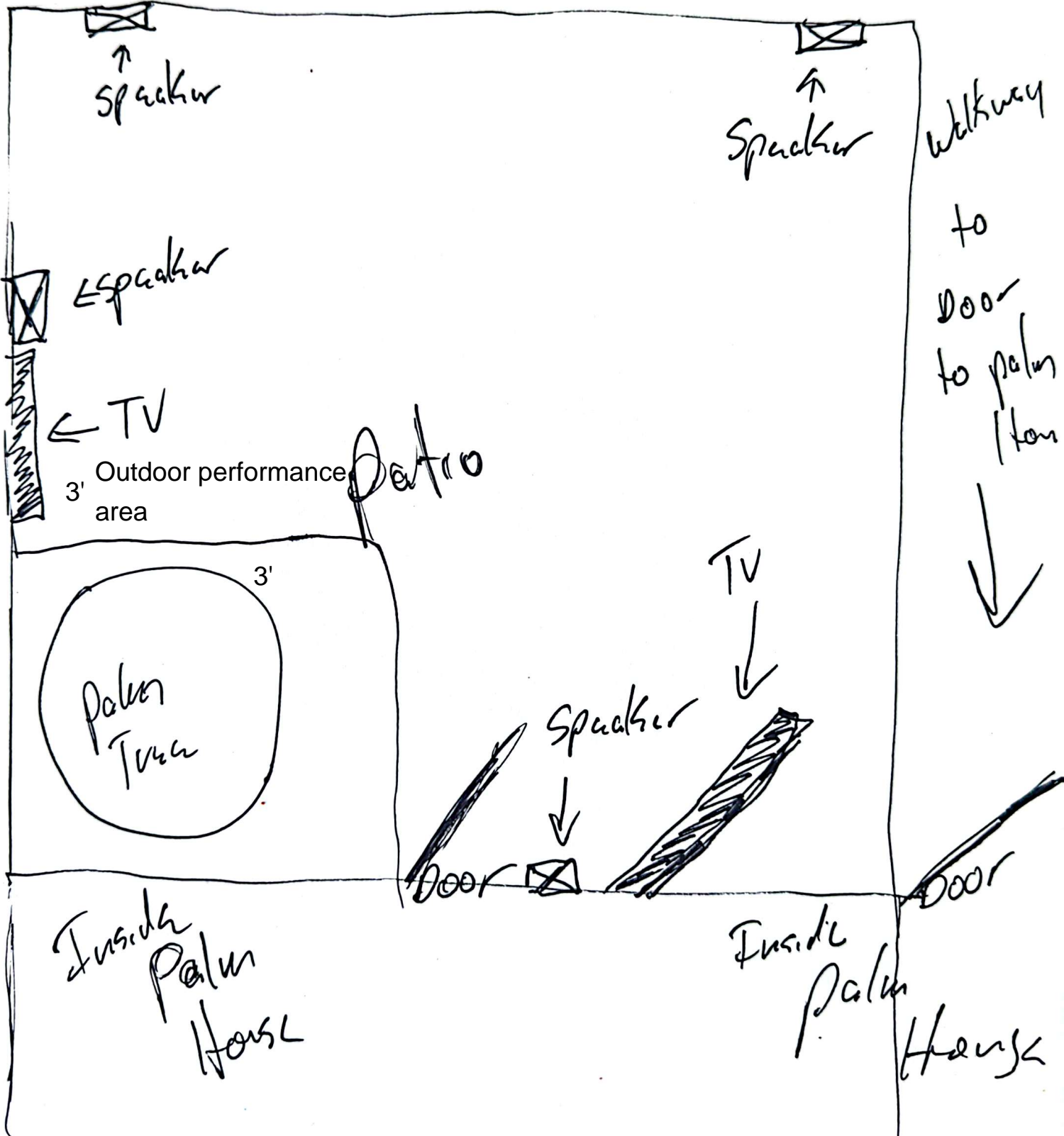


EXHIBIT 2



Buchanan St

Thompson Suskind LP

Palm House

Wildseed
Vegan • \$\$\$

Flores San Francisco
Mexican • \$\$

Skrap Pack Marina

Union St

Union St

Union St

2069

2045

2035

2033-2055

3047

3041

3035

3033

3033-3035

3029

3025

3023

3021

2048-2052

2048

2074

2072

2052

Matin Union...

EXHIBIT 9

Palm House - Westward View



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BRIEF SUBMITTED BY PERMIT HOLDER(S)

Jose Lopez, President
San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475 San Francisco, CA 94103
boardofappeals@sfgov.org

Re: Appeal No.: 24-028
Appeal Title: Saylor vs. Entertainment Commission
Subject Property: 2032 Union Street
Permit Type: Limited Live Performance
Permit No.: EC-1743 LLP

Dear President Lopez and Members of the Board,

I am writing to address the suspension of the Limited Live Performance (LLP) permit for Palm House Restaurant, following an appeal filed by representatives of Brad Saylor. My name is Jeffrey Davis, and I represent Palm House Restaurant, which has been a proud member of the Cow Hollow community since its establishment in 2014.

Despite the challenges posed by the COVID-19 pandemic, Palm House has persevered through multiple pivots and adaptations to comply with various restrictions and an unforeseen economic climate. We have demonstrated resilience by navigating through drastic changes, including a reduction in staff from 50 to 4 overnight, followed by a successful rehiring process upon reopening at full capacity. However, the years 2023 and the beginning of 2024 have presented unprecedented difficulties, with sales plummeting by nearly 30% of pre-pandemic levels due to inflation, layoffs, and decreased tourism and corporate spend.

In light of these challenges, our team has diligently sought avenues to sustain our business, with programmed events featuring live entertainment emerging as a crucial lifeline. These events have not only provided additional revenue but have also fostered community engagement and vitality in the Cow Hollow neighborhood, which faces

heightened risks in 2024. As we approach our ten-year anniversary in June, obtaining a permanent LLP permit is essential for our continued survival and ability to contribute positively to the community.

I wish to address the concerns raised by Mr. Saylor regarding noise disturbances and alleged violations. Despite our longstanding commitment to being good neighbors, Mr. Saylor has persisted in raising objections, even after multiple attempts at constructive dialogue and compliance with recommendations from both him and the Entertainment Commission (EC). Contrary to his claims, our venue has maintained a clean record with the San Francisco Police Department and adhered to all regulatory requirements.

To address Mr. Saylor's concerns, we have implemented various measures, including alarms to ensure timely closure of windows and adherence to sound level regulations, as well as the installation of locks on select windows to enhance security without compromising safety. Moreover, recent events hosted under the LLP permit have proceeded without any sound complaints, demonstrating our ongoing commitment to operating responsibly. Claims around HVAC system have no basis as we are running space heaters in our venues to maintain warmth. Moreover, we take this career seriously as our track record indicates. We maintain 4.3 stars on Google, 4 star rating on Yelp with over 1300 reviews, and have won countless awards including Best Brunch by Eater, Best Patio and have also been voted the most "Dog Friendly" restaurant in San Francisco by the SFSPCA. Outside of this venue, we love this city and are committed to its success as indicated by our volunteerism. Our partners have been or are active on the boards of numerous charitable organizations in the city including, but not limited to the Golden Gate Restaurant Association (active and twice Treasurer), SF Travel, The Guardsmen of San Francisco (current Treasurer and President), Minds Matter, Sprouts and the Boys and Girls Club. We do countless events for the community including "Peeps & Pups" Easter Brunch, "Doggie Christmas" with Santa Claus, local school fundraisers

and have hosted events providing over \$100K of charitable giving over the last 4 years during the pandemic.

It is imperative to note the adverse impact of the LLP suspension on Palm House and the broader community. The cancellation of five events since our suspension on 4/1/24 has not only deprived local artists of income but has also exacerbated the financial strain on our staff and compromised our ability to generate revenue. Staffing levels without live entertainment often result in 50% less sales. Without the reinstatement of our permit, Palm House faces the prospect of closure, adding to the growing list of shuttered businesses in San Francisco.

In conclusion, we reiterate our dedication to being a positive force in the community and pledge to continue accommodating Mr. Saylor's concerns within reason. We respectfully urge the Board to reconsider the suspension of our LLP permit and grant reinstatement, thereby enabling Palm House to continue its contributions to the vibrant cultural landscape of Cow Hollow.

Thank you for your attention to this matter.

Sincerely,
Jeffrey Davis
Partner
Palm House Restaurant

Appendix A



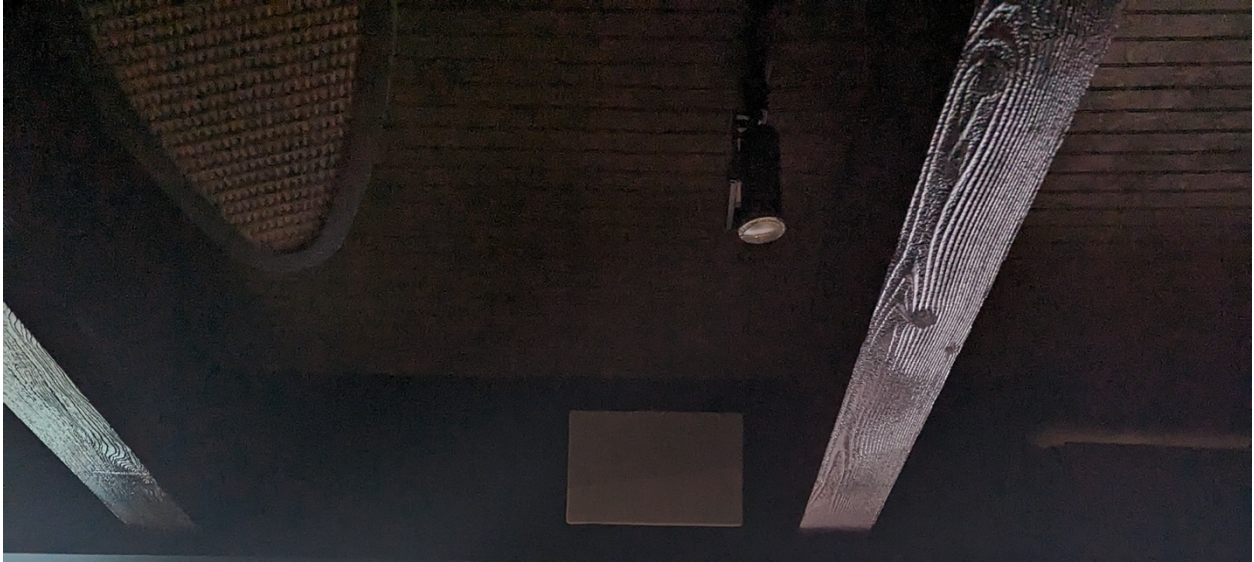














**BRIEF SUBMITTED BY
RESPONDENT DEPARTMENT**

Entertainment Commission

April 11, 2024

Honorable President Jose Lopez
Honorable Members, Board of Appeals
Board of Appeals
49 South Van Ness, Suite 1475
San Francisco, CA 94103

Dear President Lopez and Honorable Members:

RE: Appeal No. 24-028 – EC-1743 Limited Live Performance permit for Palm House
Brief of Respondent Entertainment Commission

I. INTRODUCTION

On March 19, 2024, the Entertainment Commission (“Commission”) granted a Limited Live Performance (“LLP”) permit to Blue Plantain, LLC, dba Palm House, located at 2032 Union Street, San Francisco, CA 94123. A neighbor, Brad Saylor (“Appellant”) has appealed the grant of the permit to the Board of Appeals (“Board”). The appeal raises one issue – peaceful enjoyment of neighboring property due to excessive noise - and the appeal is without merit. The Board should deny the appeal and uphold the grant of the permit based on the following reasons: **(1)** On April 5th, 2024, in response to the appeal, Palm House has either padlocked or permanently sealed all seven (7) of their rear windows, eliminating Appellant’s primary concern of noise emanating from Palm House’s open rear windows, purportedly causing the disruption in the Appellant’s home; **(2)** The sound measurements taken by the Appellant are unable to be verified by the Entertainment Commission; **(3)** Appellant fails to provide a compelling basis for the Board to overrule the Commission’s decision to approve Palm House's LLP with an 11pm end time for indoor entertainment, consistent with the rules for LLPs in this zoning district; **(4)** The LLP permit’s sound limits and the Commission’s enforcement escalation process provide a safeguard for future sound complaints, and field staff are available to respond

to complaints to ensure permit compliance. Over its 4.5-year history of holding Entertainment Permits, Palm House has been compliant with permit conditions aside from one instance that was remediated in real time.

II. OVERVIEW: ENTERTAINMENT COMMISSION

In 2002, the San Francisco voters created the Entertainment Commission (“the Commission”) as the Charter body responsible for live entertainment and nightlife in San Francisco. Under Section 4.117 of the Charter, the seven-member Commission consists of representatives who reflect the interests of City “neighborhood associations or groups,” “entertainment associations or groups,” the “urban planning community,” the “law enforcement community,” and the “public health community.” Under Chapter 90 of the Administrative Code, the Commission is responsible for promoting – and regulating – entertainment venues for the economic and cultural enrichment of San Franciscans and visitors to San Francisco. Among other things, the law directs the Commission to “(1) assist the organizers and operators of cultural, entertainment, athletic, and similar events and establishments to apply for, and obtain from the Commission and other City departments when the applicant satisfies the requirements therefore, all necessary permits from the City; (2) promote the responsible conduct and operation of such events and establishments; [and] (3) promote the development of a vibrant entertainment and late-night entertainment industry within the City” (S.F. Admin. Code § 90.1.)

The Commission’s permit system balances the interests of those presenting entertainment – and the people and communities whose lives are directly enriched by the presentation of entertainment – with the interests of the public at large, which also may benefit from entertainment. It promotes the cultural, economic, employment, and other benefits of a vibrant entertainment industry while protecting the health, safety, and public welfare of the community –

and particularly of local residents and businesses – through the permitting process (including the placement of conditions on permits) and various enforcement mechanisms. In performing its permitting function, the Commission works closely with the SFPD, SFFD, DBI, and DPH, as well as other City agencies, to ensure that safeguards designed for the benefit of the public at large are maintained while the LLP permit is in effect.

III. DEFINITION OF ENTERTAINMENT AND LLP LOCALE

As defined in Police Code Article 15.1 Section 1060 (**Exhibit A, Code**), “Entertainment” consists of any of the following, except when conducted in a Private Residence: (a) Any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry recitation, conducted in or upon any premises to which patrons or members are admitted. (b) The playing or use of any instrument capable of producing or used to produce musical or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments, or karaoke, or recorded music presented by a live disc jockey on the premises. (c) A fashion or style show. (d) The act of any female entertainer, while visible to any customer, who exposes the breast or employs any device or covering which is intended to simulate the breast, or wears any type of clothing so that the breast may be observed.

It is important to note that the definition of entertainment *does not* include indoor prerecorded music, such as playing music from a playlist through Spotify, Pandora, etc. or, a single, unamplified performer who ends by 10pm. As such, a permit for these indoor activities is not required from the Commission or any other regulatory body.

Also defined in Police Code Section 1060 (**Exhibit A, Code**) is “Limited Live Performance Locale”, which is a locale with all the following features: (a) The presentation of Live Performances is a secondary purpose of the locale rather than its primary purpose. (b) The

locale is indoors, or consists of an outdoor patio, plaza, courtyard, or similar space, with or without open means of public ingress and egress, with an area in which Live Performances are presented that is no greater than 200 square feet. For purposes of this provision, “outdoor patio, plaza, courtyard, or similar space” also shall include, regardless of the square footage of the Live Performance area, (1) any Plaza as identified in Administrative Code Chapter 94 or (2) any Shared Space as identified in Administrative Code Chapter 94A. (c) Live Performances presented at the locale conclude by 11 p.m. Notwithstanding the previous sentence, Live Performances must conclude by 10 p.m. at any locale in any of the following areas: (1) the North Beach Neighborhood Commercial District as defined in Planning Code Section 722; (2) the north and south sides of Chestnut Street between the east side of Fillmore Street and the west side of Divisadero Street; and (3) the north side of Lombard Street, between Fillmore Street and Divisadero Street. (d) The locale is not a Private Residence. (e) Patrons or members are admitted to the locale, except this requirement shall not apply to a Plaza as identified in Administrative Code Chapter 94 or a Shared Space as identified in Administrative Code Chapter 94A.

IV. DETERMINATION OF APPLICATION FOR LLP PERMIT

Section 1060.5.1(f) (**Exhibit A, Code**) of the Police Code sets the standards for the grant of an LLP permit. This provision is structured differently than certain other provisions governing the grant of permits by other City commissions or departments. Specifically, the Police Code posits that the Commission shall grant or conditionally grant an LLP permit “unless” it finds that one or more of three circumstances are present. These are: (1) The premises or the proposed operation of the Business does not comply with the health, zoning, fire, and safety requirements of the laws of the State of California or ordinances of the City and County of San Francisco applicable to the Business; (2) The establishment does not qualify as a

LLP Locale as defined in Section 1060; (3) The presentation of Live Performances at the LLP Locale will (A) generate the type and volume of vehicle and pedestrian traffic that will cause substantial congestion, (B) adversely affect the safety and security of persons, (C) impede the orderly dispersal of individuals and traffic, or (D) otherwise substantially interfere with the public health, safety, and welfare or the peaceful enjoyment of neighboring property due to excessive noise or any other factor. The Commission may impose conditions on the permit, including a security plan or other time, place, and manner restrictions, if necessary and appropriate to guard against these adverse effects. The LLP Permit is subject to Article 29 of this Code, regulating noise (**Exhibit A, Code**).

V. PROCEDURAL HISTORY & BACKGROUND

On November 8, 2023 Palm House applied for a brick and mortar LLP permit for indoor entertainment, outdoor entertainment, and outdoor amplified sound on their private patio (**Exhibit B, Application**). All brick and mortar permits from the Commission require a public noticing, community outreach, and a public hearing process. In this process, all permit applicants are required to post a notice to the public for 30 days on the façade of their building stating which permit they are applying for along with details of their public hearing. They are also required to conduct neighborhood outreach by sending a letter to their commercial and residential neighbors prior to attending a Commission hearing.

Contrary to the Appellant's argument, Palm House has *not* been an entertainment venue for nearly a decade. In fact, the first time Palm House hosted indoor entertainment was on December 31, 2019 when they obtained a One-Time Indoor Entertainment Event Permit for their New Year's Eve Celebration (**Exhibit C, ECOTE 19-570**).

Then, during the pandemic, the Commission created the Just Add Music (JAM) permit

program, which was a temporary and free permit program to allow businesses to operate outdoor entertainment and/or outdoor amplified sound through an expedited permitting process (**Exhibit D, 27th Supplemental**), and Palm House obtained a JAM permit. From November 2020 – September 2023 when the program ended, Palm House operated outdoor entertainment and amplified sound in their private patio from 4pm – 10pm Tuesday – Sunday under a JAM permit (**Exhibit E, JAM-093**). During this time, the Commission did not receive a single sound complaint about Palm House’s outdoor operations.

As such, after reviewing their LLP permit application in advance of their Commission hearing - which included the proposed use of the permit, site plans depicting performance areas and speakers, documentation of outreach efforts, neighborhood opposition, and approvals from SFPD Northern Station and the Planning Department - the Commission did not have the grounds to condition Palm House’s LLP permit to end indoor entertainment by 10pm rather than 11pm, despite the Appellant’s request. Per Police Code Section 1060, entertainment under an LLP permit is legally allowed in the Union Street Neighborhood Commercial District zoning district until 11pm, and Palm House had a clear track record for operations under their temporary JAM permit with no open enforcement cases.

Further, there are numerous safeguards in place to ensure a business is operating within the limitations of their permit should there be future sound complaints or compliance issues. The Commission has multiple enforcement tools available to bring businesses back into compliance, from written Notices of Violation and citations with a monetary fine, to requiring a business to reappear at a hearing for potential permit reconditioning, and in severe cases, permit suspension or revocation.

VI. COMPLIANCE WITH POLICE CODE REQUIREMENTS

The Appellant's argument is predicated on the interior sound from Palm House's entertainment causing a disturbance inside of Appellant's home. However, Appellant's prehearing brief has some misleading points that need to be clarified.

Setting Sound Limits in Accordance with Municipal Police Code

The first item to address is how sound limits are set for commercial properties such as Palm House under Police Code Article 29 Section 2909(b), which states as follows:

Commercial and Industrial Property Noise Limits. No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on commercial or industrial property over which the person has ownership or control, a noise level more than eight dBA above the local ambient at any point outside of the property plane. With respect to noise generated from a licensed Place of Entertainment, licensed Limited Live Performance Locale, or other location subject to regulation by the Entertainment Commission or its Director, in addition to the above dBA criteria a secondary low frequency dBC criteria shall apply to the definition above. No noise or music associated with a licensed Place of Entertainment, licensed LLP Locale, or other location subject to regulation by the Entertainment Commission or its Director, shall exceed the low frequency ambient noise level defined in Section 2901(f) by more than 8 dBC.

Under this provision, the interior sound of Palm House shall not exceed 8 decibels above the ambient sound when measured at the property plane while the business' doors and windows are shut. In the case of Palm House, the ambient sound is 65.3dBA/75.8dBC measured at the front property plane, and when operating entertainment with the doors and windows shut, the business' interior volume may not exceed 83dBA/94dBC in order to remain compliant.

Palm House's Internal vs External Sound Limits

The next item to address is that Palm House's LLP permit (**Exhibit F, LLP Permit**) includes two sound limits; the first limit is for interior sound and is set in accordance with Police Code Article 29 Section 2909(b), quoted above. The permit states, "sound abatement internal limit approved at 83dBA/94dBC maximum, measured from under the first birdcage chandelier on the right as you enter the main bar." Per the Commission's Good Neighbor Policy (**Exhibit G, GNP**), all doors and windows must be shut while hosting indoor entertainment. The second sound limit is for exterior sound from outdoor entertainment and amplified sound on the front patio, which states "permit holder shall control the volume of outdoor entertainment and amplified sound so that it does not exceed ambient levels at a distance of 50 feet measured from the property plane." In layman's terms, this means that should a person walk 50 feet from Palm House's front patio in any direction, the volume of their music should not exceed the area's ambient sound levels and should blend in with the other local sounds such as cars driving by, sirens, construction, etc. Appellant's brief appears to have conflated Palm House's two distinct sound limits. Page 4 of their brief it states, "*...sound readings measured from Saylor's rear yard, well within fifty (50) feet of the property's external building envelope, routinely measure above 80dBA when Respondent hosts entertainment.*" This statement demonstrates that Appellant is unfamiliar with the Commission's sound measurement protocols, as it blends the internal and external sound measurement practices together. Internal measurements are taken inside of the business while external measurements for Palm House are taken 50' from the property plane.

Unsubstantiated Sound Measurements

The Commission cannot use sound measurements from the Appellant, or any member of the public, as grounds for enforcement due to the myriad of variables that can interfere with an accurate sound measurement. Primarily, the Commission uses a professional grade sound level

meter. Conversely, when a neighbor takes a sound measurement using their own equipment, they are likely not using a professional grade meter, and even if they were, it certainly would not have been synced with the Commission's meter to ensure consistency between devices.

Additionally, when the Commission sets an internal sound limit, the ambient sound level at the property plane must first be determined. As outlined in Police Code Article 29, to determine an ambient sound level, a 10-minute sound reading is taken to ensure the final outcome is reflective of other sound sources in the area. Further, sound tests are conducted when all other entertainment-related sound sources in the area are at issue silent. However, if a neighbor takes a sound measurement, it may have been a single point-in-time measurement that captured other outside sound sources such as the neighboring restaurant, a siren passing by, or nearby construction for example.

Palm House is located in a bustling area on Union Street where other sound sources are routinely common. For these reasons, the appellant's claim that their personal sound readings were measuring at any decibel level are unsubstantiated and should be dismissed by the Board.

Rear Windows are Permanently Closed

The next item to address is that much of the Appellant's argument is about Palm House leaving their windows open during operations. In response to this appeal, the business sealed and/or locked all seven (7) of the windows along the rear side of the building as of April 5, 2024 (**Exhibit H, Pictures**). This action alone should mitigate all sound concerns experienced by the appellant as noise will no longer escape from the rear of the building.

Sound Limiter

The next item is in response to the Appellant's statement that the owner installed a sound limiting device on their speaker. However, the business has not installed a sound limiter on their

house system, nor did they agree to. Per the staff report from the Commission’s Deputy Director to the Commission dated March 19, 2024 (**Exhibit I, 3/19/24 Staff Report**) she states, “...*I received a new letter from the neighbor’s counsel outlining two specific permit condition requests which are to install a limiter on their sound system and to require indoor entertainment to end by 10pm...the owner explained that their house system already has a designated volume limit based on Senior Inspector Zverina’s sound test, and that DJs and bands often bring in their own sound equipment.*” This explanation shows that the business did not commit to installing a sound limiter, because they already comply with their approved sound limit when playing music from their house system.

Legal Uses Within Union Street NCD Zoning District

The Appellant has requested that indoor entertainment cease by 10pm. However, the Union Street Neighborhood Commercial District, which designates their zoning controls from the Planning Department, allows for an accessory use Limited Live Performance permit to host indoor entertainment until 11pm. The Commission considered Palm House’s permit compliance history, the complaints made at the time of the permit application, and the hours set by the local zoning control, and determined that adequate safeguards were in place to prevent excess noise, while allowing indoor entertainment until 11pm. Furthermore, Police Code Section 1060.5.1 sets forth a deferential standard for the Commission to apply in reviewing permit applications.

Satisfying Code Requirements

The grant of the LLP permit at issue satisfies all Police Code requirements and contains adequate safeguards to ensure the public health, safety, and welfare. As noted, the Police Code sets forth only limited circumstances under which the Commission can decline to issue an LLP permit and mandates that the Commission “shall” issue the Permit “unless” it finds that certain

specified circumstances exist. Appellant's argument that the Commission erroneously approved the permit is not correct.

VII. COMMISSION'S ENFORCEMENT TOOLS

The grant of an LLP permit does not occur in a vacuum. LLP permits are subject to conditions the Commission places on them, above and beyond the minimum requirements of the Police Code. And, once issued, LLP permits are not forgotten by the City. As previously explained when describing the Commission's enforcement protocols, the operations of permitted businesses are subject to the ongoing oversight of the Commission and its staff and, if problems arise, the Police Department as well.

The Entertainment Commission imposed six conditions on the LLP permit at issue. The first condition requires the permit holder to adhere to the Commission's "Good Neighbor Policy." (**Exhibit G, GNP**). The Good Neighbor Policy contains 8 separate conditions, or best practices, for entertainment activities to ensure that the quiet, safety, and cleanliness of the premises and vicinity are maintained. These conditions are based on the City's extensive experience about the operations of entertainment venues and cover a wide range of issues from noise to lighting and ventilation to management operations and cleanliness. A violation of these conditions, particularly if serious or persistent, may trigger the Commission, and in some circumstances its Executive Director, to take action against the permit, or may trigger the imposition of additional and more specific conditions on the permit holder.

Finally, we note that if a permittee violates the conditions of a permit, or violates the law as it relates to a permit, the Commission has ample remedial and enforcement powers. Police Code Sections 1060.20 – 1060.36 give the Commission's Executive Director and the Commission authority to continue its oversight and enforcement during the operation of an

entertainment permit. The Commission has a variety of enforcement tools including suspension or revocation of a permit, issuance of administrative penalties, and compliance with a Security Plan of a premises. There are three types of possible suspensions – the “public safety” suspension by the Executive Director (Section 1060.20.3); the “limited 15-day” suspension by the Executive Director (subject to appeal to the Commission), on specified grounds, including noise violations and violations of the Security Plan (Section 1060.20.2); and other suspensions imposed by the Commission, on those grounds and many others, for longer periods of time (Section 1060.20.1). In addition, an LLP permit can be revoked in cases where the public safety is seriously threatened by the continued operation of a business, or where the business, as operated, constitutes a serious public nuisance. (Section 1060.20.4.) Administrative penalties can be imposed for a violation of a permit condition or a legal violation. (Section 1060.25(b).) And, on a day-to-day basis, the Police Department retains its authority “to take action in response to conduct that arises in connection with the operation of a Business.” (Section 1036.)

VIII. CONCLUSION

For the reasons set forth in this letter, including referenced materials and documents attached as exhibits and incorporated herein by reference, the Board should reject this appeal and uphold the Commission’s grant of the LLP permit to Palm House.

Respectfully submitted,

Maggie Weiland
Executive Director
Entertainment Commission

Exhibits Table of Contents

- A. Police Code, Article 15.1 Sec. 1060 and 1060.5.1; Article 29 Sec. 2909
- B. Palm House LLP Permit application – Commission file with neighborhood opposition and SFPD & SF Planning approvals
- C. Palm House One-Time Indoor Event Permit from 12/31/2019
- D. Mayor’s 27th Supplemental for JAM permits
- E. Palm House JAM permit
- F. Palm House LLP permit
- G. Entertainment Commission’s Good Neighbor Policy (GNP)
- H. Pictures of Palm House’s rear windows being locked and sealed
- I. Staff report for Commission at 3/19/24 hearing

EXHIBIT

A

SEC. 1060. DEFINITIONS.

For the purposes of this Article 15.1, unless otherwise provided in this Article, the following words and phrases shall mean:

“Amplified Sound Equipment.” Any machine or device, including but not limited to a loudspeaker, for the reproduction or amplification of the human voice, music, or other sound. Notwithstanding the foregoing sentence, Amplified Sound Equipment shall not include: (a) warning devices, such as but not limited to sirens, on authorized emergency vehicles, or warning devices, such as but not limited to horns, on other vehicles used only for traffic safety purposes; (b) radio or television sets that are (1) permanently installed in motor vehicle to receive programs broadcast from regularly licensed and established radio or television stations, or (2) installed in any dwelling house to receive programs broadcast from regularly licensed and established radio or television stations for the pleasure and entertainment of the occupants of such dwelling houses, or (3) established or maintained in stores indoors to demonstrate radio or television sets carried for sale or demonstration; (c) other mechanical sound or voice-reproducing devices used for the pleasure and entertainment of the occupants of private motor vehicle, or (d) pedestrian operated bullhorns, not exceeding 10 watts, E.I.A.; provided, however, that the provisions of Section 49 of this Code shall be applicable to all items encompassed in exceptions (a)-(d).

“Any Sidewalk Abutting the Premises.” The sidewalk not more than 50 feet from the premises of the Business that is located between the premises and a public street. For purposes of this definition, “premises” includes any immediately adjacent area that is owned, leased, or rented by the permit applicant or Permittee.

“Bona Fide Nonprofit Club or Organization.” Any fraternal, charitable, religious, benevolent, or other nonprofit organization for mutual social, mental, political, or civic welfare, to which admission is limited to members and guests if the revenue accruing therefrom is used exclusively for the benevolent purposes of said organization or agency, and if the organization or agency is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable, religious, benevolent, or nonprofit organization.

“Business.” The enterprise for which a permit is sought or has been issued under this Article, whether operated on a for-profit or not-for-profit basis.

“Conduct that Constitutes a Nuisance.” Any conduct that would constitute a violation of the following laws: assault and battery (Cal. Penal Code § 240, 242, 245); sexual battery (Cal. Penal Code § 243.4); discharging firearm (Cal. Penal Code § 246, 246.3); unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); felony sexual assault loitering for lewd or lascivious purposes (Cal. Penal Code § 647(d)); loitering on private property without lawful business (Cal. Penal Code § 647(h)); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code § 153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section 49 or Article 29).

“Corrective Action.” Action which includes, but is not limited to, the following:

- (a) Requesting assistance from the local law enforcement agency in a timely manner regarding the conduct.
- (b) Requesting those individuals engaging in Conduct that Constitutes a Nuisance to cease the conduct, or ejecting those Persons from the premises.
- (c) Revising the Security Plan, subject to approval by the Entertainment Commission or the Director as provided under this Article.

“Director.” The Executive Director of the Entertainment Commission or individual designated by the Director to act on his or her behalf.

“Entertainment.” Any of the following, except when conducted in a Private Residence:

- (a) Any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry recitation, conducted in or upon any premises to which patrons or members are admitted.
- (b) The playing or use of any instrument capable of producing or used to produce musical or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments, or karaoke, or recorded music presented by a live disc jockey on the premises.
- (c) A fashion or style show.
- (d) The act of any female entertainer, while visible to any customer, who exposes the breast or employs any device or covering which is intended to simulate the breast, or wears any type of clothing so that the breast may be observed.

“Fixed Place Outdoor Amplified Sound Locale.” A Business that uses Amplified Sound Equipment, not attached to a Sound Truck, at any location out of doors in the City for more than a total of 12 days, whether consecutive or non-consecutive, per 12-month period, and at which Entertainment is not furnished or does not occur; for example, playing recorded music on Any Sidewalk Abutting the Premises, patio, courtyard, plaza, or other outdoor space that is under the control of the Business or for which the Business has obtained a permit to use from the City. This definition shall not include property that is a Private Residence.

“Fixed Place Outdoor Amplified Sound Permit.” A permit allowing a Fixed Place Amplified Sound Locale to use Amplified Sound Equipment outdoors.

“Just Add Music (JAM) Permit.” A temporary permit for authorization to provide outdoor entertainment or outdoor amplified sound on City sidewalks, City streets, and outdoor property that is not in the public right-of-way, issued pursuant to the 27th Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020, which Supplement is dated September 25, 2020.

“Limited Live Performance Permit.” A permit allowing a Limited Live Performance Locale to present Live Performances.

“Limited Live Performance Locale.” A locale with all the following features:

(a) The presentation of Live Performances is a secondary purpose of the locale rather than its primary purpose.

(b) The locale is indoors, or consists of an outdoor patio, plaza, courtyard, or similar space, with or without open means of public ingress and egress, with an area in which Live Performances are presented that is no greater than 200 square feet. For purposes of this provision, “outdoor patio, plaza, courtyard, or similar space” also shall include, regardless of the square footage of the Live Performance area, (1) any Plaza as identified in Administrative Code Chapter 94 or (2) any Shared Space as identified in Administrative Code Chapter 94A.

(c) Live Performances presented at the locale conclude by 11 p.m. Notwithstanding the previous sentence, Live Performances must conclude by 10 p.m. at any locale in any of the following areas: (1) the North Beach Neighborhood Commercial District as defined in Planning Code Section 722; (2) the north and south sides of Chestnut Street between the east side of Fillmore Street and the west side of Divisadero Street; and (3) the north side of Lombard Street, between Fillmore Street and Divisadero Street.

(d) The locale is not a Private Residence.

(e) Patrons or members are admitted to the locale, except this requirement shall not apply to a Plaza as identified in Administrative Code Chapter 94 or a Shared Space as identified in Administrative Code Chapter 94A.

“Live Performance.” Any act, play, review, pantomime, scene, song, dance act, song and dance act, poetry recitation, fashion or style show, recorded music presented by a live disc jockey on the premises, or the playing or use of any instrument capable of producing or used to produce musical or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments.

)¹ “Manager.” The individual authorized by the Permittee to exercise discretionary power to organize, direct, carry out or control the operations of the Business.

“One Time Event.” An indoor event, or outdoor event such as a concert, parade, fair, festival, athletic event, or block party, that is organized for a group of people, (a) at which Entertainment is furnished or occurs, and (b) which takes place at any location in the City that is not a Private Residence.

“One Time Event Permit.” A permit, as further described in Section 1060.29, allowing a Person to conduct a One Time Event on the premises specified in the permit for no longer than one 24-hour period.

“One Time Outdoor Amplified Sound.” An outdoor gathering, occurrence, or event at which (a) no Entertainment is furnished or occurs, and (b) Amplified Sound Equipment not attached to Sound Trucks is used to project sound outside of any building or at any location out of doors in the City that is not a Private Residence.

“One Time Outdoor Amplified Sound Permit.” A permit allowing One Time Outdoor Amplified Sound on the premises specified in the permit.

“Permittee.” The Person to whom a permit has been issued under this Article.

“Person.” Any person, individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit excepting the United States of America, the State of California, and any political subdivision of either.

“Place of Entertainment.” Every premises, including outdoor premises, to which patrons or members are admitted which serves food, beverages, or food and beverages, including but not limited to alcoholic beverages, for consumption on the premises and wherein Entertainment is furnished or occurs upon the premises.

“Private Residence.” A residence that is used solely or primarily to provide housing and not rented out to third parties for Entertainment uses.

“Professional Entertainer.” A person who is compensated for his or her performance. This definition does not restrict the definition of “Entertainment” in this Section 1060 and is relevant only to the extent the term “Professional Entertainer” is used in this Article.

“Sale of the Business” or “Sell the Business.” The sale or other transfer of the ownership interest in a Business that results in a Person (who did not already have such a percentage interest) owning 50% or more of the Business, regardless of the form of ownership.

“Security Guard.” A person who has a valid Proprietary Private Security Officer registration document issued by the California Department of Consumer Affairs; or a person who is a Patrol Special Police Officer appointed by the Police Commission or an assistant to a Patrol Special Police Officer and is operating in accordance with rules of the Police Commission governing Patrol Special Police Officers and assistants to Patrol Special Police Officers; or, a person who is a Private Patrol Operator, as defined by California Business and Professions Code Sections 7582.1-7582.2, as may be amended from time to time.

“Security Plan.” A plan that adequately addresses the safety of persons and property by (a) providing a ratio of one Security Guard to a specific number of individuals as described in the paragraph immediately below (b) securing the sidewalk for a 100-foot radius in all directions around the premises of the Business to prevent injury to persons and/or damage to property, and (c) providing for the orderly dispersal of individuals and traffic from the premises of the Business and within 100 feet of any door that patrons use to enter or exit the premises. The phrase “100 feet” in (c) means 100 feet from the door in both directions on the same side of the street as the premises of the Business. The plan shall include sufficient staff with the requisite experience to implement the plan.

The Security Plan must provide at least one Security Guard for every 100 individuals anticipated to be present at any one time during Entertainment events on the premises of the Business, with the following two qualifications. There must always be at least one Security Guard for every 100 individuals actually present at any one time during Entertainment events on the premises of the Business. Further, in those areas of the City where a conditional use authorization is required for a late night use, on Thursdays, Fridays, Saturdays, and Sundays from 9:00 p.m. until closing (including early morning hours Friday, Saturday, Sunday, and Monday) the Security Plan must provide at least one Security Guard for every 100 individuals authorized by the Occupancy Permit during Entertainment events on the premises of the Business.

The definition of Security Plan in this Section 1060 does not limit the discretion of the Entertainment Commission and Director as specified in this Article to impose more stringent requirements for a Security Plan as circumstances warrant.

If no Entertainment event is occurring on the premises, the Security Plan does not have to include Security Guards, but the Entertainment Commission retains discretion to impose Security Guard requirements as part of a Security Plan.

“Sound Truck.” Any motor vehicle or other means of conveyance, having mounted thereon, attached thereto, or carrying any Amplified Sound Equipment, except that an “Unenclosed Tour Bus” as defined in Section 2913 of this Code shall not be considered a Sound Truck for purposes of this Article.

“Sound Truck Permit.” A permit allowing a Sound Truck to use Amplified Sound Equipment.

“Tax Collector.” Tax Collector of the City and County of San Francisco.

(Amended by Ord. 42-83, App. 2/4/83; Ord. 325-91, App. 9/4/91; Ord. 165-93, App. 5/28/93; Ord. 262-04, File No. 041148, App. 11/4/2004; Ord. 239-09, File No. 080323, App. 11/20/2009; Ord. [172-11](#), File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. [100-13](#), File No. 130182, App. 6/6/2013, Eff. 7/6/2013; Ord. [82-14](#), File No. 140064, App. 6/13/2014, Eff. 7/13/2014; Ord. [224-16](#), File No. 160893, App. 11/22/2016, Eff. 12/22/2016; Ord. [163-17](#), File No. 170443, App. 7/27/2017, Eff. 8/26/2017; Ord. [205-19](#), File No. 181211, App. 9/11/2019, Eff. 10/12/2019; Ord. [111-21](#), File No. 210285, App. 8/4/2021, Eff. 9/4/2021; Ord. [96-23](#), File No. 230309, App. 5/26/2023, Eff. 6/26/2023; Ord. [250-23](#), File No. 230861, App. 12/14/2023, Eff. 1/14/2024, Retro. 1/1/2023)

CODIFICATION NOTE

1. So in Ord. [163-17](#).

SEC. 1060.5.1. DETERMINATION OF APPLICATION FOR LIMITED LIVE PERFORMANCE PERMIT.

(a) The applicant shall file the application for a Limited Live Performance Permit with the Director. The Director may require that the applicant or the applicant's agent file the application in person. Upon determining that an application is complete, the Director shall accept and file it and shall schedule a public hearing before the Entertainment Commission to determine whether the permit should be granted. The Director shall provide written notice of the hearing to the applicant by mail or to the applicant's agent by personal delivery at least 30 days before the date of the hearing.

(b) Notices.

(1) The applicant shall cause a notice of the hearing on a form provided by the Entertainment Commission to be conspicuously and continuously posted on the premises of the Business for at least 30 days before the scheduled hearing date. The Director shall promptly provide notice of the hearing to any Person who has filed a written request for such notice, which notice may be given electronically if the Person has provided electronic contact information, or by mail.

(2) The Director shall provide a copy of all Limited Live Performance Permit applications and the corresponding public hearing notices within a specified geographic area to any Person who, in writing or by email, requests such and identifies the area. Such applications and notices shall be given at least 30 days prior to the date of the public hearings, or within 5 days after receipt of the request if the request is less than 30 days prior to the hearing.

(3) In the event of a continued hearing, the applicant shall cause notice of the continued hearing to be conspicuously and continuously posted on the premises of the Business for at least 10 days before the date of the continued hearing. The Director shall promptly provide notice of the continued hearing electronically or by mail to any Person who has filed a written request for such notice.

(4) The applicant shall file with the Commission a declaration under penalty of perjury affirming compliance with the notice requirement of subsection (b)(1) and, if applicable, subsection (b)(3), on the form provided by the Commission.

(5) The failure of the Director to provide the notice of the hearing to any Person who filed a written request as provided in Subsections (b)(1) and (2) shall not constitute grounds for invalidation of the actions of the Commission taken at the hearing.

(c) At the hearing on the application, the applicant and any other interested party, including the Police Department or any other public agency, may introduce evidence and present argument relating to the standards for review under Subsection (f).

(d) The Entertainment Commission shall hold a hearing and determine whether to grant or deny the permit within 45 City business days of the date that the applicant has submitted a complete application under Section 1060.5.1(a) except that this 45-day period shall be extended for such period or periods of time that apply under any of the following circumstances:

(1) If the Entertainment Commission finds that an extension of time is necessary to obtain additional information for its review of the application under the standards set forth in Subsection (f) of this Section, the time period shall be extended for an additional amount of time as the Commission determines appropriate, up to 15 additional days.

(2) Upon the applicant's request, the Entertainment Commission shall continue the hearing for an additional period of time to allow the applicant an opportunity to comply with the requirements of this Article, in which case the time period is extended for that additional period.

(3) If the applicant fails to post or maintain notice of the hearing as required by Subsection (b) of this Section, the Director shall have the hearing before the Entertainment Commission continued for such period or periods of time that the Director determines necessary for the applicant to comply with the posting requirement, in which case the time period is extended for that additional period or periods of time.

(4) If the Director finds that the Commission is unable to meet during the 45-day time period or any permitted time extension due to exigent circumstances, the time period shall be extended until the Commission is able to meet; the Commission shall consider the matter at the first meeting that it conducts following such circumstances.

(e) (1) If the permit applicant has not obtained all permits required for the Business from other City departments by the date of the hearing on the application, the Entertainment Commission may grant a conditional permit pending the issuance of the other required City permits; provided, however, the Commission shall take this action only if sufficient information has been provided to allow for adequate evaluation of the application and if grounds for denial, as set forth in subsection (f), are not present. Any permit conditionally granted by the Entertainment Commission under this subsection (e)(1) may be appealed to the Board of Appeals. Any such appeal shall be filed within 10 days of the decision of the Entertainment Commission's conditionally granting the permit. No Person may operate a Business for which a permit has been conditionally granted unless and until the Person has obtained all permits and authorizations required from other City departments.

(2) If the Entertainment Commission does not grant, conditionally grant, or deny the permit for a Limited Live Performance Locale within the time required by subsection (d), including any extensions of time provided for therein, the permit sought by the applicant shall be deemed granted, conditioned on the requirements that the Permittee obtain all required permits from other City departments within nine months and comply with all the requirements of this Article. The time by which the Entertainment Commission must act commences on the date that the applicant has filed a completed application under Section 1060.5.1(a).

(f) The Entertainment Commission shall grant or conditionally grant a Limited Live Performance Permit pursuant to this Article 15.1 unless it finds that:

(1) The premises or the proposed operation of the Business does not comply with the health, zoning, fire, and safety requirements of the laws of the State of California or ordinances of the City and County of San Francisco applicable to the Business; or

(2) The establishment does not qualify as a Limited Live Performance Locale as defined in Section 1060; or

(3) The presentation of Live Performances at the Limited Live Performance Locale will (A) generate the type and volume of vehicle and pedestrian traffic that will cause substantial congestion, (B) adversely affect the safety and security of persons, (C) impede the orderly dispersal of individuals and traffic, or (D) otherwise substantially interfere with the public health, safety, and welfare or the peaceful enjoyment of neighboring property due to excessive noise or any other factor. The Commission may impose conditions on the permit, including a security plan or time, place, and manner restrictions, if necessary and appropriate to guard against these adverse effects. The Limited Live Performance Permit is subject to Article 29 of this Code, regulating noise.

(g) In addition to the findings stated in subsections (f)(1)-(3), if the proposed operation of the Limited Live Performance Locale includes the emission of outdoor amplified sound within 300 feet of a hospital, school, place of worship, courthouse, public library, or mortuary during the normal hours of use of said facility, the Commission shall not grant the permit unless the Commission finds that the sound emitted will not be disruptive of the operations of said facility. If there are no other grounds for denial of the permit, the permit shall be issued where the sound emission would occur more than 300 feet from a hospital, school, place of worship, courthouse, public library, or mortuary, unless the Commission finds that the sound emitted will be disruptive of the operations of said facility.

(h) If there is an unresolved citation applicable to the premises that has been issued by a City department, the Entertainment Commission shall not grant the permit without documented authorization from the department that issued the citation.

(i) In considering whether to make any of the findings stated in subsections (f)(1)-(3) or the finding stated in subsection (g), or to impose conditions on a Limited Live Performance Permit, the Commission shall consider where relevant the circumstances surrounding any previous denial of a permit application or previous suspension or revocation of a permit, under this Article 15.1 or Article 15.2, for the same permit applicant or Permittee.

(j) If a Permittee has been conditionally granted a permit but has not obtained all of the permits required from other City departments within nine months from the date that the Entertainment Commission conditionally granted the permit, the conditionally granted permit shall expire by operation of law and be void. Notwithstanding the foregoing sentence, upon the Permittee's written request and a showing of good cause, the Commission may extend the aforementioned nine-month deadline for up to 24 months, subject to an additional extension or extensions totaling no more than 12 months beyond the aforementioned 24 months. In its discretion, the Commission may delegate to the Director, in whatever manner it deems appropriate, the power to extend the nine-month deadline.

(k) If the Permit is for a Plaza as identified in Administrative Code Chapter 94, the Permit shall state that it automatically expires upon termination or expiration of the Real Estate Division license for that Plaza or termination or expiration of the Public Works permit for that Plaza issued pursuant to Chapter 94 of the Administrative Code. If the permit is for a People Place as identified in Administrative Code Chapter 94A, the Permit shall state that it automatically expires upon termination or expiration of the People Place Permit issued pursuant to Chapter 94A of the Administrative Code.

(l) When granting a permit, or after issuance of a permit, the Director or Entertainment Commission may require the applicant or Permittee, as a condition of the permit, to comply with an approved Security Plan if the Director or Entertainment Commission determines a Security Plan is necessary to protect the safety of persons and property or to provide for the orderly dispersal of persons and traffic. If, after approving a Security Plan, the Director or Entertainment Commission receives new information that provides a reasonable basis to determine that the Security Plan is inadequate to protect the safety of persons and property and/or provide for the orderly dispersal of persons and traffic, the Director or Entertainment Commission may require the applicant or Permittee to revise the Security Plan to better protect the safety of persons and property and/or the orderly dispersal of individuals and traffic.

(Added by Ord. [172-11](#), File No. 110506, App. 9/12/2011, Eff. 10/12/2011; amended by Ord. [75-16](#), File No. 160104, App. 5/13/2016, Eff. 6/12/2016; Ord. [163-17](#), File No. 170443, App. 7/27/2017, Eff. 8/26/2017; Ord. [250-18](#), File No. 180002, App. 11/2/2018, Eff. 12/3/2018; Ord. [250-23](#), File No. 230861, App. 12/14/2023, Eff. 1/14/2024, Retro. 1/1/2023)

SEC. 2909. NOISE LIMITS.**(a) Residential Property Noise Limits.**

(1) No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on residential property over which the person has ownership or control, a noise level more than five dBA above the ambient at any point outside of the property plane.

(2) No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on multi-unit residential property over which the person has ownership or control, a noise level more than five dBA above the local ambient three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.

(b) Commercial And Industrial Property Noise Limits. No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on commercial or industrial property over which the person has ownership or control, a noise level more than eight dBA above the local ambient at any point outside of the property plane. With respect to noise generated from a licensed Place of Entertainment, licensed Limited Live Performance Locale, or other location subject to regulation by the Entertainment Commission or its Director, in addition to the above dBA criteria a secondary low frequency dBC criteria shall apply to the definition above. No noise or music associated with a licensed Place of Entertainment, licensed Limited Live Performance Locale, or other location subject to regulation by the Entertainment Commission or its Director, shall exceed the low frequency ambient noise level defined in Section 2901(f) by more than 8 dBC.

(c) Public Property Noise Limits. No person shall produce or allow to be produced by any machine or device, or any combination of same, on public property, a noise level more than ten dBA above the local ambient at a distance of twenty-five feet or more, unless the machine or device is being operated to serve or maintain the property or as otherwise provided in this Article.

(d) Fixed Residential Interior Noise Limits. In order to prevent sleep disturbance, protect public health and prevent the acoustical environment from progressive deterioration due to the increasing use and influence of mechanical equipment, no fixed noise source may cause the noise level measured inside any sleeping or living room in any dwelling unit located on residential property to exceed 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. or 55 dBA between the hours of 7:00 a.m. to 10:00p.m. with windows open except where building ventilation is achieved through mechanical systems that allow windows to remain closed.

(e) Noise Caused By Activities Subject To Permits From the City and County of San Francisco. None of the noise limits set forth in this Section apply to activity for which the City and County of San Francisco has issued a permit that contains noise limit provisions that are different from those set forth in this Article.

(Added by Ord. 274-72, App. 9/20/72; amended by Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. [172-11](#), File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. [100-13](#), File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

EXHIBIT

B



City and County of San Francisco
Entertainment Commission

Permit referral request

To SFPD CPC EC Sound

Date 11/17/2023

We have received the attached application for a permit from the business listed below:

Permit(s) requested BP LLP

Entertainment Commission notes:

We have received the attached application for a Billiard Parlor permit and a Limited Live Performance permit that includes outdoor entertainment and amplified sound on their private patio at the front of the business of the address listed below.

Name Jeffrey Davis and Benson Wang of BLUE PLANTAIN LLC

DBA PALM HOUSE

Street address 2032 UNION ST

Hearing date 12/19/2023

Except for Planning, SFPD, and SF Port, we do not need a response before the hearing date.

Please enter your recommendation below.

Your department _____

Your recommendation:

Signature _____

Date _____

Permit application

1. Permit type

Permit type

Entertainment may include musicians, bands, DJs, theater performances, comedy shows, drag shows, karaoke, fashion shows, or poetry readings. Entertainment does not include indoor pre-recorded music from a playlist, indoor trivia, music lessons or indoor magic shows.

1.1

Tell us what you want to do

Choose one answer.

- I want to host live entertainment until 2:00 am

You are applying for a Place of Entertainment (POE) permit.

i Before completing this application you must email the Entertainment Commission at email@sfgov.org and visit the Planning Information Counter inside the Permit Center at 49 South Van Ness Avenue.

- I want to host live entertainment until 10:00 or 11:00 pm

You are applying for a Limited Live Performance (LLP) permit.

- None of the above

⚠ You only need to answer this if you selected "None of the above" on question 1.1 on page 2.

Amplified sound

Outdoor amplified sound includes TVs with sound, prerecorded music, and any amplified sound.

1.2

Do you want to host outdoor amplified sound, such as prerecorded music or TV with no live entertainment?

Choose one answer.

- Yes

If you only want outdoor amplified sound, you are applying for a Fixed Place Amplified Sound (FPAS) permit. If you want outdoor amplified sound and live entertainment it will be part of your LLP or POE permit.

i Before completing this application you must email the Entertainment Commission at email@sfgov.org and visit the Planning Information Counter inside the Permit Center at 49 South Van Ness Avenue.

- No

Continue **1. Permit type** on the next page →

Extended hours

1.3

Do you want to host entertainment or serve food after 2 am?*Choose one answer.* Yes*You are applying for an Extended Hours Premises (EHP) permit.*

i Before completing this application you must email the Entertainment Commission at email@sfgov.org and visit the Planning Information Counter inside the Permit Center at 49 South Van Ness Avenue.

 No**Pool tables**

You need a permit only if you charge your customers to use the pool tables.

1.4

Do you want to have 1 or more pool table that you charge customers to use?*Choose one answer.* Yes*You are applying for a Billiard Parlor (BP) permit* No**Amusement devices**

You need a permit if you are:

- A bar and charge your customers to use 2 or more paid machines, or
- Not a bar and have 11 or more paid machines.

1.5

Do you want to have 2 or more paid machines, such as pinball, skeeball, or other arcade style games?*Choose one answer.* Yes*You are applying for a Mechanical Amusement Device (MAD) permit.vv* No*To be completed by the Entertainment Commission.***Neighborhood outreach plan:**

We will send a letter to our neighbors notifying them of the LLP permit application

Permit application

2. Type of entertainment

⚠ You only need to complete this section if you selected to apply for a Place of Entertainment (POE) or Limited Live Performance (LLP) permit on question 1.1, or an Extended Hours Premises (EHP) permit on question 1.3.

Type of entertainment

Outdoor amplified sound includes TVs with sound, prerecorded music, and any amplified sound.

Entertainment may include musicians, bands, DJs, theater performances, comedy shows, drag shows, karaoke, fashion shows, or poetry readings.

Entertainment does not include indoor pre-recorded music from a playlist, indoor trivia, music lessons, or indoor magic shows.

2.1

What type of entertainment would you like to provide?

Select all that apply

- Indoor entertainment
- Outdoor entertainment
- Outdoor amplified sound

Permit application

3. About you

Complete this section as the person submitting the application on behalf of the business seeking an entertainment permit.

Your role

3.1

Tell us about your role.

Select one option.

- Business owner
- Business manager
- Nonprofit director
- Other role _____

About you

We will use this information to contact you.

3.2

Name Jeffrey Davis

Email

[REDACTED]

Phone

[REDACTED]

Permit application

4. Business owners

Number of owners

If you are a non-profit organization, list the number of your directors.

4.1

Number of people owning 10% or more of the business.

2

Business owners

Enter your director information if you are a non-profit organization, and leave the "Percentage owned" field blank.

4.2

Business owner 1

Name Jeffrey Davis Percentage owned 22

Email [REDACTED] Phone [REDACTED]

Residential address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Business owner 2 (if applicable)

Name Benson Wang Percentage owned 28

Email [REDACTED] Phone [REDACTED]

Residential address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Business owner 3 (if applicable)

Name _____ Percentage owned _____

Email _____ Phone _____

Residential address _____

City _____ State _____ Zip _____

Continue 4. Business owners on next page →

Permit application

6. Business location

Business information

6.1

Business Account Number (BAN)

Your BAN is a 7-digit number. If you don't know it, find your BAN at <https://data.sfgov.org/Economy-and-Community/Registered-Business-Locations-San-Francisco/g8m3-pdis/data>

0488201

Business name (DBA) PALM HOUSEOwnership name BLUE PLANTAIN LLCDate of incorporation 04-15-2014

Location information

6.2

Location identification number (LIN)

Your LIN is a 12-digit number. If you don't know it, find your LIN at <https://data.sfgov.org/Economy-and-Community/Registered-Business-Locations-San-Francisco/g8m3-pdis/data>

0488201-01-001

Location street address 2032 UNION STLicense code (LIC) D04 H26

Permit application

7. Business activity

Business identity

7.1

Select what best describes your business.

Choose one answer.




- Bar
- Restaurant or cafe
- Live entertainment venue
- Retail
- Other _____

Food and alcohol


7.2

Will you be serving these items?

Choose one answer.

- Food
 -  Include a copy of your permit to operate from the Department of Public Health. You must provide this before a permit can be issued.
- Alcohol
 -  Include a copy of your permit to operate from the Department of Public Health. You must provide this before a permit can be issued.
- Both food and alcohol
 -  Include a copy of your permit to operate from the Department of Public Health. You must provide this before a permit can be issued.
- Neither

Continue 7. Business activity on next page →

 You only need to answer this if you selected "Alcohol" or "Both food and alcohol" on question 7.2.

Liquor license

7.3

Do you have a liquor license?

You need a liquor license to serve alcohol at your business.

Choose one answer.

- Yes, I have a liquor license
- Yes, I have a temporary liquor license
- No, but I have applied for a liquor license

 You only need to answer this if you selected "Alcohol" or "Both food and alcohol" on question 7.2.

Liquor license type

7.4

Liquor license type

Select all that apply.

- Type 41
- Type 47
- Type 48
- Type 90
- Other _____

 You only need to answer this if you selected "Alcohol" or "Both food and alcohol" on question 7.2.


Liquor license permit number

7.5

Liquor license permit number

If you don't know it, you can look it up at <https://www.abc.ca.gov/licensing/license-lookup/>

538253

-  Attach a copy of your liquor license. You must provide this before a permit can be issued.

Permit application

8. Proposed hours

Your business hours

Include all hours you are open even when you do not plan to have entertainment.

Additional details:

8.1

Your hours of operation for your business.

For each day you are open, enter your hours as 4 digits, like 09:00 am.

Monday	10:00 AM - 2:00 AM
Tuesday	10:00 AM - 2:00 AM
Wednesday	10:00 AM - 2:00 AM
Thursday	10:00 AM - 2:00 AM
Friday	10:00 AM - 2:00 AM
Saturday	9:00 AM - 2:00 AM
Sunday	9:00 AM - 2:00 AM

 You only need to answer this if you selected "Indoor entertainment" on question 2.1.

Indoor entertainment hours

Only include the hours you plan to have indoor entertainment.

Additional details:

Indoor entertainment will occur in the main dining room, bar area, or solarium.

8.2

Your proposed indoor entertainment hours.

Enter your hours as 4 digits, like 09:00 am.

Monday	10:00 AM - 11:00 PM
Tuesday	10:00 AM - 11:00 PM
Wednesday	10:00 AM - 11:00 PM
Thursday	10:00 AM - 11:00 PM
Friday	10:00 AM - 11:00 PM
Saturday	10:00 AM - 11:00 PM
Sunday	10:00 AM - 11:00 PM

Continue 8. Proposed hours on next page →

8. Proposed hours

⚠ You only need to answer this if you selected "Outdoor entertainment" on question 2.1.

Outdoor entertainment hours

Only include the hours you plan to have outdoor entertainment.

Additional details:

Outdoor entertainment would occur on the patio and would not exceed 4 hours per day and 10x total per calendar year.

8.3

Your proposed outdoor entertainment hours.

Enter your hours as 4 digits, like 09:00 am.

Monday	10:00 AM - 10:00 PM
Tuesday	10:00 AM - 10:00 PM
Wednesday	10:00 AM - 10:00 PM
Thursday	10:00 AM - 10:00 PM
Friday	10:00 AM - 10:00 PM
Saturday	10:00 AM - 10:00 PM
Sunday	10:00 AM - 10:00 PM

⚠ You only need to answer this if you selected to apply for a Fixed Place Amplified Sound (FPAS) permit on question 1.2, or "Outdoor amplified sound" on question 2.1.

Outdoor amplified sound hours

Only include the hours you plan to have outdoor amplified sound.

Additional details:

Amplified sound will be inside the patio and on the sidewalk for our outdoor dining patrons

8.4

Your proposed outdoor amplified sound hours.

Enter your hours as 4 digits, like 09:00 am.

Monday	10:00 AM - 10:00 PM
Tuesday	10:00 AM - 10:00 PM
Wednesday	10:00 AM - 10:00 PM
Thursday	10:00 AM - 10:00 PM
Friday	10:00 AM - 10:00 PM
Saturday	10:00 AM - 10:00 PM
Sunday	10:00 AM - 10:00 PM

Permit application

9. Entertainment details

⚠ You only need to complete this section if you selected to apply for a Place of Entertainment (POE) or Limited Live Performance (LLP) permit on question 1.1, a Fixed Place Amplified Sound (FPAS) permit on question 1.2, or an Extended Hours Premises (EHP) permit on question 1.3.

⚠ You only need to answer this if you selected "Indoor entertainment" on question 2.1.

Indoor entertainment description

9.1

Describe your proposed indoor entertainment.

Djs, bands, comedy, karaoke, fashion shows

⚠ You only need to answer this if you selected "Indoor entertainment" on question 2.1.

Indoor sound system

Soundproofing and testing are not required to receive a permit.

9.2

Describe your sound system, including soundproofing and testing you have done.

in house sound system that performers can plug into, or they will bring their own equipment

Continue 9. Entertainment details on next page →

⚠ You only need to answer this if you selected to apply for an Extended Hours Premises (EHP) permit on question 1.3, or “Indoor entertainment” on question 2.1.

Indoor occupancy

If you have a public assembly permit from the Fire Department, enter the occupancy you were approved for.

9.3

What is the occupancy of your space?

125

i If the occupancy is 50 or greater, attach a copy of your public assembly permit from the Fire Department. You must provide this before a permit can be issued.

⚠ You only need to answer this if you selected “Outdoor entertainment” on question 2.1.

Outdoor entertainment description

Outdoor entertainment may include live music, comedy, drag shows, and DJs.

9.4

Describe your proposed outdoor entertainment.

Live music, fashion shows, comedy

⚠ You only need to answer this if you selected to apply for a Fixed Place Amplified Sound (FPAS) permit on question 1.2, or either “Outdoor entertainment” or “Outdoor amplified sound” on question 2.1.

Nearby public buildings

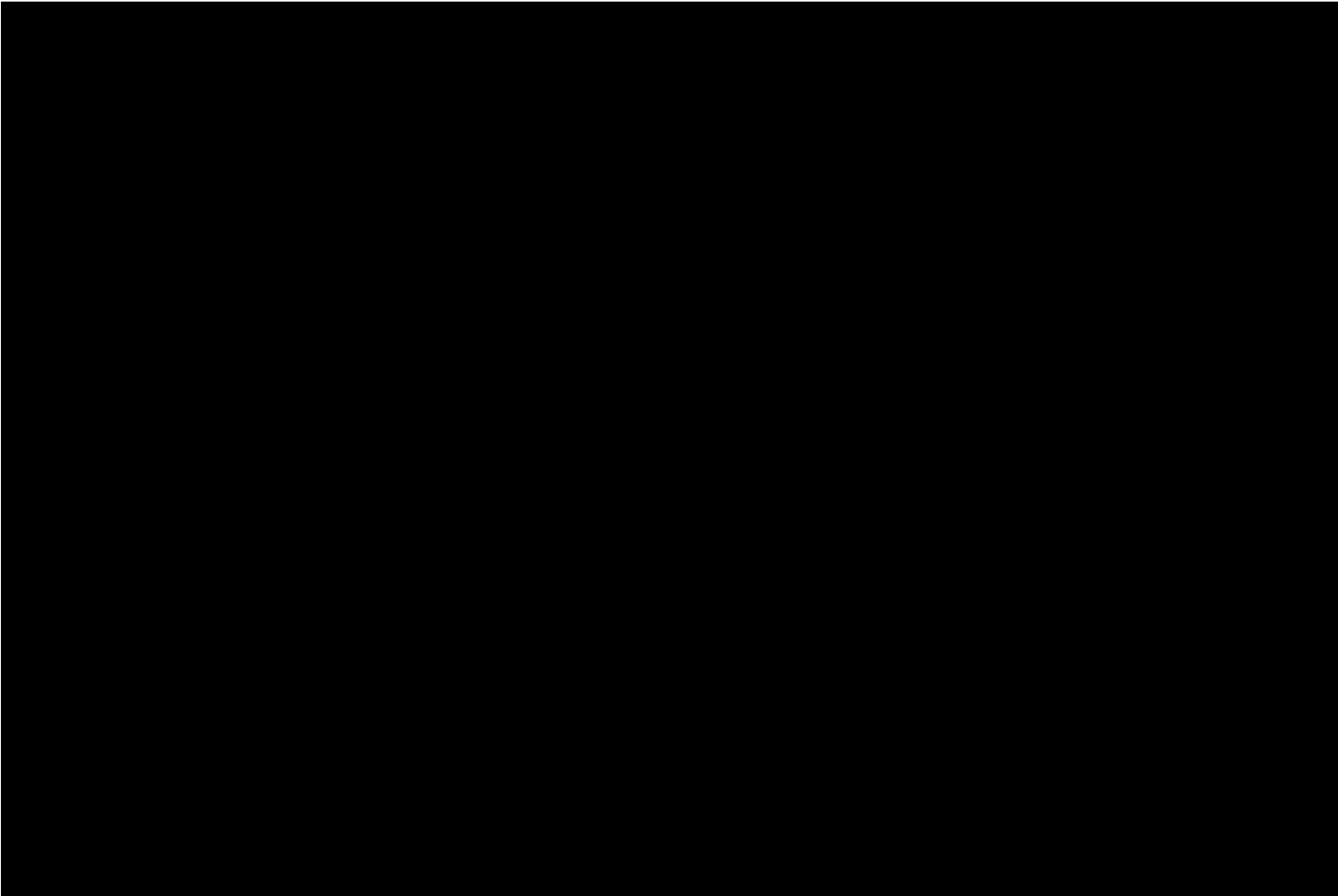
Outdoor Examples of public buildings include: hospitals, schools, houses of worship, courthouses, and public libraries

9.5

List any public buildings within 300 feet of your business.

None

Continue 9. Entertainment details on next page →



⚠ You only need to answer this if you selected to apply for a Fixed Place Amplified Sound (FPAS) permit on question 1.2 or "Outdoor amplified sound" on question 2.1.

Outdoor amplified sound description

Include the number of speakers, the size, and location.

9.8

Describe your proposed outdoor amplified sound, including the sound system and its location.

Speakers (4 standard 8" outdoor speakers) and TVs (2) on Patio. We'll be playing sports games, movies, and prerecorded music. Possibly having human speeches and trivia.

Permit application

12. Pool tables and other devices

⚠ You only need to complete this section if you selected to apply for a Billiard Parlor (BP) permit on question 1.4 or a Mechanical Amusement Device (MAD) permit on question 1.5.

⚠ You only need to answer this question if you selected to apply for a Billiard Parlor (BP) permit on question 1.4.

Number of pool tables

Include pool tables you have now and any new ones you want to add.

12.1

Total number of pool tables

1

⚠ You only need to answer this question if you selected to apply for a Billiard Parlor (BP) permit on question 1.4.

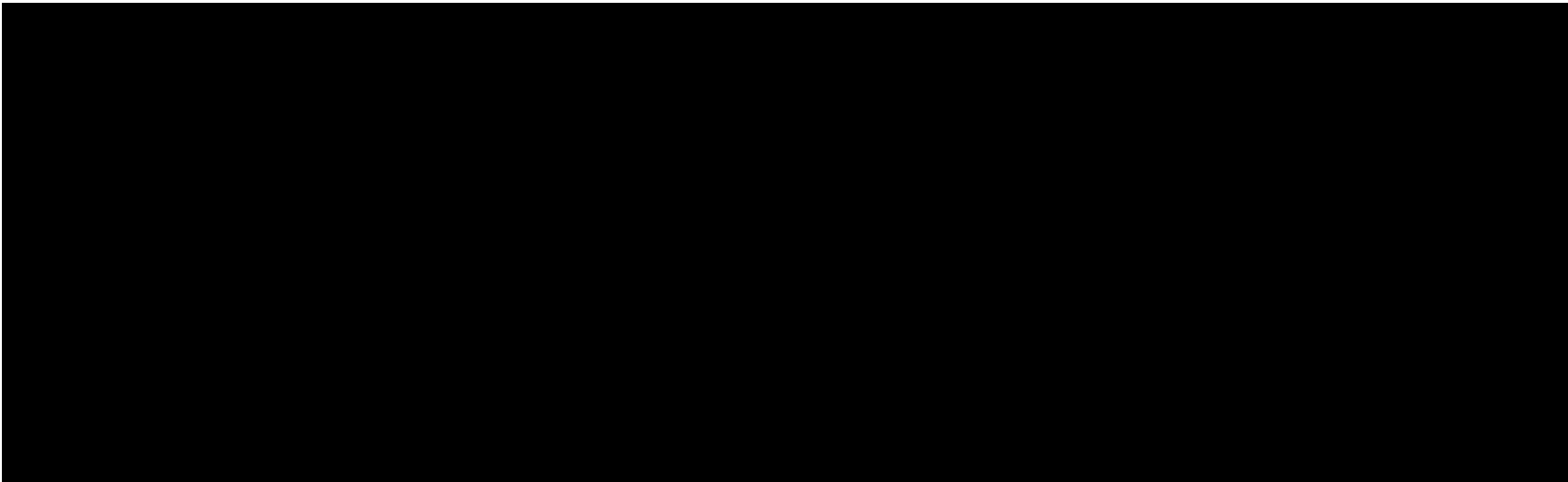
Pool table owner

Tell us the company, corporation, or individual that you rent the tables from. You can also say self-owned.

12.2

Who owns these pool tables?

Blue Plantain LLC DBA House



Continue 12. Pool tables and other devices on the next page →


Permit application

15. Legal agreements

Legal agreements

15.1


- I declare under penalty of perjury that the foregoing is true and correct. I understand that any false or incomplete information provided by me in connection with this application constitutes cause to either deny the requested permit or revoke the permit if granted.

 You only need to answer this if you selected to apply for a Fixed Place Amplified Sound (FPAS) permit on question 1.2, or either "Outdoor entertainment" or "Outdoor Amplified Sound (OAS)" on question 2.1.

Outdoor noise levels

15.2


- I hereby certify that the business shall comply with the maximum noise levels as established under Municipal Police Code, Article 15.1 Sec. 1060.16 for this outdoor premises, unless otherwise conditioned by the Entertainment Commission.

 You only need to answer this if you selected "Indoor entertainment" on question 2.1.

Indoor noise levels

15.3

- I hereby certify that the business shall comply with the maximum noise levels as established under Municipal Police Code Article 29 Sec. 2909(b) for indoor entertainment, unless otherwise conditioned by the Entertainment Commission.

 You only need to answer this if you selected to apply for a Place of Entertainment (POE) permit on question 1.1, or an Extended Hours Premises (EHP) permit on question 1.3.

Security plan

15.4

- I hereby certify that the business shall adhere to the Security Plan approved by the Entertainment Commission.

Continue **15. Legal agreements** on the next page →

Shared spaces

15.5

I acknowledge that if my entertainment is hosted in an approved Shared Spaces, Tables and Chairs, or Parklet location, my entertainment permit is only valid with a current permit from the appropriate program or a Temporary Use Authorization (TUA) from the Planning Department.

Property owner's approval

15.6

I hereby certify that I have the property owner's approval to host the entertainment described in this application on the property.

Signature

15.7

Signature Jeffrey Davis Date 11/17/2023

BUSINESS REGISTRATION CERTIFICATE

RENEW BY DATE
05-31-2024

EXPIRATION DATE
06-30-2024

BUSINESS ACCOUNT NUMBER 0488201	LOCATION ID 0488201-01-001
TRADE NAME (DBA) PALM HOUSE	BUSINESS LOCATION 2032 UNION ST
BUSINESS BLUE PLANTAIN LLC	THIRD PARTY TAX COLLECTOR <input type="checkbox"/> PARKING TAX <input type="checkbox"/> TRANSIENT OCCUPANCY TAX

BLUE PLANTAIN LLC
2032 UNION ST
SAN FRANCISCO CA 94123

CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE TREASURER & TAX COLLECTOR

[Signature]
José Cisneros
Treasurer

[Signature]
David Augustine
Tax Collector

Read reverse side. To update addresses or to close a business, go to <https://sftreasurer.org/business-account-update>.

POST CLEARLY VISIBLE AT THIS BUSINESS LOCATION

City & County of San Francisco
Office of the Treasurer & Tax Collector

License Certificate

1 Dr. Carlton B. Goodlett Place
City Hall, Room 140
San Francisco, CA 94102

Business Account Number 0488201	Period Covered 04/01/2023 - 03/31/2024	Fee Paid 601.00
Class / Permit Number/License Plate D04 / 57437	Description D04 - PLACES OF PUBLIC ASSEMBL	Units 125
Business Trade Name PALM HOUSE	Business Location 2032 UNION ST	LIN/Location Identification Number 0488201-01-001

BLUE PLANTAIN LLC
2032 UNION ST
SAN FRANCISCO CA 94123

[Signature]
José Cisneros
Treasurer

[Signature]
David Augustine
Tax Collector

NOT TRANSFERABLE

See reverse side for additional information
Please post conspicuously at the business location

NOT TRANSFERABLE

Business Account Number 0488201	Period Covered 04/01/2023 - 03/31/2024	Fee Paid 1520.00
Class / Permit Number/License Plate H26 / 78747	Description H26 - RESTAURANT OVER 2,000 SQ	Units 1
Business Trade Name PALM HOUSE	Business Location 2032 UNION ST	LIN/Location Identification Number 0488201-01-001

BLUE PLANTAIN LLC
2032 UNION ST
SAN FRANCISCO CA 94123

[Signature]
José Cisneros
Treasurer

[Signature]
David Augustine
Tax Collector

See reverse side for additional information

STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
ALCOHOLIC BEVERAGE LICENSE
CATERER PERMIT

VALID FROM

Feb 01, 2023

BLUE PLANTAIN, LLC
2032 UNION ST
SAN FRANCISCO, CA 94123-4103

EXPIRES

Jan 31, 2024

TYPE NUMBER DUP

58 538253 1

AREA CODE

3800 24

BUSINESS ADDRESS DBA: PALM HOUSE
(IF DIFFERENT)

RENEWAL

CONDITIONS

OWNERS: BLUE PLANTAIN, LLC

7



IMPORTANT INFORMATION

EFFECTIVE PERIOD: This license is effective only for the operating period shown above. A new license will be sent 4 to 6 weeks after the expiration date on your license if payment is timely. Your license status will remain in good standing for 60 days after the expiration date if the renewal payment was received timely. To check the status of your license, visit <http://www.abc.ca.gov/datport/LQSMenu.html>.

RENEWAL NOTICES: Renewal notices are sent to premises address unless a specific mailing address is requested. If a notice is not received 30 days before expiration date shown above, contact the nearest ABC office. To assure receipt of notices, advise your local ABC office of any change in address.

RENEWAL DATES: It is the licensee's responsibility to pay the required renewal fee by the expiration date shown above.

A Penalty is charged for late renewal and the license can be automatically revoked for failure to pay.

RENEWAL PAYMENTS: Renewal payments can be made in person by visiting your local office or sent by mail to ABC Headquarters, 3927 Lennane Drive, Suite 100, Sacramento, CA 95834. If you do not have your renewal notice, your license number and the reason for payment (ex. ? renewal?) must be clearly indicated on the check. You can contact your local ABC office for your renewal fee amount.

SEASONAL LICENSES: It is the licensee's responsibility to pay the required renewal fee prior to the next operating period.

POSTING: Cover this license with glass or other transparent material and post it on premises in a conspicuous place.

CONDITIONS: A copy of all applicable conditions must be kept on premises.

LICENSEE NAME: Only 10 names will be printed on each license. If there are more names associated with the license, they will be indicated by "AND XX OTHERS". All names are on file and available upon request from your local ABC office.

DBA: If you change your business name please notify your local ABC office.

If you have any questions regarding this license, contact your local ABC office. You can find the contact information for each district office at <http://www.abc.ca.gov/distmap.html>.

NOTE: CONTACT YOUR LOCAL ABC OFFICE IF YOUR LICENSED PREMISES WILL BE TEMPORARILY CLOSED FOR MORE THAN 15 DAYS OR WILL BE PERMANENTLY CLOSED.

<http://www.abc.ca.gov>



@ca_abc

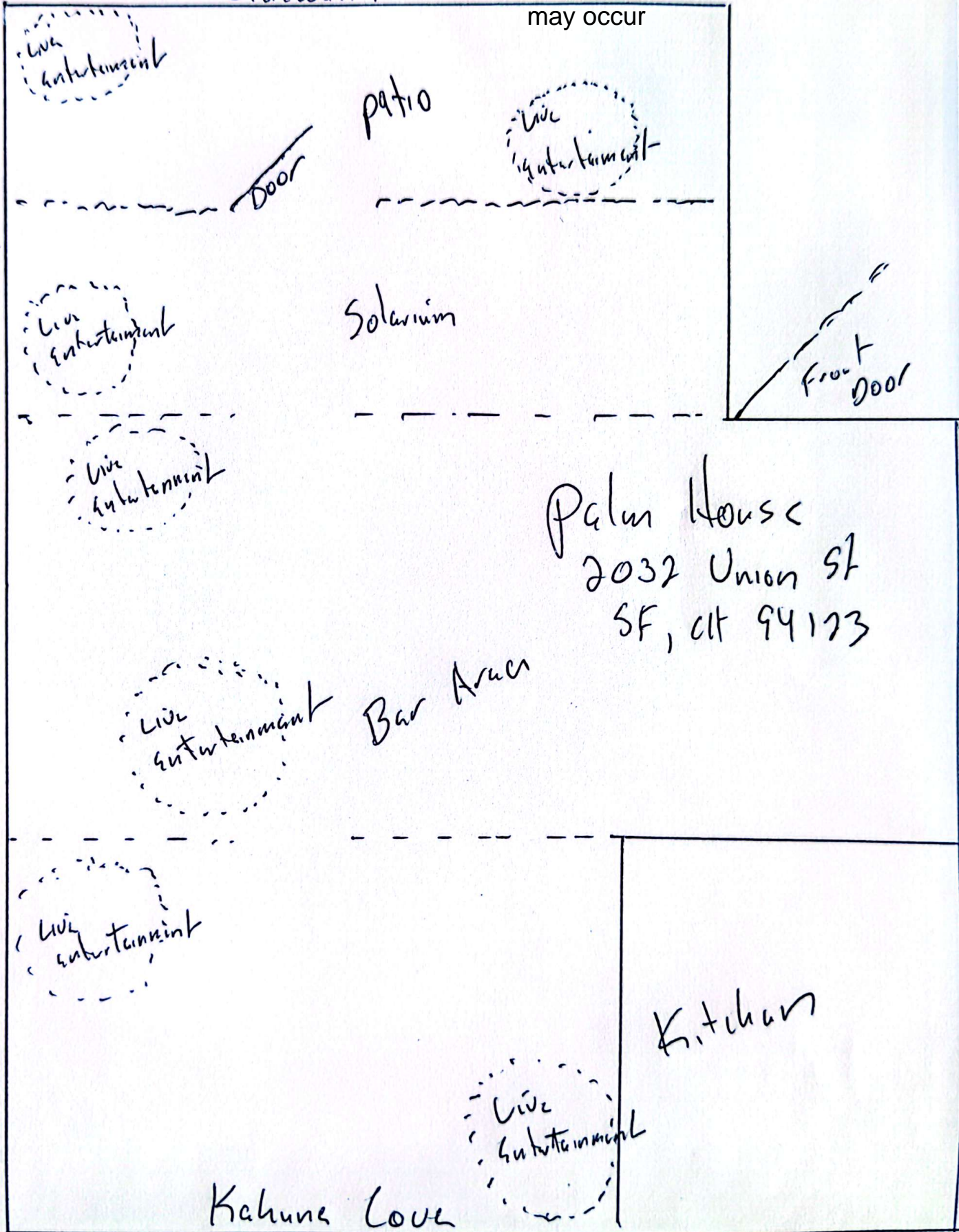


CaliforniaABC

Union St. 029

All proposed performance areas are 5' x 5' in dimension. We have listed all of the locations that a performance may occur

Sidewalk

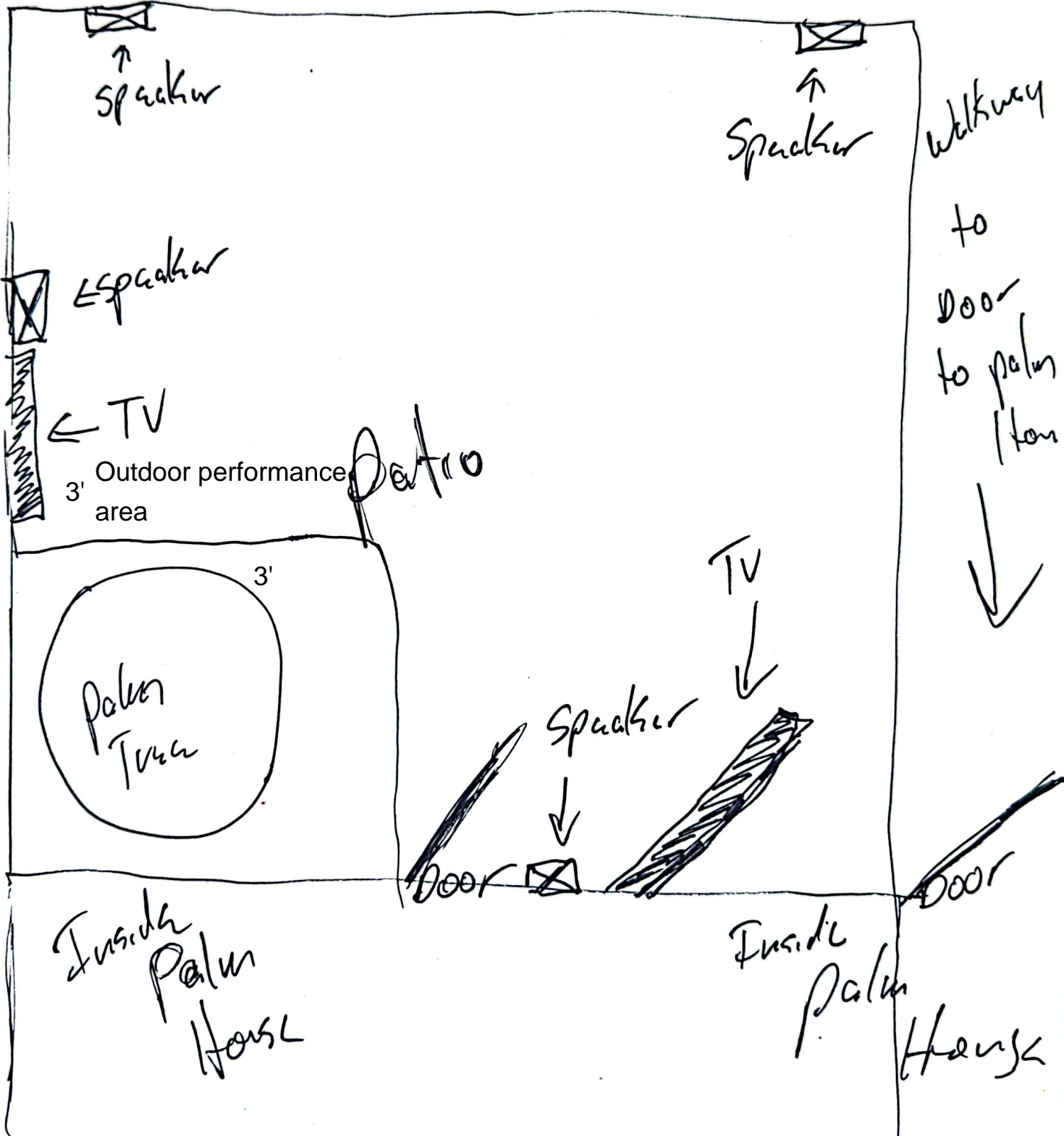


Union St 030

Palm House
2032 Union St.
SF, CA 94123

Side Walk

Outdoor speaker locations



PALM HOUSE

11/20/23

Dear Neighbor,

My name is Jeffrey Davis, and I am the Director of Operations and Managing Partner of Palm House. This letter is to notify you that we are applying for a Limited Live Performance (LLP) permit with the San Francisco Entertainment Commission.

We are applying for the LLP permit to host indoor entertainment such as DJs, live bands, small live performances, etc. and to continue hosting outdoor entertainment and amplified sound. We have already been operating this outdoor activity under a Just Add Music (JAM) permit, but now that the City's pandemic-response programs are ending, we are required to go through a public hearing process to permit our outdoor activity under a brick and mortar permit. The LLP permit requires that indoor entertainment must end by 11pm, and outdoor entertainment/amplified sound must end by 10pm. Additionally, we will continue to follow the Entertainment Commission's Good Neighbor Policy (GNP), which is included with this letter for your reference.

Our permit application will be heard by the Entertainment Commission on December 19th at 5:30pm in City Hall room 416. If you have any questions, please feel free to contact me, or you may contact the Entertainment Commission directly: entertainment.commission@sfgov.org.

Thank you!

Name: Jeffrey Davis

Title Director of Operations and Managing Partner

Phone number: 818 512-4296

Email: Jeff@palmhousehospitality.com

Address: 2032 Union St. SF<CA 94123

Address	Business - Residential
UNION ST	
2030 Union St	Union Cannibus Club - Cannibus Dispensary
2030 Union St	Flores - Restaurant
2000 Union St	Wild Seed - Restaurant
2040 Union St	Milvali - Hair Salon
2090 Union St	Vuori - Retail
2060 Union St. STE 1	West Coast Leather - Retail
2055 Union St	Equinox - Gym
2033 Union St	Blue Whale - Restaurant
2095 Union St	Soul Cycle - Gym
2001 Union St	2Bella - Retail
2068 Union St	Skrap Pack - Gym
2086 Union St	B12 - wellness center
2066 Union St	Le Mercel - Dog bakery
2048 Union St	Residential
2050 Union St	Residential
2052 Union St	Residential
2060 Union St #1- #7	Residential
2042 Union St	Artemis - Real Estate
2040 Union St	Rosewater - Wellness center
2044 Union St	CPM Environmental Inc - business
2030 Union St	Marcello Watch & Repair - retail
BUCHANAN	
3021	Residential
3023	Residential
3027	Residential
3029	Residential
3023	Residential
3035	Residential
3041	Residential
3047	Residential
3051	Residential
3053	Residential
3065	Residential
FILBERT	

From: [Commission, Entertainment \(ADM\)](#)
To: [Azevedo, Kaitlyn \(ADM\)](#)
Subject: FW: PALM HOUSE - INDOOR AND OUTDOOR LIVE MUSIC - REGARDING AN LLP PERMIT FOR MEETING OF DECEMBER 19, 2023 AT 5:30 PM.
Date: Wednesday, December 13, 2023 1:41:46 PM

May Liang 梁阔 (she/her)
Commission Secretary | Permit Administrator
San Francisco Entertainment Commission
49 South Van Ness, Suite 1482
San Francisco, CA 94103
628-652-6035 (direct line) | 628-652-6030 (EC main line)
[Facebook](#) | [Website](#)
[EC Blog](#) | [Instagram](#)
[Sign up for the Entertainment Commission e-mail list](#)



From: [REDACTED]
Sent: Wednesday, December 13, 2023 11:53 AM
To: Commission, Entertainment (ADM) <entertainment.commission@sfgov.org>
Subject: PALM HOUSE - INDOOR AND OUTDOOR LIVE MUSIC - REGARDING AN LLP PERMIT FOR MEETING OF DECEMBER 19, 2023 AT 5:30 PM.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good morning,

Let me introduce myself, name is [REDACTED], I live at [REDACTED] Buchanan Street, in San Francisco near the corner of Filbert Street.

Mr. Jeffrey Davis, the Director of Operations and Managing Partner for the Palm House passed out flyers to all residences in our neighborhood regarding their LLP permit.

Our bedrooms windows all face the back of the Palm House, even though I am almost a block away from their establishment the is music very loud and wakes us all

up. Their flyer states that the entertainment must end at 11:00 pm but their music entertainment continues until 1:00 am the next morning. When they play the music is in their establishment they open all their windows so all of us in the neighborhood gets to hear it and that is not amusing to me or my family and my neighbors.

I am asking you not to allow this permit, because it is disturbing the peace and quiet to all of us around the Palm House. If this permit goes through, I will be left to call the police every single weekend and I promise you, that I will do just to that, to keep from disrupting our sleep!!

Thank you.

Sincerely,

A black rectangular redaction box covering the signature area.

From: [Azevedo, Kaitlyn \(ADM\)](#)
To: [REDACTED]
Subject: RE: Against: Palm House Entertainment Permit
Date: Thursday, December 14, 2023 1:58:00 PM

Hi [REDACTED]

Thanks for getting back to me. We hold our hearings on the 1st and 3rd Tuesday of each month, so our hearing next Tuesday is part of our regular calendar. The timing of this permit application is not intended to be deceitful, it's simply how the calendar worked out and there are multiple permits agendized. As mentioned, Palm House sent their outreach letters weeks ago to allow ample time for discussion in advance of their hearing.

For your awareness, the Commission has the ability to continue the permit application to a future hearing date, however that won't be decided until the hearing on Tuesday. In addition to sharing the neighbor opposition for this application, I'll also explain that the applicant conducted their outreach well in advance of the deadline.

Kaitlyn

Kaitlyn Azevedo (she/her)

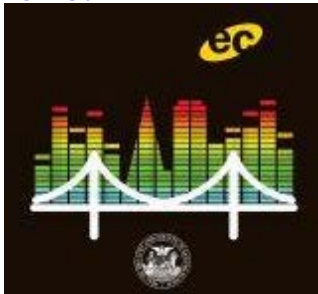
Deputy Director
 San Francisco Entertainment Commission
 49 South Van Ness, Suite 1482
 San Francisco, CA 94103
 628-652-6038 (direct line) | 628-652-6030 (EC main line)

Kaitlyn.Azevedo@sfgov.org

[Facebook](#) | [Website](#)

[EC Blog](#) | [Instagram](#)

[Sign up for the Entertainment Commission e-mail list](#)



Please be mindful that all correspondence and documents submitted to the Entertainment Commission are public records and, as such, are subject to the [Sunshine Ordinance](#) and can be requested by the public. If this happens, personal information such as Social Security numbers and phone numbers, will be redacted.

From: [REDACTED]
Sent: Thursday, December 14, 2023 11:25 AM
To: Azevedo, Kaitlyn (ADM) <kaitlyn.azevedo@sfgov.org>
Subject: RE: Against: Palm House Entertainment Permit

Kaitlyn,

Thank you for the additional information regarding the management of the permit going forward. That is useful to know, although it doesn't alleviate my concerns. As I said, the Palm House has not demonstrated good neighbor behavior in the past 10 years, so I don't expect them to change regardless of the governance structure.

With regard to speaking to the business, this is exactly what I'm raising, when I say that they are trying to push this through in December. I have so much going on in the next week, adding the task of fighting to sleep at night against a bar owner that only cares on about their profitability, is completely unfair. I would be glad to speak with them in January, if you will defer their hearing until the 3rd week in January.

Regards

██████████

From: Azevedo, Kaitlyn (ADM) <kaitlyn.azevedo@sfgov.org>

Sent: Thursday, December 14, 2023 11:06 AM

To: ██████████

Subject: RE: Against: Palm House Entertainment Permit

Hello ██████████

I am in receipt of your letter of opposition for Palm House's LLP permit application and will include it in their file for my Commission to review.

Please note, the LLP permit application is for indoor entertainment until 11pm. A business is not required to obtain a permit to play indoor prerecorded music from a playlist (spotify, pandora, etc), however, I am happy to share your concerns with the applicant regarding their windows being left open. Additionally, it's important to note that if the permit is granted, then their operations would fall under my office's regulatory purview, not SFPD's. My office has inspectors who work in the field on nights and weekends to respond to 311 sound complaints in real time. If we observe a violation, we have an enforcement escalation process that includes, but is not limited to, citations with a monetary fine, permit suspension, and in serious cases, a permit revocation. Finally, if there are ongoing violations, my Commission can require the permit holder to come back before them at a hearing and recondition their permit based on time, place, and manner conditions.

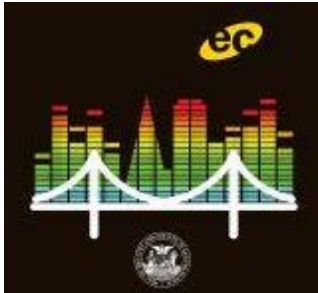
Regarding the timing of the permit application - we hold hearings on the 1st and 3rd Tuesday of each month, so this is part of our regularly scheduled hearings. Permit holders are required to conduct their outreach no less than 2 weeks in advance of their hearing date per my office's requirements, and Palm House distributed their outreach nearly 30 days in advance of their hearing to allow ample time for folks to submit their questions and concerns.

Please let me know if you have any other questions, or if this information quells your concerns. Lastly, would you like me to put you in touch with the applicant directly? I find the most success comes from open dialogue between a business and their neighbors.

Thank you,
Kaitlyn

Kaitlyn Azevedo (she/her)

Deputy Director
San Francisco Entertainment Commission
49 South Van Ness, Suite 1482
San Francisco, CA 94103
628-652-6038 (direct line) | 628-652-6030 (EC main line)
Kaitlyn.Azevedo@sfgov.org
[Facebook](#) | [Website](#)
[EC Blog](#) | [Instagram](#)
[Sign up for the Entertainment Commission e-mail list](#)



Please be mindful that all correspondence and documents submitted to the Entertainment Commission are public records and, as such, are subject to the [Sunshine Ordinance](#) and can be requested by the public. If this happens, personal information such as Social Security numbers and phone numbers, will be redacted.

From: [REDACTED]
Sent: Wednesday, December 13, 2023 11:30 AM
To: Commission, Entertainment (ADM) <entertainment.commission@sfgov.org>
Subject: Against: Palm House Entertainment Permit

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Entertainment Commission,

I am a nearby neighbor of the Palm House bar, and I am writing to say that I am opposed to their proposed entertainment permit. Although Palm House has a restaurant liquor license, they have operated the establishment as a bar for the past 10 years, and they have continuously been a noise problem for the neighbors.

Most San Francisco homes are designed with common living spaces facing the street, and bedrooms to the rear of the building, which faces the interior of the block. This design helps to prevent city noise (mostly street noise) from getting to the sleeping areas of the residential buildings. The Palm House building is different than many other bar locations as the building projects into the interior of the block, and has many windows that face into the interior of the block. Our bedrooms face the interior of the block and are a recipient of this noise.

When we moved to the neighborhood 20 years ago, this establishment was operated as a restaurant (Home, Palmetto, Nettie's Crab Shack). They had good food, reasonable hours, and quiet conversation. Their windows remained closed and they had no noticeable noise to the interior of the block. The Palm House has been operated as a bar/nightclub with loud music, many more people packed into the establishment, resulting in people having to yell to be heard. Since it is hot, noisy and crowded, they open their windows allowing all of this noise to fill into the interior of the block which faces the sleeping areas of the neighbors. This has impacted us directly, as recently as last Saturday night where there was noise until 1:00am.

The Palm House has not demonstrated that they can be good neighbors as this noise problem has persisted for 10 years, even with multiple attempts of asking them to reduce the noise. They don't comply to their required hours for noise, and they have noise that is clearly in excess of the legal limits. Furthermore, trying to push this through during the busy holiday season is a further demonstration that they are just trying to get their agenda approved, and not work with the neighbors.

I again ask you to deny this permit.

Regards

[REDACTED]
[REDACTED]

From: [REDACTED]
To: entertainment.commission@sfgov.org
Subject: Palm House permit on Union street Cow Hollow
Date: Wednesday, December 13, 2023 4:21:18 PM

Hello,

My name is [REDACTED] i, I live at [REDACTED] Buchanan Street, in San Francisco close to Filbert street.

We received a flyer from Mr. Jeffrey Davis, the director of operation for the Palm House, regarding the LLP PERMIT.

Our bedroom windows face the back of the Palm House, I can hear music even though I live a block away, till one am in the morning and very loud.

I don't agree with this permit at all, due to the fact that they do not honor the time that they stated, as I don't want to call the police already very busy.

Thank you.

Sincerely,

[REDACTED]



ZACKS & FREEDMAN PC

December 13, 2023

Kaitlyn Azevedo
Deputy Director
Entertainment Commission
49 South Van Ness Avenue, 2nd Floor
San Francisco, CA 94103

Via Email Only

Re: Application by Palm House for Limited Live Performance Permit
2023 Union Street, San Francisco, California (“Permit Application Venue”)

Dear Ms. Azevedo:

This office represents [REDACTED], who is the owner of [REDACTED], San Francisco—a single family home that is situated on the same block as the Permit Application Venue. Our client was recently made aware of an application by Palm House, located at 2032 Union Street, San Francisco, for a Limited Live Performance permit (“LLP”) from the Entertainment Commission (“EC”). As a resident in close proximity to Palm House, our client is gravely concerned about the referenced application due to persistent issues with noise and related disturbances to our Client’s quiet enjoyment of his property. We therefore request that the EC either deny the permit outright or require certain concessions from Palm House to address noise concerns.

For many years, residents of the area have complained of loud noises late into the evening, and far later than allowed by ordinance. Our client has engaged in good faith with Palm House and its management team to request, at a bare minimum, that Palm House close its back windows to limit noise from live music performances on site, putting aside that such requests have been made well past midnight. This “good neighbor” behavior was already required by City law, as well as the conditions of their previous permit. (See Police Code Sections 2909(b), 2901(f).) However, Palm House has regularly and cavalierly violated these restrictions. Decibel readings from the interior of our client’s property consistently reveal sound levels in excess of allowable limits, even with Palm House’s windows closed.

Our client and Palm House’s other residential neighbors have often been ignored by management and sometimes even intimidated by Palm House’s bouncers when attempting to report excessive noise. Thus, despite our client’s repeated attempts to work with Palm House to solve the devastating noise issues, our client feels that little effort has been made by Palm House to meaningfully engage with its community to address disturbance concerns.

Palm House’s ownership has previously indicated that Palm House may host multiple events per day, especially on the weekends. However, the premises and building were not constructed with live entertainment in mind and in particular not with the frequency ownership may well intend for the space. Indeed, Palm House’s permit application reveals seven (7) locations

where it may host live music (**Exhibit 1**), two (2) of those locations are outdoors and four (4) others about the windows facing our client's property (See **Exhibit 2**). As noted above, even with windows closed, noise levels reach unpermitted levels well beyond the outer perimeter of Palm House. Further, the building itself is antiquated, often reaching excessive indoor temperatures at maximum patron capacity—which is Palm House's most cited reason for keeping windows open. Thus, the premises is ill-suited to weather consistent live entertainment and continued utilization for that purpose creates a public safety problem.

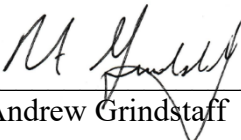
Our client wishes that Palm House continue to thrive as a well-respected, highly patronized business in the Cow Hollow community. However, our client and the neighbors of Palm House have endured many years of unfortunate and devastating disturbances from Palm House's unwillingness and inability to abate excessive noise from live entertainment. We believe that this history of disruption of the quiet enjoyment of the neighbors justifies the denial of the permit. Nonetheless, if the EC sees fit to approve it, our client respectfully suggests that the EC impose the following conditions on the approval of Palm House's LLP application:

- Installation of an HVAC system to minimize the need to open windows
- Replacement of old windows with fixed pane, STC-rated windows to limit noise
- Installation of plexiglass sound barrier with acoustic caulking in patio openings
- Limitation of live entertainment—both indoor and outdoor—to run no later than 10 P.M.
- Repositioning indoor and outdoor speakers to direct sound away from windows—including relocation of indoor speakers away from the windows themselves—and toward Union Street
- Provision of monthly sound monitoring reports to neighbors in the vicinity of Palm House

Our client welcomes the opportunity to meaningfully engage with EC and Palm House to further discuss solutions that benefit all stakeholders relative to Palm House's LLP application. We thank the Entertainment Commission for its consideration.

Very truly yours,

ZACKS & FREEDMAN, PC



Andrew Grindstaff

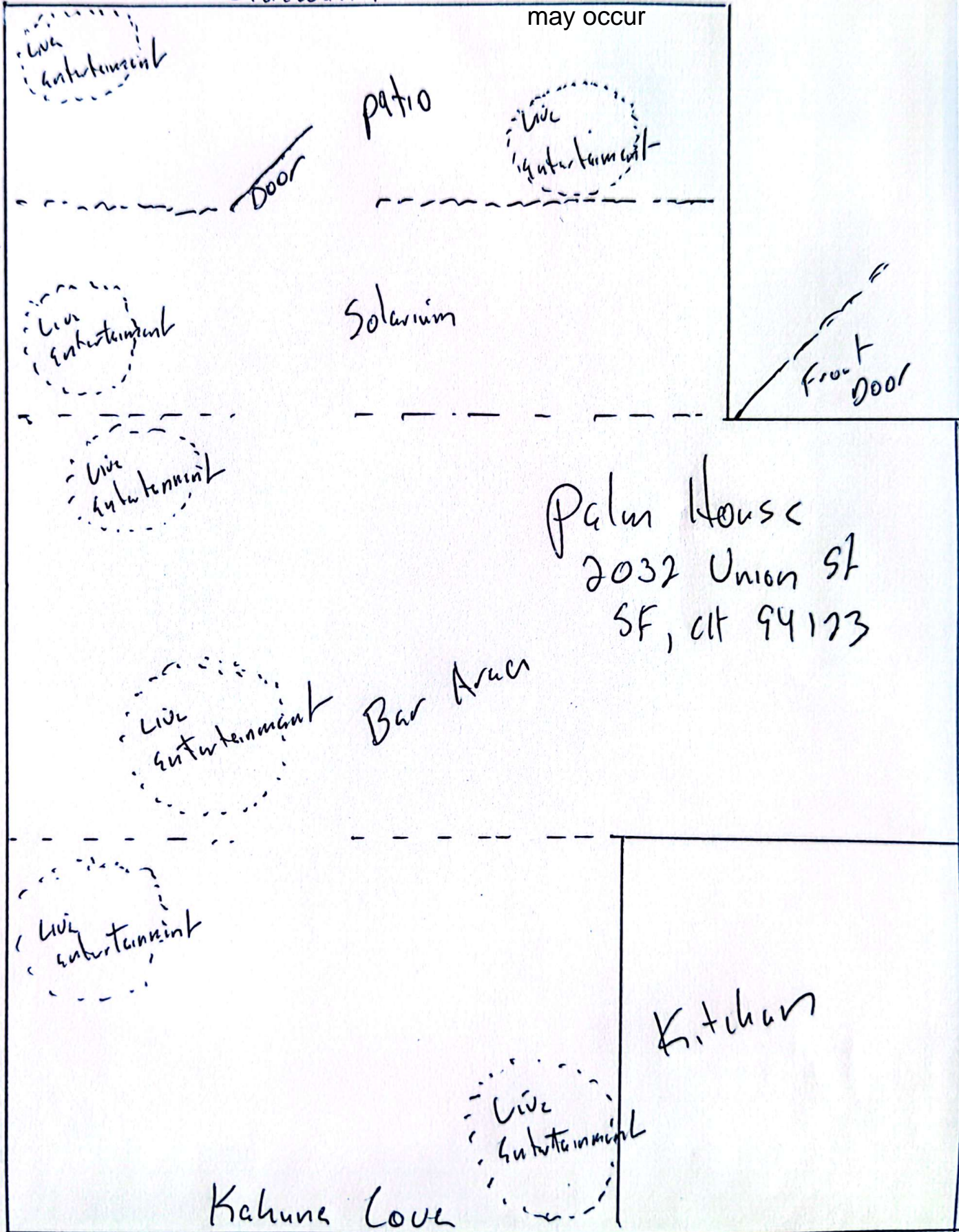
Encl.

EXHIBIT 1

Union St. 044

All proposed performance areas are 5' x 5' in dimension. We have listed all of the locations that a performance may occur

Sidewalk



Palmer House
2032 Union St
SF, CA 94123

Bar Area

Kitchen

Kahuna Cove

Union St 045

Palm House
2032 Union St.
SF, CA 94123

Side Walk

Outdoor speaker locations

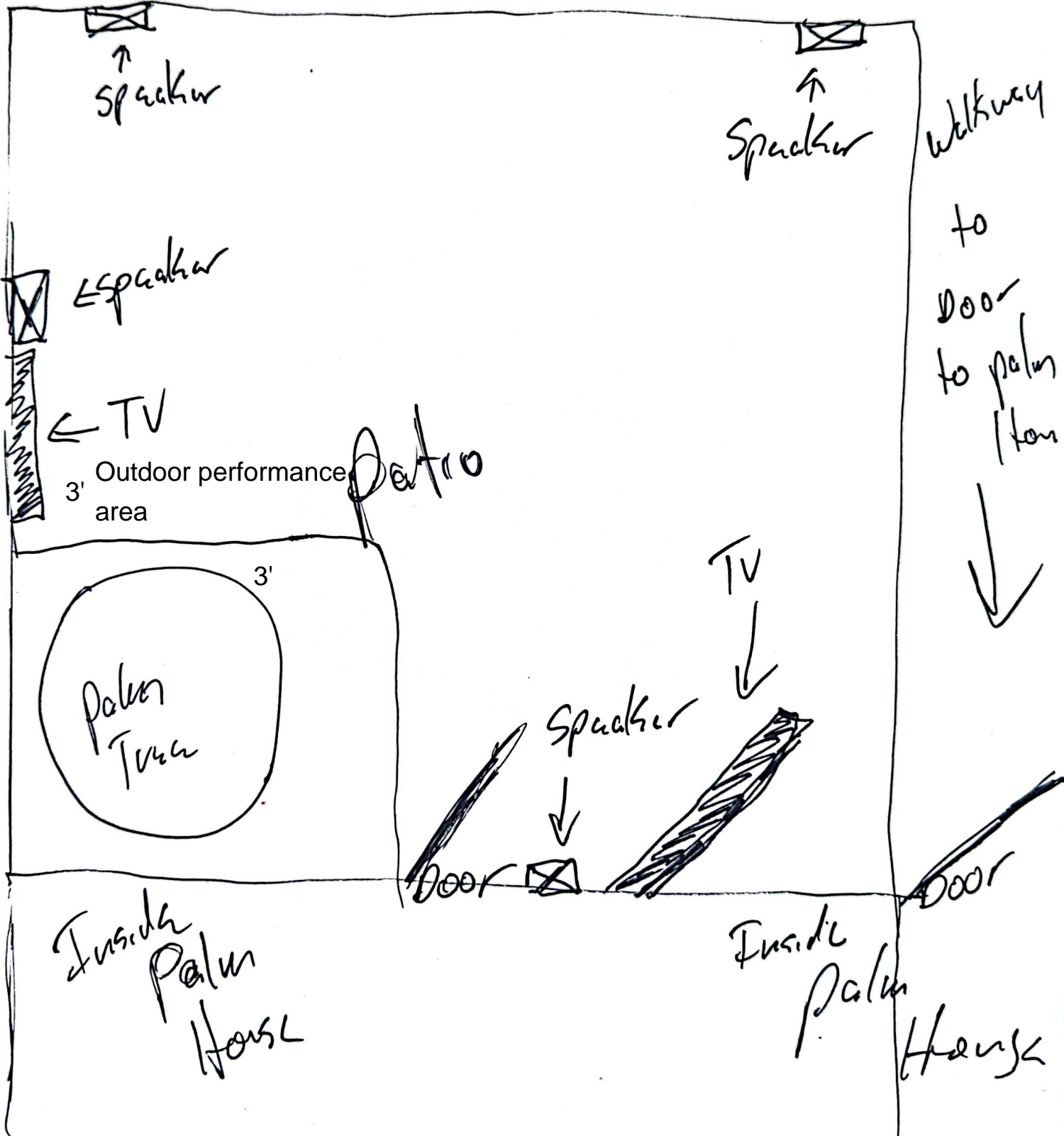


EXHIBIT 2



047

2035

2045

2069

2053-2055

3047

3041

3035

3033

3033-3035

3029

3025

3023

3021

0-2932

926

Thompson Suskind LP

Palm House

Wildseed
Vegan • \$\$\$

2048-2052

2048

Flores San Francisco
Mexican • \$\$

2074

Matin
Union...

2072

Skrap Pack Marina

2052

Union St

Union St

Union St



Dear Neighbor,

Thank you for expressing your concerns about our LLP permit application.

We understand your concerns and want to be the best neighbors as possible. First, my number is 818-512-4296 and email address is jeff@palmhhousehospitality.com. If there is ever an issue with noise, please do not hesitate to text, call, or email me.

We are applying for this permit to add new ways to create income at Palm House. We made it through Covid, but unfortunately 2022 and 2023 have been abysmal. Without this permit, Palm House will probably not make through 2024 and will close its doors much like many of the other SF restaurants. I appreciate your suggestions for conditions, but unfortunately, we just don't have the funds to add a HVAC system and/or new windows. I wish we did because Palm House currently has no heating or air conditioning. However, per the Good Neighbor Policy (GNP, attached), all windows will be closed any time we host indoor entertainment. We are also happy to take this a step further and ensure that all windows are closed by 10pm nightly, even if we aren't hosting entertainment. We will also make sure that speakers are not facing windows, per your request. We have also removed our parklet to help eliminate any extra outdoor noise.

All our staff will be following the GNP, and I want to reassure you that our team will work diligently to not add any disturbances. I'm always available to talk, so please do not hesitate to reach out.

Thank you,
Jeffrey Davis
Palm House

From: [Azevedo, Kaitlyn \(ADM\)](#)
To: [REDACTED]
Subject: RE: Entertainment Commission - Public Comment for LLP Application for Palm House
Date: Friday, December 15, 2023 12:03:00 PM

Hi [REDACTED]

Jeff and I are available to meet with [REDACTED] on Monday between 2pm – 4pm. If he has a 30 minute block in that timeframe, please let me know and I'll send a Teams meeting invite.

Please see my responses to your additional notes below in red text.

Thank you,
 Kaitlyn

Kaitlyn Azevedo (she/her)

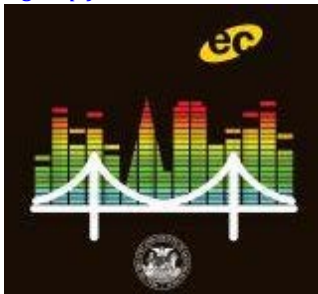
Deputy Director
 San Francisco Entertainment Commission
 49 South Van Ness, Suite 1482
 San Francisco, CA 94103
 628-652-6038 (direct line) | 628-652-6030 (EC main line)

Kaitlyn.Azevedo@sfgov.org

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From: [REDACTED]
Sent: Friday, December 15, 2023 9:57 AM
To: Azevedo, Kaitlyn (ADM) <kaitlyn.azevedo@sfgov.org>
Subject: RE: Entertainment Commission - Public Comment for LLP Application for Palm House

Hi Kaitlyn—

Thank you for following up and thank you for sending Jeff's letter. I will forward it along to my client for review and comment.

Circling back, my client would welcome a video call with Jeff if you would be willing to facilitate that.

Please let me know how I can assist. His email address is: [REDACTED] Please keep me copied on all correspondence.

Touching on a few points from below:

- Speakers: For the indoor speakers, we are requesting that the east-facing speakers (those at the east windows) be relocated or removed. For the outdoor speakers, we are requesting that they be placed no higher than 12" off the ground, are no larger than 6" x 9", no closer than 15 feet to the east edge of the patio, and facing Union Street. **The indoor speakers that are located in the back room of the business are already facing toward Webster Street, in the opposite direction of your client's home. Their outdoor speakers are smaller than 6" x 9" and currently face Union Street and Buchanan Street.**
- Indoor Noise Levels: Unfortunately, the Municipal Code has not prevented years of excessive sound issues from Palm House. Ideally, we would like to have our sound engineer perform testing if future problems arise. **The Entertainment Commission does not rely on outside sound engineers for our compliance verification, as we have our own professional grade sound measurement equipment to ensure compliance with MPC. If there are sound complaints, one of my inspectors will respond and take a measurement in real time, if they are able. Otherwise, they will visit during their next shift.**
- Outdoor Noise Levels: Again, the existing sound condition has not prevented Palm House from violating the Municipal Code. Although there have been no 311 complaints, my client is aware of several complaints made to SFPD regarding excessive noise. A sound meter has been able to register an 85db reading at least 50 feet off of the rear of the building. We would request, at the very least, that the EC extend the radius to attempt keep ambient volume down further away from the building—especially for outdoor entertainment. **We do not have any proof at this time that the business has violated the Municipal Police Code, and the outdoor entertainment/amplified sound the business is requesting under this LLP permit is located at the front of the business in their private patio, not in the rear. In looking at Google Maps, the front of your client's home is 350' away from Palm House's front patio, so there should be no noise disturbances heard in his home from their outdoor operations. Separately, the business agreed to keep all of the windows in the rear of the business closed beginning at 10pm, regardless of indoor entertainment.**

Thank you,

Andrew Grindstaff
Zacks & Freedman, PC
601 Montgomery Street, Suite 400
San Francisco, CA 94111
Telephone: [\(415\) 956-8100](tel:(415)956-8100)
Facsimile: [\(415\) 288-9755](tel:(415)288-9755)
www.zfplaw.com

Please see our [website](#) for information about our East Bay and Monterey Bay office locations.

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From: Azevedo, Kaitlyn (ADM) <kaitlyn.azevedo@sfgov.org>

Sent: Friday, December 15, 2023 9:31 AM

To: Andrew Grindstaff <[REDACTED]>

Cc: Jeffrey Davis [REDACTED]

Subject: RE: Entertainment Commission - Public Comment for LLP Application for Palm House

Hi [REDACTED]

Jeff from Palm House, also cc'd here, has provided the attached response to your client's letter.

Please let me know if there are any questions or if your client would like me to put them in touch with Jeff directly.

Thank you,
Kaitlyn

Kaitlyn Azevedo (she/her)

Deputy Director

San Francisco Entertainment Commission

49 South Van Ness, Suite 1482

San Francisco, CA 94103

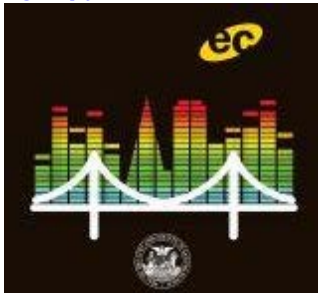
628-652-6038 (direct line) | 628-652-6030 (EC main line)

Kaitlyn.Azevedo@sfgov.org

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From: Andrew Grindstaff [REDACTED] >

Sent: Wednesday, December 13, 2023 5:00 PM

To: Azevedo, Kaitlyn (ADM) <kaitlyn.azevedo@sfgov.org>

Subject: Entertainment Commission - Public Comment for LLP Application for Palm House

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good evening, Kaitlyn,

Please see attached correspondence regarding the referenced LLP permit application.

Thank you,

Andrew Grindstaff
Zacks & Freedman, PC
601 Montgomery Street, Suite 400
San Francisco, CA 94111
Telephone: [\(415\) 956-8100](tel:(415)956-8100)
Facsimile: [\(415\) 288-9755](tel:(415)288-9755)
www.zfplaw.com

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March 13, 2024

Kaitlyn Azevedo, Deputy Director
Entertainment Commission
49 South Van Ness Avenue, 2nd Floor
San Francisco, CA 94103

Via Email Only

Re: Application by Palm House for Limited Live Performance Permit (“LLP”)
2023 Union Street, San Francisco, California (“Permit Application Venue”)

Dear Ms. Azevedo:

As you are aware, this office represents [REDACTED], who is the owner of [REDACTED], San Francisco, a property directly adjacent to the Permit Application Venue. We previously submitted public comment regarding Palm House’s LLP application, which was heard by the EC on December 19, 2023. We write to address further noise concerns our client and the undersigned neighbors have endured following the December 2023 hearing and respectfully request that the EC deny Palm House’s LLP application or require additional concessions in hopes of abating the continued disturbances.

As a condition for all permits issued by the Entertainment Commission, applicants must abide by the Good Neighbor Policy. Item 7 of the policy specifically addresses noise: “Permit holder shall take measures to reduce the amount of sound that escapes the venue. All doors and windows must be kept closed while hosting entertainment, unless otherwise conditioned on the permit.” Item 4 addresses venue responsibilities regarding communications with neighbors: “Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who . . . shall respond in a timely manner to address concerns.” Unfortunately, despite numerous opportunities to prove that it is a “good neighbor,” Palm House has repeatedly shown to its neighbors that it cannot abide by the policy.

On at least four occasions since the December 2023 hearing, our client has been forced to email requests to Palm House management to either limit noise or simply close its windows during entertainment productions. These requests come after appeals by phone and text to on-site staff who either cannot or will not respond. Palm House’s rear windows are repeatedly opened—by either staff or patrons—allowing excessive noise to escape and disturb residential neighbors. In response to public comment provided by this office in advance of the December 2023 hearing that, among other items, requested installation of an HVAC system at the Permit Application Venue, Jeff Davis, the operating partner of Palm House, indicated that Palm House has no intention of installing mechanical ventilation due to lack of funds. (**Exhibit A.**) In that letter, Mr. Davis committed to ensuring Palm House’s windows remained closed during indoor entertainment (an existing “good neighbor” requirement). However, repeated instances of the rear windows being opened during indoor entertainment productions—as Palm House itself has indicated, because of excessive indoor heat—suggest that Palm House is unable to abide by the Good Neighbor Policy.

Following discussions with Charles Salter, an acoustical engineer who has decades of experience with San Francisco entertainment and noise issues, including developing the original Good Neighbor Policy, we have concluded that Palm House's current physical design and management protocols are not in compliance with the Good Neighbor Policy. To conclude that Palm House's behavior is compliant with the policy will leave the neighbors with no other recourse than to avail themselves of extra-agency civil enforcement mechanisms, ironically disrupting community harmony, contrary to the end goals of the EC and Good Neighbor Policy itself.

Therefore, we respectfully suggest that the EC carefully consider Palm House's ventilation design before its decision to either grant or deny the LLP application. Unless and until Palm House develops a mechanism to keep its windows closed during indoor entertainment—and ensure that its on-site staff maintain the same—Palm House cannot abide by the Good Neighbor Policy. And if a venue cannot meet its obligations under the Good Neighbor Policy, the EC cannot grant a permit to that venue.

Recognizing the limitations of both the EC—for its ability to only impose “time, place, and manner” conditions on permit approvals—and Palm House—in its capacity to engage in a protracted and expensive HVAC system installation—we propose the following:

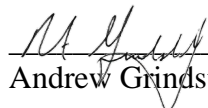
1. First, Palm House should install a sound limiting device on its sound system to control the maximum sound levels during entertainment.
2. Second, provided that the EC overlooks Palm House's inability to keep windows closed during indoor entertainment and failures to abide by the Good Neighbor Policy to approve the LLP application, the approved LLP should restrict indoor entertainment to 10 P.M.

As noted in our previous correspondence, our client hopes for the continued success of Palm House. The EC has had over twenty years of success utilizing the Good Neighbor Policy to protect residential neighbors and guide entertainment venues toward responsible productions. Rather than devolving into contentious, adversarial battles to preserve the rights and pursue the legal remedies available to aggrieved neighbors, we hope that the EC employs the Good Neighbor Policy to maintain harmony in Cow Hollow.

We thank the Entertainment Commission for its consideration.

Very truly yours,

ZACKS & FREEDMAN, PC



Andrew Grindstaff

Encl.

CC:



EXHIBIT A

Dear Neighbor,

Thank you for expressing your concerns about our LLP permit application.

We understand your concerns and want to be the best neighbors as possible. First, my number is 818-512-4296 and email address is jeff@palmhhousehospitality.com. If there is ever an issue with noise, please do not hesitate to text, call, or email me.

We are applying for this permit to add new ways to create income at Palm House. We made it through Covid, but unfortunately 2022 and 2023 have been abysmal. Without this permit, Palm House will probably not make through 2024 and will close its doors much like many of the other SF restaurants. I appreciate your suggestions for conditions, but unfortunately, we just don't have the funds to add a HVAC system and/or new windows. I wish we did because Palm House currently has no heating or air conditioning. However, per the Good Neighbor Policy (GNP, attached), all windows will be closed any time we host indoor entertainment. We are also happy to take this a step further and ensure that all windows are closed by 10pm nightly, even if we aren't hosting entertainment. We will also make sure that speakers are not facing windows, per your request. We have also removed our parklet to help eliminate any extra outdoor noise.

All our staff will be following the GNP, and I want to reassure you that our team will work diligently to not add any disturbances. I'm always available to talk, so please do not hesitate to reach out.

Thank you,
Jeffrey Davis
Palm House

From: [Azevedo, Kaitlyn \(ADM\)](#)
To: [REDACTED]; [Commission, Entertainment \(ADM\)](#)
Subject: RE: Against: Palm House Entertainment Permit
Date: Tuesday, March 12, 2024 7:42:00 PM

Hello [REDACTED],

Confirming receipt of your letter of opposition, and it will be included in their file for my Commission to review.

Have you been able to connect with the owner directly to voice your concerns? If not, I'd be happy to make that intro – just let me know.

Thanks,
 Kaitlyn

Kaitlyn Azevedo (she/her)

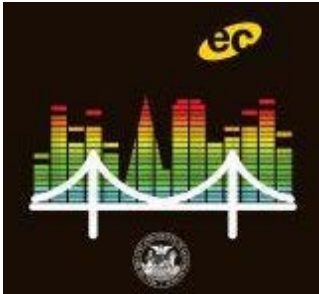
Deputy Director
 San Francisco Entertainment Commission
 49 South Van Ness, Suite 1482
 San Francisco, CA 94103
 628-652-6038 (direct line) | 628-652-6030 (EC main line)

Kaitlyn.Azevedo@sfgov.org

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From: [REDACTED]
Sent: Tuesday, March 12, 2024 5:03 PM
To: Commission, Entertainment (ADM) <entertainment.commission@sfgov.org>
Cc: Azevedo, Kaitlyn (ADM) <kaitlyn.azevedo@sfgov.org>
Subject: Against: Palm House Entertainment Permit

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Dear Entertainment Commission,

I am following up regarding my letter in December about the issuance of a permit for the Palm House. I understand that the hearing regarding the Palm House will now be held on Tuesday, 19 March 2024. I continue to be against the issuance of the permit. The Palm House continues to allow their noise to impact the neighbors, and there have been no changes to improve it. Please see my letter below for more details.

Thank you for your time, and again I request the permit to be denied.

Regards

[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Wednesday, December 13, 2023 11:30 AM
To: 'entertainment.commission@sfgov.org' <entertainment.commission@sfgov.org>
Subject: Against: Palm House Entertainment Permit

Dear Entertainment Commission,

I am a nearby neighbor of the Palm House bar, and I am writing to say that I am opposed to their proposed entertainment permit. Although Palm House has a restaurant liquor license, they have operated the establishment as a bar for the past 10 years, and they have continuously been a noise problem for the neighbors.

Most San Francisco homes are designed with common living spaces facing the street, and bedrooms to the rear of the building, which faces the interior of the block. This design helps to prevent city noise (mostly street noise) from getting to the sleeping areas of the residential buildings. The Palm House building is different than many other bar locations as the building projects into the interior of the block, and has many windows that face into the interior of the block. Our bedrooms face the interior of the block and are a recipient of this noise.

When we moved to the neighborhood 20 years ago, this establishment was operated as a restaurant (Home, Palmetto, Nettie's Crab Shack). They had good food, reasonable hours, and quiet conversation. Their windows remained closed and they had no noticeable noise to the interior of the block. The Palm House has been operated as a bar/nightclub with loud music, many more people packed into the establishment, resulting in people having to yell to be heard. Since it is hot, noisy and crowded, they open their windows allowing all of this noise to fill into the interior of the block which faces the sleeping areas of the neighbors. This has impacted us directly, as recently as last Saturday night where there was noise until 1:00am.

The Palm House has not demonstrated that they can be good neighbors as this noise problem has persisted for 10 years, even with multiple attempts of asking them to reduce the noise. They don't

comply to their required hours for noise, and they have noise that is clearly in excess of the legal limits. Furthermore, trying to push this through during the busy holiday season is a further demonstration that they are just trying to get their agenda approved, and not work with the neighbors.

I again ask you to deny this permit.

Regards

[REDACTED]
[REDACTED]



City and County of San Francisco
Entertainment Commission

Permit referral request

0532/010

Dist 2

NCD

2023-010809MIS

To SFPD CPC EC Sound

Date 11/17/2023

We have received the attached application for a permit from the business listed below:

Permit(s) requested BP LLP

Entertainment Commission notes:

We have received the attached application for a Billiard Parlor permit and a Limited Live Performance permit that includes outdoor entertainment and amplified sound on their private patio at the front of the business of the address listed below.

Name Jeffrey Davis and Benson Wang of BLUE PLANTAIN LLC

DBA PALM HOUSE

Street address 2032 UNION ST

Hearing date 12/19/2023

Except for Planning, SFPD, and SF Port, we do not need a response before the hearing date.

Please enter your recommendation below.

Your department Planning Department

Your recommendation:

Recommend approval: to establish a Limited Live Performance and Billiard Parlor (DBA Palm House) within the NCD - Union Street Neighborhood Commercial zoning district as an accessory use to the principally permitted restaurant, per sections 703.2(b)(1)(C)(iii), provided up to two pool tables occupying less than 1/3 of the total occupiable floor area.

Signature 

Date 12/14/2023



City and County of San Francisco
Entertainment Commission

Permit referral request

To SFPD CPC EC Sound

Date 11/17/2023

We have received the attached application for a permit from the business listed below:

Permit(s) requested

BP LLP

Entertainment Commission notes:

We have received the attached application for a Billiard Parlor permit and a Limited Live Performance permit that includes outdoor entertainment and amplified sound on their private patio at the front of the business of the address listed below.

Name Jeffrey Davis and Benson Wang of BLUE PLANTAIN LLC

DBA PALM HOUSE

Street address 2032 UNION ST

Hearing date 12/19/2023

Except for Planning, SFPD, and SF Port, we do not need a response before the hearing date.

Please enter your recommendation below.

Your department SFPD

Your recommendation: Northern Station has no issue with this permit

Signature

Date

11/30/23

EXHIBIT

C



One Time Indoor Entertainment Permit - One Time Indoor Entertainment Permit

View on Screendoor at <https://screendoor.dobt.co/sfgov/one-time-indoor-entertainment-permit/admin/responses/78>

Name

Jeffrey Davis

Email

jeff@seriousleisure.com

Phone number

(818) 512-4296

Permit number Hidden

ECOTE19-570

Payment received Hidden

Yes

fee waiver granted

EC conditions Hidden

APPROVED by Entertainment Commission Director Weiland with the following conditions:

1. Permit holder shall comply with Municipal Police Code Article 29 Section 2909: No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on commercial or industrial property over which the person has ownership or control, a noise level more than eight dBA above the local ambient at any point outside of the property plane.
2. No entertainment may occur outside of the date(s), time(s), and location(s) that the Entertainment Commission has approved for your event.
3. While hosting entertainment, permit holder shall have a staff member on site who is able to provide proof of permit, and is aware of all permit conditions (EC Good Neighbor Policy Condition #1).
4. Permit holder is responsible for the safety and security of event patrons and the surrounding neighborhood. The approved security plan shall be followed, and permit holder shall secure the sidewalk for a 100-foot radius in all directions around the premises of the business to prevent injury to persons and/or damage to property. Security staff shall be placed at all entrances and exits during the period from 10:00pm to such time past the end of the event that all patrons have left the vicinity (EC Good Neighbor Policy Condition #2).
5. Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who has direct authority over the event, knowledge of all permit conditions, and shall respond in a timely manner to address concerns (EC Good Neighbor Policy Condition #4).
6. Permit holder shall take measures to reduce the amount of sound that escapes the venue. All doors and windows must be kept closed while hosting entertainment, unless otherwise conditioned on the permit. (EC Good Neighbor Policy Condition #7).

Police District Hidden

Central Police District Station

Southern Police District Station

Bayview Police District Station

Mission Police District Station

✓ Northern Police District Station

Park Police District Station

Richmond Police District Station

Ingleside Police District Station

Taraval Police District Station

Tenderloin Police District Station

Multiple Police Districts

Police Department Conditions Hidden

No response

Fire Department Conditions Hidden

Without proof of a temporary or permanent Place of Assembly permit from the Fire Department, maximum occupancy load is 49 persons or less.

Name of event

New Year's Eve party

Your first name Hidden

Jeffrey

Your last name Hidden

Davis

Your business name

Blue Plantain LLC (Palm House)

Your home or business address

2032 Union St
 San Francisco, California 94123
 US

This application will be a public record. Do you want us to keep your address, phone and other personal information private?

I want to keep my personal information private.

You can give my personal information out if you are asked by a member of the public.

Are you applying on behalf of another person, organization, or company responsible for the event (like the event sponsor)?

Yes

No

What is the name of the venue?

Palm House

What is the address of the venue?

2032 Union St
 San Francisco, California 94123
 US

What is this space typically used for?

Restaurant

Does the event premises already have a Place of Entertainment (POE) Permit or Limited Live Performance (LLP) Permit from the Entertainment Commission?

Yes

No

I don't know

Will there also be outdoor amplified sound and/or entertainment at your event?

Yes

No

What type of event is it? (Check all that apply).

Concert

Comedy Show

Conference

Corporate event

Craft fair

Culinary event

Dance performance

Fashion Show

Fundraiser

Holiday Party

Office party

School fair

Tell us about your event

Hello,

Palm House will be hosting a ticketed New Year's Eve party with a DJ. The event starts at 9pm and finishes at 2am sharp.

Thank you,

Jeffrey Davis

818 512-4296

How are people admitted to the event?

Event is free and open to the public

Event is invitation-only

Tickets will be sold in advance

Tickets will be sold at the door

How many total people do you expect at your event?

150

How many total days will you have entertainment?

1

What day will you have entertainment?

12/31/2019

Start time of entertainment

8:00 PM

End time of entertainment

2:00 AM

Is your venue's maximum capacity less than 50?

Yes

No

Upload the approval for a temporary or permanent Place of Assembly Permit from the SF Fire Department.

No response

Submit a floorplan (it can be hand-drawn) showing how the venue will be set up for the event. On the floorplan, show the locations of the entrances, exits, security guards, and where the entertainment will take place.

- Palm_House_NYE_2019_Security_Plan.docx (57.2 KB)
<https://screendoor.dobt.co/attachments/-7yfgVnLVzsJXoIFrbcZHMFWTJ9QVx1/download>

Will there be food and/or beverages provided at the event?

Yes

No

Upload a copy of the health permit from the SF Department of Public Health. This would be either the Temporary Event Health Permit for the event, or the establishment's Food Permit to Operate.

- 00000IMG_00000_BURST20191205115320136_COVER.jpg (3.12 MB)
<https://screendoor.dobt.co/attachments/xCA8XbsDnJ27dr4EhhSgNSfn7jIQigPM/download>

Will your event take place on property owned by the Port of San Francisco?

Yes

No

Are you the property owner or manager of the event venue?

Yes

No

What is your event production schedule? Examples: load-in times, soundcheck times, event hours, performer line-up and schedule, load-out times.
DJ load in at 8pm - just two speakers and turn tables. Event start time is 9pm. DJ will be playing music till 1:45am, then loading out at 2am sharp.

You may upload an event production schedule document here:

No response

Will there be people under 18 years of age attending your event?

Yes

No

Will your event have alcohol?

Yes

No

Describe your plans to prevent underage drinking, over-serving patrons, drunk driving, as well as your plans to address intoxicated behavior and protecting the health and safety of the public. A security plan may include separating persons under the age of 21 from persons of legal drinking age. No one under the age of 21 will be allowed to enter the venue. Security, and management, will be checking IDs before entry at the main entrance. Other entry ways will be have security posted and will not permit entrance to guests. Management, along with bartenders and servers will also be IDing guests that look under the age of 30.

Based on your approved occupancy number from the SF Fire Department, the law requires you to hire at least one security guard for every 100 attendees present at any one time. How many security guards will be working the event?

3

Will you be using in-house security or will you be using an outside security company? Please describe.

Outside security company

If you are hosting an indoor event with more than 5,000 people, describe your plans to follow Public Health protocols for a Mega Event. Answer "N/A" if this does not apply.

No response

Describe your plans to control waiting patrons and lines for to-go service including any sidewalks, streets or other areas surrounding your event's entrance.

This event will be a pre-sold ticketed event with no tickets sold at the door. The only line, if any, will be checking in tickets and IDs. These guests will be lined along the front of the restaurant and should only take a few minutes for guests to gain entrance.

What are your door policies? Examples: pat downs, bag checks, metal detectors

No bags, outside food, or beverage will be allowed in the venue.

Describe your plan to make sure that your attendees will exit the event premises in an orderly manner.

Last call will be at 1:30am. All drinks will be pulled at 1:45am. Music will finish at 1:45am. Guests will be guided out the front doors by security and management. Security will remain outside the venue until all guests have left the area. Security, and management, will remind guests to be respectful of our neighbors at all times.

What is your plan to evacuate attendees in case of an emergency?

There are three exits that guests will be guided to by security and management in case of an emergency.

Will your event have cannabis sales or consumption?

Yes

No

I acknowledge that I am required to abide by the submitted security plan for the event.

Yes

I acknowledge that I will have sufficient staff that are informed and trained on the submitted security plan at the event.

Yes

I acknowledge that the Entertainment Commission and the Director have the right to add stricter requirements to the submitted security plan if needed.

Yes

Contact name

Dan Dowdell

Cell number

(415) 350-0399

Email address

dan@palmhousesf.com

Check this box if your business is eligible for the City's First Year Free program.

No response

Will you apply for a fee waiver?

Yes

No

Have you received a grant from the City and County of San Francisco for this event?

Yes

No

Is your event free and open to the public?

Yes

No

Is your organization a nonprofit, neighborhood association or similar community-based group?

Yes

No

What is the total projected budget for the event?

No response

Upload a letter on your organization's letterhead

- palmhouse_logo.jpg (146 KB)
https://screendoor.dobt.co/attachments/SPfPp8UY7bn7iw_dfg6Rm3in-QqW_x0G/download

I declare under penalty of perjury that the information I am submitting is true and correct. If I give false or incomplete information, the Entertainment Commission can deny my permit request or revoke my permit.

Yes

I understand that if I change the day, times, or location of the event I will need to get a new permit.

Yes

I understand that my permit is void if there is any illegal activity or unlawful assembly at the event.

Yes

I understand that I shall abide by all current Public Health Orders, including but not limited to rules related to Mega Events, as applicable. Public Health Order rules are subject to change.

No response

Do any of these describe your business?

No response

Your race or ethnicity

No response

Do you identify as transgender, non-binary, or gender nonconforming?

No response

Your preferred language

No response

Give the names and addresses of these locations and how your event may affect them. Hidden

No response

EXHIBIT

D



**TWENTY-SEVENTH SUPPLEMENT TO MAYORAL PROCLAMATION
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY
DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safer At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses; the Health Officer has amended the Stay Safer At Home Order to modify the ongoing restrictions; and

WHEREAS, There have been over 11,000 confirmed cases of COVID-19 within the City and 99 COVID-19-related deaths in the City; there have been more than 800,000 confirmed cases in California and more than 15,000 COVID-19-related deaths in California; and



WHEREAS, The Stay Safer At Home Order currently prohibits entertainment and nightlife businesses from holding indoor entertainment activity, indoor dining service, and large gatherings based on physical distancing mandates to prevent the transmission of the virus. These small businesses – including performance spaces, nightclubs, bars, restaurants, street fairs, and other cultural assets – have experienced significant financial losses due to the pandemic and are at risk of permanent closure and displacement. Under the current reopening plan, performance spaces, nightclubs, indoor bars without food service, and street fairs will be among the last to reopen; and

WHEREAS, As San Francisco begins to slowly reopen, and the City encourages the use of outdoor public space for dining and retail, there is currently no framework in place to permit responsible outdoor entertainment and amplified sound. Given that physical distancing requirements will likely continue to apply for some time, additional authority is needed to provide tools for the limited entertainment allowed by the Stay Safer At Home Order; and

WHEREAS, The threat of continued spread of the virus persists, and there is an ever-present risk that relaxation of some health restrictions will result in an increase in cases and strain our public health system. Authorizing a streamlined, accessible program to regulate temporary outdoor entertainment and amplified sound at outdoor spaces will allow businesses to safely comply with the requirements under the Health Order so the City can continue to control the public health emergency; and

WHEREAS, Temporarily allowing businesses to use outdoor spaces and take greater advantage of the reopening authorizations will ease the economic burden on these businesses and allow some employees to return to work, thus promoting the housing and health stability of these workers. It is in the public interest to suspend local laws that would stand as a barrier to the expeditious use of this available outdoor space to help businesses survive and operate safely during the emergency period; and

WHEREAS, The Eighteenth Supplement to the Proclamation of Local Emergency authorized the creation of the “Shared Spaces” program to allow retail businesses and restaurants to use portions of the sidewalk, parking lane, and certain privately owned outdoor public spaces on a temporary basis so that these businesses can operate safely and in a manner consistent with the Health Officer’s orders; and



WHEREAS, The Twenty-Third Supplement to the Proclamation of Local Emergency expanded on the Shared Spaces program by authorizing the Planning Director to create a program to temporarily allow unenclosed portions of property outside the public right-of-way, including but not limited to privately owned public open spaces, to be used for sales of goods and services, restaurant service, and similar uses; and

WHEREAS, The Twenty-Sixth Supplement to the Proclamation of Local Emergency further expanded the Shared Spaces program by authorizing the Director of Transportation to create a temporary program to facilitate the closure of streets, including traffic lanes, for businesses to occupy for sales of goods and services, restaurant service, and similar uses; and

WHEREAS, The Entertainment Commission maintains the legal and organizational capacity to review, make conditions, and provide enforcement for entertainment and amplified sound occurring at locations within its jurisdiction, including City streets, sidewalks, outdoor Port property, and outdoor private property. The Entertainment Commission promotes responsible entertainment that is consistent with public health and safety rules and balances the needs of businesses and residents to support neighborhood compatibility; and

WHEREAS, Throughout the local emergency, City departments have moved quickly to undertake projects necessary to keep residents safe and prevent the spread of the virus, including creating safe sleeping locations for people experiencing homelessness. To the extent these activities require advance public notice that would delay such projects, it is in the public interest to waive such noticing requirements; and

WHEREAS, In the Third Supplement to the Emergency Proclamation dated March 17, 2020, recognizing that many City employees affected by the Stay Safer At Home Order cannot perform their duties remotely and must stay home and that it is in the public interest to support such employees with paid leave, the Mayor authorized a paid leave program to mitigate financial impacts of the emergency on City employees; the Mayor extended the program through September 30, 2020 through further orders. Due to the ongoing restrictions of the Stay Safer At Home Order, it is in the public interest to further extend this paid leave program;



NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation issued on various dates, it is further ordered that:

(1) This Order creates a temporary program for an individual, business, or organization to apply for authorization to temporarily provide outdoor entertainment or outdoor amplified sound on City sidewalks, City streets, and outdoor property that is not in the public right-of-way, to facilitate compliance with the orders or guidance of public health officials.

The Director of the Entertainment Commission or the Director's designee (collectively, the "Director") is authorized to implement this temporary permit program. The Director shall not approve any permit application under the program unless the applicant's use of the public-right-of-way or outdoor private property where the entertainment or amplified sound will occur has been approved by the City department with jurisdiction. Such City permits or authorizations include, but are not limited to, a Shared Spaces Permit issued under Public Works Order 203498, Temporary Street Closure Permit, Café Tables and Chairs Permit, License to Use Port Property, and temporary use authorization issued by the Planning Department. The Director shall not issue permits under this program for activity occurring on property under the jurisdiction of the Recreation and Parks Department or on residential property.

The Director shall grant a permit or conditionally grant a permit for outdoor entertainment or outdoor amplified sound under this program unless the Director finds that, (a) the applicant is not authorized to use the outdoor space by the City department with jurisdiction, (b) denial is warranted under any of the grounds set forth in Section 1060.5.2(f) of the Police Code, or (c) one or more other applications have been submitted and permits issued for the same premises or for premises in the vicinity and the activities, if permitted, would interfere with one another or together would interfere with the public health, safety, and welfare or peaceful enjoyment of neighboring property. The Director may impose other conditions on the permit that the Director determines are reasonably



necessary to ensure the public health, safety, and welfare or peaceful enjoyment of neighboring property.

A permit applicant or permit holder may appeal the Director's decision to deny, suspend or revoke a permit to the Entertainment Commission.

The Director is authorized to issue administrative citations under Chapter 100 of the Administrative Code for the violation of any condition imposed on a permit issued under this Order.

The Director shall issue rules and regulations to implement the program consistent with this Order. The rules and regulations shall ensure that in reviewing all permit applications, the Director will consider the impact on the health, safety, and security of the public. The rules and regulations shall further include procedures governing appeals to the Entertainment Commission for permits that the Director denies, suspends, or revokes. The rules and regulations may also impose other requirements the Director deems appropriate to further the program. Permits issued under this program shall require the permit holder to comply with all applicable orders and directives issued by the Health Officer.

Any provision of City law that would conflict with this program, including but not limited to Article 15.1 of the Police Code, and any provision of the Charter or Municipal Code that would allow an appeal to the Board of Appeals regarding such permits, is waived. The City shall not charge a fee for permits issued under this program. This Order shall not authorize conduct that is prohibited by orders or directives of the Health Officer.

Permits shall not survive the termination of this Order or the termination of the local emergency, whichever is earlier, except that the Director by regulation may authorize a reasonable wind-down period to allow permit holders to continue to operate under the program for a period not to exceed sixty days. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

(2) The requirement under Chapter 79 and Chapter 79A of the Administrative Code to provide public notice prior to the approval of certain City projects is suspended as to projects that have been approved or will be approved during the local emergency as part



of the City's COVID-19 response. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

(3) The Human Resources Director is authorized, with the concurrence of the Controller, to extend the existing paid leave program for employees, first authorized on March 17, 2020 in Section 3 of the Mayor's Third Supplemental Proclamation, and extended in subsequent supplements, through October 30, 2020. The Director of Transportation is authorized, with the concurrence of the Controller, to extend the existing paid leave program for service critical employees of the San Francisco Municipal Transportation Authority, first authorized on March 17, 2020 in Section 3 of the Mayor's Third Supplemental Proclamation, and extended in subsequent supplements, through October 30, 2020. As described in the Third Supplemental Proclamation and subsequent supplements, the purpose of the paid leave program is to mitigate the financial impacts of the emergency on City employees who are available to work, including working from home, but for whom there is no work due to the Stay Safe at Home Order.

DATED: September 25, 2020

A handwritten signature in blue ink, reading "London N. Breed".

London N. Breed
Mayor of San Francisco

EXHIBIT

E

Entertainment Commission Permit⁰⁷⁷

City and County of San Francisco; State of California

Just Add Music Permit

Permit Number: JAM-093

Grant Date: November 14, 2020

Permit is hereby granted to: Benson Wang

Business Name: Palm House

Location: 2032 Union Street, San Francisco, CA. 94123, within approved outdoor Shared Spaces location

Date and Time: Outdoor amplified sound and permissible outdoor entertainment approved Tuesdays-Sundays from 4-10pm

EC Approved Activity: Permissible entertainment and outdoor amplified sound accessory to outdoor dining as permissible by the San Francisco Public Health Order

This permit must be displayed at the above location in a conspicuous place. Permit is non-transferrable and is valid only for the Person to whom it is issued for the premises or permitted location specified in the permit.

Pertinent information regarding this permit:

1. Permit holder is approved to operate outdoor amplified sound equipment accessory to outdoor dining at 2032 Union Street within outdoor Shared Spaces location Tuesdays-Sundays from 4-10pm.
2. Permit holder is approved to host permissible outdoor entertainment activities (please note: no singing or playing wind, reed, or brass instruments allowed) accessory to outdoor dining at 2032 Union Street within outdoor Shared Spaces location Tuesdays-Sundays from 4-10pm.
3. Permit shall expire upon the lifting of the Mayor's Proclamation Declaring the Existence of A Local Emergency, dated February 25, 2020, or the termination of the Twenty-Seventh Supplement to the Mayoral Proclamation, dated September 25, 2020, whichever is earlier, unless the Director adopts regulations allowing the permit to continue for a specified wind-down period after the lifting of the Mayor's emergency proclamation or supplement.
4. Permit holder shall comply with San Francisco Municipal Police Code under the jurisdiction of the Entertainment Commission, including but not limited to, Article 15, Article 15.1, Article 15.2, and Article 29, as modified and supplemented by the Twenty-Seventh Supplement to the Mayoral Proclamation, dated September 25, 2020.
5. Permit holder is required to allow inspection by any EC permit administrator, EC inspector, San Francisco Police Officer, or other representative of the City and County of San Francisco including inspectors from the City's Community Education and Response Team or CERT. (Police Code Sec. 1060.11).
6. Permit holder shall abide by all applicable City, State and Federal laws.
7. Permit holder shall abide by all current Public Health Orders, including social distancing protocol, Health and Safety Plan, environmental cleaning standards, rules for outdoor dining, rules for farmers' markets, rules for outdoor fitness classes, rules for outdoor gatherings, rules for higher education classes, rules for live streaming, and rules for drive-in gatherings, as applicable. Permit holder shall abide by all Health Order requirements for the activity type including but not limited to reminding outdoor dining patrons to remain seated, preventing crowding, keeping the area clean, implementing to-go and line practices that discourage loitering, and prohibiting forms of live entertainment that increase risk of aerosol transmission of COVID-19 (which at the time of issuance of this permit include singing, or playing wind or brass instruments). List of applicable protocols available at: <https://www.sfdph.org/dph/alerts/coronavirus-healthorders.asp>.
8. All performers and staff must wear face coverings, and each performer must fit in the performance area and keep a distance of at least 6 feet from one another and other people.
9. Permit holder shall comply with the Commission approved security plan.
10. Permit holder shall hire sufficient security staff to ensure social distancing and prevent crowds from gathering.
11. While hosting entertainment or amplified sound, permit holder shall always have a staff member on site who is able to provide proof of permit, and is aware of all permit conditions including any approved sound limits.
12. Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who has direct authority over the premises or permitted location, knowledge of all permit conditions including any approved sound limits, and shall respond in a timely manner to address concerns.

13. Amplified sound equipment must be stationary and fixed to a specific location.
14. For all outdoor amplified sound activities, permit holder shall control the volume of outdoor amplified sound so that it does not exceed ambient levels at a distance of 50 feet measured from the property plane.
15. Permit holder shall ensure all signs and walkways are well lit, and post easily visible signs outside of the premises or permitted location instructing patrons to:
 - a. Respect the neighborhood by minimizing sound except in allowable sound conditions
 - b. Follow City & County of SF smoking regulations, and
 - c. Obey City & County of SF anti-loitering regulations.
16. Within 24 hours of any violent incident, or any time SFPD responds to a call for service at the premises or permitted location, permit holder shall complete and send an incident report to the Entertainment Commission and the SFPD District Station Permit Officer.
17. Permit holder shall comply with all applicable accessibility compliance requirements of the Shared Spaces program, especially pertaining to maintaining a clear path of pedestrian travel, and using diverters and accessible cord covers when applicable. Applicable protocols available at: <https://sf.gov/information/make-your-shared-space-accessible>.

Failure to conduct your business in conformity with these regulations may subject you to a criminal citation or arrest and the revocation of your permit. This permit is accepted and subject to all legal obligations, requirements and the conditions set forth above.

Signature of Permittee:

Issued by:
Maggie Weiland
Executive Director, Entertainment Commission

EXHIBIT

F

Entertainment Commission Permit⁰⁸⁰

City and County of San Francisco; State of California

Limited Live Performance

Permit Number: EC-1743 LLP

Conditional Grant Date: March 19, 2024

Grant Date: March 21, 2024

Permit is hereby granted to: Jeffrey Davis and Benson Wang of BLUE PLANTAIN LLC

Business Name: Palm House

Location: 2032 Union St, San Francisco, CA 94123

EC Approved Activity: Indoor entertainment, outdoor entertainment & amplified sound in patio

Date and Time: Indoor entertainment allowed until 11pm daily; outdoor amplified sound allowed 10am-10pm daily; outdoor entertainment allowed 10am-10pm daily but shall not exceed 4 hours up to 10 times per calendar year

Unless revoked or suspended by the Entertainment Commission ("EC") during a current year, or unless the permit is valid for only a specified time, it shall be deemed that application for a tax license renewal has been made at the end of each year and the original application granted under the conditions, limitations and obligations set forth herein is unchanged.

This permit must be displayed at the above address in a conspicuous place. You are required to allow any EC Permit Administrator, EC Inspector, or San Francisco Police Officer to inspect your premises (Police Code Sec. 1060.11). You shall not transfer this permit to another person or conduct a separate business at a different location other than that described on this permit (Police Code Sec. 1060.24).

ANY CHANGE IN OWNERSHIP OF THIS PERMITTED BUSINESS REQUIRES A NEW APPLICATION BE FILED WITHIN TEN DAYS OF THE DATE OF THE CHANGE. IF A PERMIT IS CONDITIONALLY GRANTED AND AN APPEAL IS FILED BY ANY PERSON WITHIN 10 DAYS OF THE ISSUANCE, THE PERMIT IS NOT VALID UNTIL THE APPEALS PROCESS IS CONCLUDED AND A FINAL DECISION IS RENDERED BY THE BOARD OF APPEALS.

Pertinent information regarding this permit:

- Permit holder shall comply with San Francisco Municipal Police Code under the jurisdiction of the Entertainment Commission, including but not limited to, Article 15, Article 15.1, Article 15.2, and Article 29.
- Permit holder shall comply with the Commission-approved Security Plan.
- Adhere to the Entertainment Commission's Good Neighbor Policy.
- Indoor entertainment allowed until 11pm daily.
- Outdoor amplified sound at the front of the business allowed between 10am – 10pm daily
- Outdoor entertainment allowed between 10am – 10pm daily, but shall not exceed 10 events with entertainment per calendar year, and each event shall not exceed 4 hours of live entertainment.
- Sound abatement internal limit approved at 83dBA/94dBC maximum, measured from under the first birdcage chandelier on the right as you enter the main bar.
- Permit holder shall control the volume of outdoor entertainment and amplified sound so that it does not exceed ambient levels at a distance of 50 feet measured from the property plane.

Failure to conduct your business in conformity with these regulations may subject you to a criminal citation or arrest and the revocation of your permit. This permit is accepted and subject to all legal obligations, requirements and the conditions set forth above.

Signature of Permittee:

Issued by:

Kaitlyn Azevedo

Acting Director, Entertainment Commission

Permit is not valid without current tax license.

EXHIBIT

G



Good Neighbor Policy

1. While hosting entertainment, permit holder shall always have a staff member on site who is able to provide proof of permit, is trained in every aspect of venue operation, and is aware of all permit conditions.
2. Permit holder is responsible for the safety and security of venue patrons and the surrounding neighborhood. The Commission approved security plan shall be followed, and permit holder shall secure the sidewalk for a 100-foot radius in all directions around the premises of the business to prevent injury to persons and/or damage to property.¹ Security staff shall be placed at all entrances and exits during the period from 10:00pm to such time past closing that all patrons have left the vicinity.
3. Permit holder shall post easily visible signs outside each entrance and exit instructing patrons to:
 - a) Respect the neighborhood by keeping voices low,
 - b) Follow City & County of SF smoking regulations², and
 - c) Obey City & County of SF anti-loitering regulations.³All signs and walkways shall be well lit. Sidewalks shall be kept clear for pedestrians. Cars shall not be double parked.
4. Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who has direct authority over the premises, knowledge of all permit conditions, and shall respond in a timely manner to address concerns.
5. Permit holder shall maintain, and be prepared to verify, records at the premises of current L.E.A.D certification⁴ for all persons working at the premises.
6. Permit holder shall maintain all entrances and exits to the building and all sidewalks within 100 feet of the premises in a clean and sanitary condition. At some point between 30 minutes after closing and 8:00am, permit holder shall walk the area within 100 feet of the property and dispose of any litter that may have been left by patrons.
7. Permit holder shall take measures to reduce the amount of sound that escapes the venue. All doors and windows must be kept closed while hosting entertainment, unless otherwise conditioned on the permit. Permit holder shall be familiar with, and abide by, sound ordinances enforced by the Entertainment Commission, including but not limited to, the following:
 - a) Regulation of Noise - Noise Limits
 - 1) Commercial & Industrial Property⁵
 - 2) Public Property⁶
 - b) Outdoor Amplified Sound Regulations⁷
 - c) Unnecessary Noise⁸
8. Within 24 hours of any violent incident, or any time SFPD responds to a call for service at the premises, permit holder shall complete and send an incident report⁹ to (1) their SFPD District Station Permit Officer and (2) the Entertainment Commission.

¹ SF Municipal Police Code Article 15.1 “security plan” definition

² SF Health Code Article 19F SEC. 1009.22(i)(1)

³ SF Municipal Police Code Article 2 Section 121(b)

⁴ https://www.abc.ca.gov/programs/LEAD/Online_LEAD_Training.html

⁵ SF Municipal Police Code Article 29 Section 2909(b)

⁶ SF Municipal Police Code Article 29 Section 2909(c)

⁷ SF Municipal Police Code Article 15.1 Section 1060.16(b)(3)

⁸ SF Municipal Police Code Article 1 Section 49(b)

⁹ https://sfgov.org/entertainment/sites/default/files/Incident_Report.pdf

EXHIBIT

H





086



EXHIBIT

I



Entertainment Commission

City and County of San Francisco

Memorandum

To: San Francisco Entertainment Commission
From: Kaitlyn Azevedo, Deputy Director
Date: March 19, 2024
Re: **Hearing and Possible Action regarding applications for permits** under the jurisdiction of the Entertainment Commission.

6. **Hearing and Possible Action regarding applications for permits under the jurisdiction of the Entertainment Commission.** [Discussion and Possible Action Item]

Consent Calendar:

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Entertainment Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

We have 2 permits on the Consent Agenda this evening for One Time Outdoor Event Permits to host outdoor entertainment and amplified sound with extended duration. All of the applicants conducted neighborhood outreach and there was no opposition from neighbors nor concern from SFPD for any of these permits. The staff recommendation is for the Commission to approve the Consent Agenda with the staff recommendations below.

Consent Agenda:

- a. ECOTE24-017 Sunset Mercantile ***dba Outer Sunset Farmers Market & Mercantile***, 37th Ave between Ortega St and Quintara St – One Time Outdoor Event Permit to host outdoor entertainment and amplified sound with extended duration on Sundays, 04/07/24 - 03/30/25 from 9:00am-2:00pm.

Staff recommendation: Approval with:

1. Good Neighbor Policy <https://www.sf.gov/information/good-neighbor-policy>.
2. Permit holder shall comply with Municipal Police Code Article 15.1 Section 1060.16 including but not limited to (b)(3): The volume of outdoor amplified sound shall be controlled so that it does not exceed ambient levels at a distance of 100 feet measured from the property plane.
3. No entertainment and/or amplified sound may occur outside of the date(s), time(s), and location(s)

that the Entertainment Commission has approved⁰⁸⁹ for your event.

4. Amplified sound equipment must be stationary and fixed to a specific location.
5. While hosting entertainment and/or amplified sound, permit holder shall have a staff member on site who is able to provide proof of permit, and is aware of all permit conditions including any approved sound limits. (EC Good Neighbor Policy Condition #1).
6. Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who has direct authority over the premises or permitted location, knowledge of all permit conditions including any approved sound limits, and shall respond in a timely manner to address concerns (EC Good Neighbor Policy Condition #4).
7. Within 24 hours of any violent incident, or any time SFPD responds to a call for service at the premises or permitted location, permit holder shall complete and send an Incident Report to the Entertainment Commission and the SFPD District Station Permit Officer. The Incident Report Form is available at https://sf.gov/sites/default/files/2022-06/Incident%20Report_Fillable.pdf.
8. Permit holder shall abide by all applicable City, State and Federal laws.
9. Permit holder shall comply with the Commission approved security plan.
10. Permit holder is required to allow inspection by any EC permit administrator, EC inspector, or San Francisco Police Officer. (Police Code Sec. 1060.11).

- b. ECOTE24-046 LionDanceME *dba Grant Avenue Performances*, Grant Ave between California St and Washington St – One Time Outdoor Event Permit to host outdoor entertainment and amplified sound with extended duration on Saturdays and Sundays, 04/06/24 - 03/30/25 from 10:00am-7:00pm.

Staff recommendation: Approval with:

1. Good Neighbor Policy <https://www.sf.gov/information/good-neighbor-policy>.
2. Permit holder shall comply with Municipal Police Code Article 15.1 Section 1060.16 including but not limited to (b)(3): The volume of outdoor amplified sound shall be controlled so that it does not exceed ambient levels at a distance of 100 feet measured from the property plane.
3. No entertainment and/or amplified sound may occur outside of the date(s), time(s), and location(s) that the Entertainment Commission has approved for your event.
4. Amplified sound equipment must be stationary and fixed to a specific location.
5. While hosting entertainment and/or amplified sound, permit holder shall have a staff member on site who is able to provide proof of permit, and is aware of all permit conditions including any approved sound limits. (EC Good Neighbor Policy Condition #1).
6. Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who has direct authority over the premises or permitted location, knowledge of all permit conditions including any approved sound limits, and shall respond in a timely manner to address concerns (EC Good Neighbor Policy Condition #4).
7. Within 24 hours of any violent incident, or any time SFPD responds to a call for service at the premises or permitted location, permit holder shall complete and send an Incident Report to the Entertainment Commission and the SFPD District Station Permit Officer. The Incident Report Form is available at https://sf.gov/sites/default/files/2022-06/Incident%20Report_Fillable.pdf.
8. Permit holder shall abide by all applicable City, State and Federal laws.
9. Permit holder shall comply with the Commission approved security plan.
10. Permit holder is required to allow inspection by any EC permit administrator, EC inspector, or San Francisco Police Officer. (Police Code Sec. 1060.11).

Regular Agenda:

- c. EC-1757 – Greg Medow of 687 MCALLISTER LLC, ***dba Flanahan’s Pub***, 3805 Noriega St – Limited Live Performance including outdoor amplified sound in their parklet

The first permit on our regular agenda this evening is for a JAM to BAM for a Limited Live Performance permit for Flanahan’s Pub, located at 3805 Noriega Street. Flanahan’s is an old-school Irish bar and they are seeking the LLP permit to host indoor entertainment and continue hosting outdoor amplified sound in their parklet. Under their JAM permit, they were allowed outdoor amplified sound Sundays 5pm-10pm, but under this application they are seeking the ability to host outdoor amplified sound between 12pm-10pm Monday – Saturday, and 10am – 10pm on Sundays. If approved, the outdoor amplified sound will consist of playing prerecorded music from a small speaker and airing sports games in the parklet. Included in your file tonight is a copy of their outreach letter and a list of the commercial and residential addresses who received it. There was no opposition for this permit, and SFPD Taraval Station did not have any added conditions. Here to speak with you tonight is owner, Greg Medow.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
 2. Indoor entertainment allowed until 11pm; and
 3. Outdoor amplified sound allowed in the parklet between 12pm – 10pm Monday - Saturday, and 10am -10pm on Sundays; and
 4. Permit holder shall control the volume of outdoor amplified sound so that it does not exceed ambient levels at a distance of 50 feet measured from the property plane.
- d. EC-1743 – Jeffrey Davis and Benson Wang of BLUE PLANTAIN LLC, ***dba Palm House***, 2032 Union St. – Billiard Parlor and Limited Live Performance including outdoor amplified sound and entertainment in private patio

The next permit on our agenda tonight is for a JAM to BAM LLP permit that includes outdoor entertainment and amplified sound on the front patio at Palm House, located at 2032 Union St. They have also applied for a Billiard Parlor permit for their pool table. As you may recall, this application was on our December 19th, 2023 hearing agenda, but was continued to a future hearing date due to lack of quorum. They are here again tonight with the same application on the docket.

Palm House held a JAM permit for outdoor entertainment and amplified sound on their front patio from 4pm – 10pm Tuesday – Sunday since November 2020, and they have been operating with an extended duration one-time outdoor event permit for amplified sound since December 2024. They have also obtained a handful of one-time indoor event permits since December as well. Under this LLP application, they’d like to host indoor entertainment until 11pm, and host outdoor entertainment daily between 10am – 10pm but shall host no more than 10 events with entertainment per calendar year, and each event shall not exceed 4 hours of live entertainment. They’d also like the ability to host outdoor amplified sound daily between 10am – 10pm for the patrons on their patio. In advance of their December hearing, the applicant notified all of their commercial and residential neighbors about their LLP application nearly 30 days in advance of the

hearing, however on December 13th, the deadline for public comments, I received 4 letters of opposition for this permit. All of this documentation is included in your file tonight. Of note, one of the neighbors who submitted an initial letter of opposition resent that same letter in advance of tonight's hearing. In response to the opposition letters, I provided education to each of the neighbors and asked if they'd like to be put in touch with the applicant directly, but only one took me up on the offer. I held a meeting with this neighbor, their counsel, and the owner to discuss the concerns. I think it's important to note for the Commission that this neighbor lives in the rear of the business, and this LLP application is for indoor entertainment and outdoor entertainment and amplified sound at the front of the business. Although the business does not have any outdoor programming to the rear of the business, they do have a back room with windows that they sometimes open for ventilation since they do not have an HVAC system. Based on the neighbors' feedback about hearing noise from the back room, the owner agreed to ensure all windows are closed by 10pm regardless if they are hosting entertainment, and they do this by physically removing the window crank handles at 10pm so patrons can't open the windows.

In advance of tonight's hearing, I received a new letter from the neighbor's counsel outlining two specific permit condition requests which are to install a limiter on their sound system and to require indoor entertainment to end by 10pm. In speaking with the owner about these requests, he explained that their house system already has a designated volume limit based on Senior Inspector Zverina's sound test, and that DJs and bands often bring in their own sound equipment. Further, the owner is requesting to have indoor entertainment be allowed until 11pm, which is the legal end time for this zoning district.

Lastly, I would like to note that we have received one sound complaint about Palm House this calendar year. The complaint came in on Saturday, February 24th at 11:20pm and stated that the music started around 9:30pm and the windows were open. Inspector Zelenak responded that night at 12am and when she arrived, the front patio speakers were in operation, but no rear windows were open. She spoke with a manager about the speakers being on, and the manager turned them off promptly. I also followed up with the owner about the speakers being off by 10pm, and he said he'd be sure to remind staff.

SFPD Northern Station did not have any added conditions for this permit. Please let me know if you have any questions about the application, otherwise, here to speak with you tonight is one of the owners, Jeff Davis.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
2. Indoor entertainment allowed until 11pm daily; and
3. Outdoor amplified sound at the front of the business allowed between 10am – 10pm daily; and
4. Outdoor entertainment allowed between 10am – 10pm daily, but shall not exceed 10 events with entertainment per calendar year, and each event shall not exceed 4 hours of live entertainment; and
5. Sound abatement internal limit approved at 83dBA/94dBC maximum, measured from under the first birdcage chandelier on the right as you enter the main bar; and
6. Permit holder shall control the volume of outdoor entertainment and amplified sound so that it does not exceed ambient levels at a distance of 50 feet measured from the property plane.

- e. EC-1756 - Kash Feng of ORGSF LLC, **dba The Third Floor**, 333 Battery St. – Place of Entertainment including outdoor amplified sound and entertainment on private patio

The next permit on our regular agenda is for a Place of Entertainment permit for The Third Floor, located at 333 Battery Street. The Third Floor is a new bar and restaurant located on the third floor of the Jay Hotel. The Third Floor is part of the Omakase Restaurant Group, and offers breakfast, lunch, and dinner. The restaurant also features a private outdoor patio. Under this POE permit application, they are seeking the ability to host indoor entertainment, outdoor entertainment, and outdoor amplified sound until 2am. For the outdoor programming, the applicants would not exceed 8 hours total of amplified sound and/or entertainment. The applicants conducted extensive outreach and notified their commercial and residential neighbors of their application by using a mailing service. In total, they sent out 549 letters, 447 of which went to businesses and 102 went to residences. In your file tonight is a list of the addresses as well as a map of the area they noticed. There was no opposition submitted for this permit. Senior Inspector Zverina has already set an internal an external sound limit for the space, which are reflected in your staff recommendations below. I will note that the business did receive two sound complaints on Friday February 23rd and Saturday February 24th and received a Notice of Violation for hosting entertainment without a permit. SFPD Central Station included their standard calendaring condition on the application, and here to speak with you tonight is the owner, Kash Feng, and Hotel Manager, Charlie Kim.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
2. Permit holder shall email monthly calendar of events to SFPD Central Station Permit Officer and Entertainment Commission the month prior to the event; and
3. Indoor entertainment allowed until 2am; and
4. Outdoor entertainment and amplified sound allowed in private patio daily between 9am – 2am but shall not exceed 8 hours total per day; and
5. Sound abatement internal limit approved at 80dBA/89dBC maximum, measured from the banister opposite of the host stand; and
6. Sound abatement external limit approved at 81dBA/84dBC maximum, measured from the south end of the bar near the footbridge.

- f. EC-1759 - Grover Fan, Jeffrey Leung and Thanh Quoc Ly of XIAN FINE FOODS, LLC, **dba Xian Bistro**, 2543 Noriega St. – Place of Entertainment

The next permit on our regular agenda is for a Place of Entertainment permit for Xian Bistro, located at 2543 Noriega Street. The previous two owners, dba Under Ground Grill King, also held a POE permit at this location for the same type of entertainment, which will only be used for indoor karaoke. We did not receive any sound complaints from the prior ownership team, so staff are recommending we use the preexisting sound limit, which is reflected below. The applicants notified their neighbors of the POE permit application, and there was no opposition for this permit. Taraval Station had no added conditions, and here to speak with you tonight is one of the owners, Grover Fan.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
2. Indoor entertainment allowed daily until 2am;
3. Sound abatement internal limit approved at 85dBA/85dBC maximum, measured from the rear center of the dining room.

- g. EC-1539 – Nicholas Parker, **dba Mercury Café**, 201 Octavia St. – Limited Live Performance amendment to include outdoor amplified sound at the front of the business

The next permit on our agenda tonight is for a JAM to BAM LLP permit amendment for Mercury Café to include their outdoor programming under their existing indoor LLP permit. During the pandemic, Mercury Café held a JAM permit to host outdoor entertainment and amplified sound Wednesday – Saturday from 5-10pm. Under this LLP permit amendment, they’re seeking the ability to have outdoor programming daily between 9am – 10pm but shall not exceed 6 hours total per day, except for 6 times per calendar year they’d like the outdoor entertainment and/or amplified sound to be allowed for up to 8 hours per day. As a note, their amplified sound and entertainment is physically located inside the café, but they like to open their large front windows for the sound to project outside for the patrons on the sidewalk and in the parklet to hear the music. Senior Inspector Zverina will be setting an external sound limit in the coming weeks based on Mercury’s programming schedule. The applicant conducted outreach by sending out 29 letters to their surrounding commercial and residential neighbors. There was no opposition for this permit, and they received 1 letter of support, which is included in your file tonight. SFPD Northern Station had no added conditions, and here to speak with you tonight is owner, Nick Parker.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
2. Indoor entertainment allowed daily until 11pm;
3. Sound abatement internal limit approved at 98dBA/105dBC maximum, measured from the front of the bar; and
4. Outdoor entertainment and amplified sound allowed daily at the front of the business between 9am – 10pm, but shall not exceed 6 hours total per day; and
5. “Special Event” shall be defined as an event with outdoor entertainment and/or amplified sound for up to 8 hours per day; and
6. Permit holder shall be allowed up to 6 “Special Events” per calendar year.

- h. EC-1765 – Dennis Leary of Bar Hesperus LLC, **dba Decodance**, 1160 Polk St. – Place of Entertainment Change in Ownership

The next permit on our regular agenda is for a Place of Entertainment change in ownership for Decodance, located at 1160 Polk Street. The new owner is maintaining all existing staff, security, and entertainment programming, so this is simply an ownership change for the POE permit. Additionally, the new owner shall adhere to the existing Planning Motion #16697 that requires entertainment to occur only between the hours of 8pm – 1:30am daily. The owner conducted outreach by sending letters to his commercial and residential neighbors letting them know about the ownership change, and there was no opposition. I will note that we have recently received a couple of sound complaints about their Sunday night programming, and in response, I have been in touch with both the complainant and the new owner, who is working on sound mitigation strategies to

alleviate the sound bleed from the premises. ⁰⁹⁴ SFPD Northern Station had no added conditions, and here to tell you more is owner, Dennis Leary.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
 2. Per Planning Motion #16697, indoor entertainment only allowed between 8pm – 1:30am daily; and
 3. Sound abatement internal limit approved at 96dBA/107dBC maximum, measured from front of house.
- i. EC-1767 - Greg Quinn of No Garnish LLC, ***dba The Halfway Club***, 1166 Geneva Ave. – Limited Live Performance including outdoor entertainment and amplified sound on private patio

The final permit on our regular agenda tonight is for an LLP permit that includes outdoor entertainment and amplified sound on the private patio of The Halfway Club, located at 1166 Geneva Avenue. The Halfway Club is a new bar and restaurant that is seeking the LLP permit so they can host various types of indoor and outdoor entertainment including live music, DJs, karaoke, fashion shows, drag shows, and comedy acts. They are also hoping to play prerecorded music on their patio for guests while they are dining. Under this LLP permit, they'd like the option to host outdoor entertainment daily between 9am - 10pm but shall not exceed 4 hours per day, as well as the ability to host outdoor amplified sound Monday-Friday 4pm - 10pm and Saturday & Sunday 12pm - 10pm. Senior Inspector Zverina has scheduled their sound test for later this week, and their limits will be applied to the permit once set. The applicants conducted outreach by sending 30 letters to their neighbors. There was no opposition for this permit and SFPD Ingleside Station had no added conditions. Here to speak with you tonight is owner, Greg Quinn.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
2. Indoor entertainment allowed daily until 11pm;
3. Outdoor entertainment on private patio allowed daily between 9am – 10pm but shall not exceed 4 hours per day; and
4. Outdoor amplified sound on private patio allowed Monday – Friday 4pm – 10pm and Saturday – Sunday 12pm – 10pm; and
5. Direct EC Staff to set sound limit in accordance with Municipal Police Code Article 29.

PUBLIC COMMENT

From: [Stacy Bisol](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Appeal No. 24-028 2032 Union Street
Date: Thursday, April 11, 2024 4:46:10 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I oppose 2032 Union Street to receive a Limited Live Performance Permit. They have not been a good neighbor for many years. Their music has disturbed our whole families sleep. We do have children. Our bedrooms are on the backside of our home. We have asked many times over the years to close the windows and they have not cooperated. Please consider us a family with 2 children under 10 when you are making your decision.

Thank you for your time.

Sincerely,

Stacy Bisol
3035 Buchanan Street
SF, CA 94123