

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
NEXT LEVEL SF LLP, DBA 1217 LOUNGE,)
Appellant(s))
vs.)
ENTERTAINMENT COMMISSION,)
Respondent)

Appeal No. **24-039**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on June 28, 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 June 21, 2024, of Place of Entertainment and Extended Hours Premises Permit No. EC-1783 (Indoor entertainment allowed Friday through Sunday 11:30 p.m. – 2:00 a.m.; no entertainment allowed during the month of Ramadan each year; sound abatement internal limit approved at 88dBA/100dBC maximum, measured from the corner of the bar's nearest the entrance; there shall be a minimum of 4 security guards working on Friday - Sunday nights during entertainment; at least two guards shall always be outside during entertainment on Friday – Sunday nights; beginning at 11:30pm on Friday - Sunday nights during entertainment, door policies shall include: ID check, bag check, pat-down, and wandng prior to entry; a female guard will be onsite to perform female pat-downs) at 1217 Sutter Street.

APPLICATION NO. EC-1783

FOR HEARING ON July 17, 2024

Address of Appellant(s):

Address of Other Parties:

Next Level SF LLP, dba 1217 Lounge, Appellant(s) c/o Karlo Avassapian, Agent for Appellant(s) 1217 Sutter Street San Francisco, CA 94109	N/A
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Date Filed: June 28, 2024

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

PRELIMINARY STATEMENT FOR APPEAL NO. 24-039

I / We, **Next Level SF LLP, dba 1217 Lounge**, hereby appeal the following departmental action: **ISSUANCE of Place of Entertainment Permit No. EC-1783** by the **Entertainment Commission** which was issued or became effective on: **June 21, 2024**, for the property located at: **1217 Sutter Street**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **July 5, 2024, (no later than three Thursdays prior to the hearing date)**. 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 and maggie.weiland@sfgov.org

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **July 11, 2024, (no later than one Thursday prior to hearing date)**. 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 and nextlevelsflc@gmail.com

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

Hearing Date: **Wednesday, July 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: Karlo Avassapian, agent for appellant

I am appealing the decision by the Entertainment Commission because the restrictions violate my constitutional rights, puts me in a competitive disadvantage, and will impact my financial health. The hours and day restriction needs to be modified.



Entertainment Commission

City and County of San Francisco

– *amended 6/21/2024 at 4:30pm*



To: Permit Applicant, Karlo Avassapian of Next Level SF LLC, *dba 1217 Lounge*, 1217 Sutter St

From: May Liang, Commission Secretary, San Francisco Entertainment Commission

Date: June 21, 2024

Re: **Notice of Decision** RE: June 18, 2024 Entertainment Commission Item 6h. Hearing and Possible Action Regarding applications for permits under the jurisdiction of the Entertainment Commission, item h. EC-1783 – Karlo Avassapian of Next Level SF LLC, *dba 1217 Lounge*, 1217 Sutter St – Place of Entertainment and Extended Hours Premises

NOTICE OF DECISION FROM JUNE 18, 2024 HEARING

The hearing on the aforementioned matter came before the Entertainment Commission on Tuesday, June 18, 2024.

Pursuant to Article 15.1 Section 1060.5 of the Municipal Police Code of the City and County of San Francisco, the Entertainment Commission hereby **CONDITIONALLY GRANTS** the Place of Entertainment Permit for **dba 1217 Lounge** pending completion of required departmental inspections with the following conditions:

- (1) 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.
- (2) Permit holder shall comply with the Commission-approved Security Plan.
- (3) Adhere to the Entertainment Commission's Good Neighbor Policy.
- (4) Indoor entertainment allowed Friday - Sunday 11:30pm – 2:00am – no entertainment allowed during the month of Ramadan each year.
- (5) Sound abatement internal limit approved at 88dBA/100dBC maximum, measured from the corner of the bar nearest the entrance.
- (6) There shall be a minimum of 4 security guards working on Friday - Sunday nights during entertainment.
- (7) At least two guards shall be outside at all times during entertainment on Friday – Sunday nights.
- (8) Beginning at 11:30pm on Friday - Sunday nights during entertainment, door policies shall include: ID check, bag check, pat-down, and wand prior to entry. A female guard will be onsite to perform female pat-downs.

This order was made on the basis that the Commission found no grounds for denial of the Place of Entertainment permit per Article 15.1 Section 1060.5 Subsection (f)(1-5). The only section with potential factual basis for denial was Article 15.1 Section 1060.5 Subsection (f)(5), but this was overruled by the Commission based on the sound test Commission staff conducted both within 1217 Lounge and within the neighboring mosque. When the sound was on at 1217 Lounge using the issued sound limit in compliance with MPC Article 29, it only increased the volume inside of the mosque by 1 C-weighted decibel. However, it was noted by members of the mosque that the sound was still audible during the sound test. This among other concerns from the neighboring mosque were considered by the Commission in the issuance of the aforementioned conditions on this permit to ensure that entertainment would only be permissible outside of the hours of worship at the mosque.

Pursuant to Article 15.2 Section 1070.5 of the Municipal Police Code of the City and County of San Francisco, the Entertainment Commission hereby **DENIES** the Extended Hours Premises Permit for **dba 1217 Lounge**. This order



ENTERTAINMENT COMMISSION

49 South Van Ness Avenue, Suite 1482, San Francisco, CA 94103

(628) 652-6030 Main

was made on the basis that the Chief of Police or the Chief's designee, which in this case was the Northern Station Permit Office, recommended denial of the Extended Hours Premises Permit due to its direct proximity to a Place of Worship and the potential to disrupt the Place of Worship's practices during extended-hours (Article 15.1 Section 1060.5(f)(5) and (f)(7)).

RIGHT TO APPEAL

Pursuant to Article 15.1 Section 1060.24.2 and Article 15.2 Section 1070.32 of the Municipal Police Code of the City and County of San Francisco, the permit applicant has the right to appeal these decisions to the Board of Appeals. Any such appeal shall be filed within ten days from the date of the decision at the hearing, as provided in Section 8 of the San Francisco Business and Tax Regulations Code.

If you have any questions, please don't hesitate to reach out to Commission Secretary May Liang at: May.K.Liang@sfgov.org or Executive Director Weiland and Deputy Director Azevedo at: Maggie.Weiland@sfgov.org and Kaitlyn.Azevedo@sfgov.org.



ENTERTAINMENT COMMISSION

49 South Van Ness Avenue, Suite 1482, San Francisco, CA 94103

(628) 652-6030 Main

BRIEF SUBMITTED BY THE APPELLANT(S)

NEXT LEVEL SF, LLC
1217 LOUNGE
1217 SUTTER STREET
SAN FRANCISCO, CA 94109

—
(415) 999-9478
EMAIL: nextlevelsflc@gmail.com

July 5, 2024

Delivered Via E-mail (boardofappeals@sfgov.org)

President Jose Lopez and Commissioners
San Francisco Board of Appeals
1650 Mission Street, Room 304
San Francisco, CA 94103

Re: Appeal No.: 24-039
Appeal Title: Next Level SF LLP, dba 1217 Lounge vs. SF Entertainment Commission (“EC”)
Subject Property: 1217 Sutter Street
Action: Conditions of Place of Entertainment Permit
Permit No.: EC-1783
Hearing Date: July 17, 2024
Location: San Francisco City Hall, Room 416

Dear President Lopez and Commissioners:

I am the owner and Manager of Next Level SF, LLC, doing business as **1217 Lounge**, a lounge and restaurant located at 1217 Sutter Street (near Polk) in San Francisco. We submit this brief in support of Appeal No. 23-039 to request that the San Francisco Board of Appeals (“The Board”) amend Condition Number 4 on the Conditional Grant of a Place of Entertainment permit issued to Appellant at the June 18, 2024, hearing of the SF Entertainment Commission. A copy of the Notice of Decision with eight (8) conditions is attached to this letter marked as **Exhibit 1**. Appellant respectfully requests that Condition No. Four of this Conditional Grant be amended to conform with the requirements Section 1060 of the San Francisco MPC and the requirements of the

“Establishment Clause” of the First Amendment to the US Constitution, which is made applicable to the States and municipalities by the 14th Amendment to the US Constitution.

I. INTRODUCTION

At its June 18, 2024 meeting the San Francisco Entertainment Commission (“Entertainment Commission” or “E.C.”) heard testimony from various members of the San Francisco EC Staff, representatives from Supervisor Aaron Perkin’s office, Appellant Karlo Avassapian, dozens of interested members of the next-door Al Tawheed Mosque, and members of the public. The Entertainment Commission subsequently voted to **Conditionally Grant** a Place of Entertainment Permit to 1217 Lounge with eight (8) conditions:

- (1) Permit holder shall comply with San Francisco Municipal Police Code under The jurisdiction of the Entertainment Commission includes but not limited to, Article 15, Article 15.1, Article 15.2, and Article 29.
- (2) Permit holder shall comply with the Commission-approved Security Plan.
- (3) Adhere to the Entertainment Commission’s Good Neighbor Policy.
- (4) Indoor entertainment allowed Friday - Sunday 11:30pm – 2:00am – no entertainment allowed during the month of Ramadan each year.
- (5) Sound abatement internal limit approved at 88dBA/100dBC maximum, measured from the corner of the bar nearest the entrance.
- (6) There shall be a minimum of 4 security guards working on Friday - Sunday nights during entertainment.
- (7) At least two guards shall be outside at all times during entertainment on Friday – Sunday nights.

(8) Beginning at 11:30pm on Friday-Sunday entertainment nights, door policies shall include: ID check, bag check, pat-down and wandung prior to entry. A female guard will be onsite to perform female pat- downs.

The authority to add these conditions is granted under Municipal Police Code (“MPC”) § 1060.5(g)(3).¹

In this appeal, Appellant is **only** appealing the proposed new condition #4:

“ Indoor entertainment allowed Friday - Sunday 11:30pm – 2:00am –

no entertainment allowed during the month of Ramadan each year” (emphasis added).

Appellant accepts all other seven conditions, as noted above, that the Entertainment Commission added to its POE on June 18, 2024.

1217 Lounge contends that proposed entertainment condition of a 11:30 am cessation of entertainment is tantamount to deny is application for a POE, As noted from the letter from Terrance Alan the conditions permanently revoking its POE and closing the business. This new condition is patently **unreasonable** and therefore violative of MPC §1060.5(g)(3). We attach to this brief a statement to this effect letter from Terrance Alan, a founder and former President of the Entertainment Commission.

II. FACTUAL BACKGROUND

1217 lounge is a new establishment moving into an historic lower-Polk bar restaurant location. According to Deputy Director Azavedo in her introduction to the hearing (hereafter

¹ Municipal Police Code Section 1060.5(g)(3) states: “the Commission may impose additional *reasonable* (emphasis added) time, place and manner conditions on the permit. In considering whether to impose said conditions, 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 or Article 15.2 for the same permit applicant or Permittee.”

“INTRO”– SEE Azavedo transcript beginning 1:01:42) this location, according to the ABC website has an active 1217 lounge is a new establishment moving into a historic lower-Polk bar restaurant location. According to Deputy Director Azavedo in her introduction to the hearing (hereafter “INTRO”– SEE Azavedo transcript beginning 1:01:42) this location has held according to the ABC website there has been an active type 47 or type 41 liquor license at the premise since 1992. Prior to 1217 Lounge taking over the space this location was the Rusted Mule, a nightclub and restaurant. “ The Rusted Mule, which also operated as a bar and lounge had Entertainment activity before the pandemic.” (INTRO). The new owner is seeking a POE permit for indoor entertainment, (DJs(in bands until 2 AM daily. 1217 Lounge also applied for an Extended Hours permit for one hour (only) on Sunday early AM until 3 am.

This application met opposition from the Al Tawheed Mosque (the “Mosque”) which is located immediately adjacent to the business. My Azavedo hosted a virtual community meeting on May 23, 2024. In attendance were folks from the Mosque, owner Karlo Avassapian, Lower Polk, CBD president, Chris, Schulman and Haliday Yassi (sp?) from

III. ARGUMENT

1. 1217 LOUNGE’S POE AND THE ENTERTAINMENT PROVIDED AT THE VENUE IS ACTIVITY FULLY PROTECTED BY THE FIRST AMENDMENT TO THE US CONSTITUTION.

As an initial matter, the entertainment presented at 1217 **1217 LOUNGE**, namely DJ entertainment, is activity fully protected by the First Amendment. See, e.g. Ward v. Rock Against Racism, 491 U.S.781,790, 109 S.Ct. 2746 (1989); Burton v. Municipal Court, 68 Cal.2d 684 (1968) The ordinance at issue here -- San Francisco Police Code Article 15.1, §1060 et. sec. (governing Place of Entertainment permits) -- is a licensing scheme which explicitly regulates activities protected by the First Amendment.

2. MPC §1060.5(g)(3) IS UNCONSTITUTIONALLY VAGUE, LACKS DEFINITE STANDARDS AND IS THEREFORE VOID.

The Entertainment Commission's authority to condition **1217 Lounge's** POE to allow entertainment ONLY after 11:30 pm on weekends and to stop entertainment for the entire holy (Islam) month of Ramadan is based on MPC § 1060.5(g)(3). (see footnote 1, page two). We believe that this statute lacks any definite standard to direct the Entertainment Commission as to what is a "reasonable" conditioning of an entertainment permit. What level of problem or issue will allow the E.C. to add new and potentially draconian conditions on a POE? 10 neighbors complaining about lawful sound levels they find annoying? The "wrong element" being brought into the neighborhood? Is an 11:30 start time for entertainment reasonable? In Coates v. City of Cincinnati, 402 US 611 (1971), the US Supreme Court struck down a loitering law because the ordinance specified no standard of conduct. Justice Stewart wrote that the law "is unconstitutionally vague because it subjects the exercise of the right of assembly to an unascertainable standard, and unconstitutionally.

The principle underlying this strict scrutiny given to First Amendment licensing schemes is the knowledge that a licensing statute which places unbridled discretion in the hands of a government official or agency constitutes a prior restraint, which may result in the licensing authority using its power to suppress ideas which it finds objectionable and thus act as a censor. City of Lakewood v. Plain Dealer Pub. CO., 486 U.S. 750, 757, 108 S.Ct. 2138, 2144 (1988); Burton v. Municipal Court, supra, 68 Cal.2d at 690-92 (1968) 3

3. PROPOSED CONDITION FOUR DISALLOWING ENTERTAINMENT DURING THE MONTH OF RAMADAN EACH YEAR IS A CLEAR VIOLATION OF THE “ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT.”

1. The Establishment Clause of the of the First Amendment to the US Constitution prohibits any law “respecting an establishment of religion.” This clause, incorporated against the states and municipalities by the Fourteenth Amendment, ensures that government entities maintain a separation of church and state. This essay examines the implications of this clause in the context of municipal permit conditions that preclude operations during the holy month of Ramadan.

2. Legal Framework and Interpretation

The Establishment Clause aims to prevent government actions that unduly favor one religion over another or that excessively entangle the government with religious activities. The U.S. Supreme Court has articulated several tests to evaluate potential Establishment Clause violations, including the Lemon Test from *Lemon v. Kurtzman*, 403 U.S. 602 (1971), the Endorsement Test from *Lynch v. Donnelly*, 465 U.S. 668 (1984), and the Coercion Test from *Lee v. Weisman*, 505 U.S. 577 (1992).

3. Lemon Test: This test involves three prongs:

- The statute must have a secular legislative purpose.
- Its principal or primary effect must neither advance nor inhibit religion.
- It must not foster excessive government entanglement with religion.

2. Endorsement Test: This test examines whether a reasonable observer would view the government action as endorsing or disapproving of religion.

3. Coercion Test: This test considers whether the government action coerces individuals to participate in religion or its exercise.

4. Case Law Examples

Several cases provide guidance on how courts interpret the Establishment Clause concerning municipal actions:

1. **Vasquez v. Los Angeles County**, 487 F.3d 1246 (9th Cir. 2007): The Ninth Circuit struck down the inclusion of a Latin cross on the county seal, finding it endorsed Christianity and violated the Establishment Clause.

2. **Trunk v. City of San Diego**, 629 F.3d 1099 (9th Cir. 2011): The court ruled that a large cross on public land conveyed a message of religious endorsement, violating the Establishment Clause.

3. **Catholic League for Religious and Civil Rights v. City and County of San Francisco**, 624 F.3d 1043 (9th Cir. 2010): The court held that a city resolution condemning the Catholic Church's stance on same-sex adoptions had the primary effect of disapproving Catholic religious beliefs, thus violating the Establishment Clause.

5. Application to Permit Conditions During Ramadan

Suppose a city enacts permit conditions that preclude a business or individual from operating during the holy month of Ramadan. Such conditions must be scrutinized under

6. Conclusion- Establishment Clause

Municipal permit conditions that preclude operations during the holy month of Ramadan would likely violate the Establishment Clause of the First Amendment. The city must ensure that its regulations have a secular purpose, do not primarily advance or inhibit religion, and do not result in excessive entanglement with religious practices.

Courts have consistently held that government actions appearing to endorse or disapprove of a particular religion are unconstitutional, reinforcing the importance of maintaining a

clear separation between church and state.1. Secular Purpose: The city must demonstrate a secular purpose for the permit conditions. If the primary purpose is to acknowledge or respect Ramadan, it may fail this prong.

2. Primary Effect: If the permit conditions primarily affect Muslim businesses or individuals, it may be seen as advancing or inhibiting Islam, failing the second prong of the Lemon Test.

3. Excessive Entanglement: Enforcing permit conditions specific to a religious observance could result in excessive government entanglement with religion, violating the third prong of the Lemon Test.

5. THE ENTERTAINMENT COMMISSIONS ACTION TAKEN ON JUNE 18, 2024 AMOUNTED TO A TAKING OF NEXT LEVEL SF LLC'S PROPERTY WITHOUT PROVIDING DUE PROCESS IN VIOLATION OF THE US CONSTITUTION AND CALIFORNIA CONSTITUTION ARTICLE 1 §9.

The San Francisco Municipal Code outlines procedures to follow if SFPD or the Entertainment Commission wish to suspend a POE. Under MPC § 1060.20.1, a permit holder must be given a written notice sets forth the grounds for the proposed suspension. Due process calls for the permit holder to cross-examine witnesses and present a case. In this case the EC chose to push for a heavy-handed cessation of entertainment during the Holy month of Ramadan instead. Both the United States and the California Constitutions guarantee that the government may not deprive an individual of “life, liberty or property, without due process of law.” (U.S. Const., 5th & 14th Amends.; Cal. Const., Art.I, sec. 7). As noted above, permits are property rights. When the state acts to deprive an individual of an important interest, it may not do so without affording the procedural due process

protection required by the Fourteenth Amendment. (Sniadach v. Family Finance Corp. (1969) 395 U.S. 337, 342 [23 L. Ed. 2d 349, 354, 89 S. Ct. 1820].)

IV. THE ENTERTAINMENT USE AT 1217 SUTTER IS A PRINCIPALLY USE UNDER THE SAN FRANCISCO PLANNING CODE

1217 Lounge is located in a RC-4 District. (Residential Commercial District). Entertainment, Arts, are principally permitted uses in the RC-4 District (See Ex.) per SF Planning Code Section 102 , Table 209.3 .

V, CONCLUSION

For all the reasons discussed above, the Appellant/ Permit Holder requests that this Board uphold this appeal No. 24-039 and strike condition No. 4. Appellant is open to reasonable conditions such as entertainment can operated after 10 PM daily. This proposed condition No. 4, as written is unconstitutional, is **unreasonable** and thus violates MPC § 1060.5(g)(3). If allowed to stand, it will wrongfully force **1217 Lounge** out of business.

Respectfully Submitted,

/Karlo Avassapian/

Karlo Avassapian
Appellant
Next Level SF LLC dba **1217 LOUNGE**

Exhibit 1



Entertainment Commission
City and County of San
Francisco — amended 6/21/2024 at 4:30pm



To: Permit Applicant, Karlo Avassapian of Next Level SF LLC, *dba 1217 Lounge*, 1217 Sutter St
From: May Liang, Commission Secretary, San Francisco Entertainment Commission
Date: June 21, 2024
Re: **Notice of Decision** RE: June 18, 2024 Entertainment Commission Item 6h. Hearing and Possible Action Regarding applications for permits under the jurisdiction of the Entertainment Commission, item h. EC-1783 – Karlo Avassapian of Next Level SF LLC, *dba 1217 Lounge*, 1217 Sutter St – Place of Entertainment and Extended Hours Premises

NOTICE OF DECISION FROM JUNE 18, 2024 HEARING

The hearing on the aforementioned matter came before the Entertainment Commission on Tuesday, June 18, 2024.

Pursuant to Article 15.1 Section 1060.5 of the Municipal Police Code of the City and County of San Francisco, the Entertainment Commission hereby **CONDITIONALLY GRANTS** the Place of Entertainment Permit for *dba 1217 Lounge* pending completion of required departmental inspections with the following conditions:

- (1) 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.
- (2) Permit holder shall comply with the Commission-approved Security Plan.
- (3) Adhere to the Entertainment Commission's Good Neighbor Policy.
- (4) Indoor entertainment allowed Friday - Sunday 11:30pm – 2:00am – no entertainment allowed during the month of Ramadan each year.
- (5) Sound abatement internal limit approved at 88dBA/100dBC maximum, measured from the corner of the bar nearest the entrance.
- (6) There shall be a minimum of 4 security guards working on Friday - Sunday nights during entertainment.
- (7) At least two guards shall be outside at all times during entertainment on Friday – Sunday nights.
- (8) Beginning at 11:30pm on Friday - Sunday nights during entertainment, door policies shall include: ID check, bag check, pat-down, and wand prior to entry. A female guard will be onsite to perform female pat-downs.

This order was made on the basis that the Commission found no grounds for denial of the Place of Entertainment permit per Article 15.1 Section 1060.5 Subsection (f)(1-5). The only section with potential factual basis for denial was Article 15.1 Section 1060.5 Subsection (f)(5), but this was overruled by the Commission based on the sound test Commission staff conducted both within 1217 Lounge and within the neighboring mosque. When the sound was on at 1217 Lounge using the issued sound limit in compliance with MPC Article 29, it only increased the volume inside of the mosque by 1 C-weighted decibel. However, it was noted by members of the mosque that the sound was still audible during the sound test. This among other concerns from the neighboring mosque were considered by the Commission in the issuance of the aforementioned conditions on this permit to ensure that entertainment would only be permissible outside of the hours of worship at the mosque.

Pursuant to Article 15.2 Section 1070.5 of the Municipal Police Code of the City and County of San Francisco, the Entertainment Commission hereby **DENIES** the Extended Hours Premises Permit for *dba 1217 Lounge*. This order



ENTERTAINMENT COMMISSION

49 South Van Ness Avenue, Suite 1482, San Francisco, CA 94103

(628) 652-6030 Main

was made on the basis that the Chief of Police or the Chief's designee, which in this case was the Northern Station Permit Office, recommended denial of the Extended Hours Premises Permit due to its direct proximity to a Place of Worship and the potential to disrupt the Place of Worship's practices during extended-hours (Article 15.1 Section 1060.5(f)(5) and (f)(7)).

RIGHT TO APPEAL

Pursuant to Article 15.1 Section 1060.24.2 and Article 15.2 Section 1070.32 of the Municipal Police Code of the City and County of San Francisco, the permit applicant has the right to appeal these decisions to the Board of Appeals. Any such appeal shall be filed within ten days from the date of the decision at the hearing, as provided in Section 8 of the San Francisco Business and Tax Regulations Code.

If you have any questions, please don't hesitate to reach out to Commission Secretary May Liang at: May.K.Liang@sfgov.org or Executive Director Weiland and Deputy Director Azevedo at: Maggie.Weiland@sfgov.org and Kaitlyn.Azevedo@sfgov.org.



ENTERTAINMENT COMMISSION

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Exhibit 2

TERRANCE ALAN

258 Noe Street; San Francisco, CA 94114

terrance@TheFloreStore.com 415.264.1129

July 5, 2024

Jose Lopez, President
San Francisco Board of Appeals
1650 Mission Street, Room 304
San Francisco, CA 94103

Re: Appeal No. 24-039
Next Level SF LLC, dba 1217 Lounge vs. SF Entertainment Commission
Subject Property: 1217 Sutter Street
Action: Amend Conditions of Place of Entertainment Permit
Permit No.: EC-1783

Dear President Lopez and Commissioners:

I am writing regarding an action taken by the SF Entertainment Commission on June 18, 2024. The Entertainment Commission voted to Conditionally grant a Place of Entertainment permit #EC 953. The EC added a condition No. 4 which states *that "Indoor entertainment [is] allowed Friday—Sunday 11:30 pm- 2:00 am—no entertainment allowed during the month of Ramadan each year."*

I am a founder of the Entertainment Commission and served as its first President in 2002-2003. I served on the Entertainment Commission for two terms. I also served as interim Executive Director of the Entertainment Commission in 2002. My business, Café Flore, located on Market Street, has held a Entertainment permit for over a decade. Over the past twenty years I have also worked as a consultant to many restaurants and entertainment venues, and many consider me to be an expert in entertainment issues.

1217 lounge is popular new addition to the Lower Polk nighttime entertainment area. Forcing this business to open entertainment **only after 11:30 PM Friday- Sunday is tantamount to shutting this business down.** A condition stating this business can not operate with a DJ or entertainment for an entire month during the holy Ramadan month **will be fatal** to this business and is clearly a violation of the Establishment Clause of the First Amendment to the US Constitution (separation of Church and State).

Thank you for your consideration of this matter.

Yours Truly,



Terrance J Alan

Exhibit 3

and front setback areas are not required.

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	§ References	RC-3	RC-4
Service, Parcel Delivery	§ 102	NP	NP
Vehicle Storage Garage	§ 102	NP	NP
Vehicle Storage Lot	§ 102	NP	NP
Entertainment, Arts and Recreation Use Category			
Entertainment, Arts and Recreation Uses*	§ 102	P	P
Entertainment, Outdoor	§ 102	NP	NP
Livery Stable	§ 102	NP	NP
Sports Stadium	§ 102	NP	NP
Industrial Use Category			
Industrial Uses*	§ 102	I'm here.	
Institutional Use Category			





2024 S-87 (current)

CA > San... > San Fra... > SEC. 209.3. RC (RESIDE...

IN THE RTO, POLK STREET NCD, PACIFIC AVENUE NCD, AND NCT DISTRICTS.

and front setback areas are not required.

SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING OR HOMELESS SHELTERS.

SEC. 209. DESCRIPTION AND PURPOSE OF RESIDENTIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS.

SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.

SEC. 209.2. RM (RESIDENTIAL, MIXED) DISTRICTS.

SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.

SEC. 209.4. RTO (RESIDENTIAL TRANSIT ORIENTED) DISTRICTS.

SEC. 209.5. [REPEALED.]

SEC. 209.6. [REPEALED.]

SEC. 209.7. [REPEALED.]

Table 209.3 ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	§ References	RC-3	RC-4
Service, Parcel Delivery	§ 102	NP	NP
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Entertainment, Arts and Recreation Uses*	§ 102	P	P
Entertainment, Outdoor	§ 102	NP	NP
Livery Stable	§ 102	NP	NP
Sports Stadium	§ 102	NP	NP
Industrial Use Category			
Industrial Uses*	§ 102	NP	NP
Institutional Use Category			

* Not listed below.

1. P in from C if elsewhere.

BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)

Entertainment Commission

July 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. 24-039 – EC-1783 Place of Entertainment permit for 1217 Lounge
Brief of Respondent Entertainment Commission

I. INTRODUCTION

On June 18, 2024, the Entertainment Commission (“Commission”) conditionally granted a Place of Entertainment (“POE”) permit to Next Level SF LLC, dba 1217 Lounge, located at 1217 Sutter Street, San Francisco, CA 94109 within the RC-4 Residential Commercial High Density zoning district, where nighttime entertainment is a principally permitted use. 1217 Lounge (“Appellant”) has appealed the conditional grant of the POE permit to the Board of Appeals (“Board”). Specifically, the appeal is regarding POE permit condition #4 which reads “Indoor entertainment allowed Friday - Sunday 11:30pm – 2:00am – no entertainment allowed during the month of Ramadan each year.” (**Exhibit A, Notice of Decision**) The Board should deny the appeal request and uphold permit condition #4 to ensure neighborhood compatibility with the adjacent place of worship. Both the Commission and Commission staff have spent a great deal of time working on this permit application and mediating between the permit applicant and neighboring mosque, Masjid al-Tawheed. After much consideration by the Commission at the hearing on June 18th, this condition was placed on the permit by the Entertainment Commission for the following reasons: **(1)** Municipal Police Code (“MPC”) Article 15.1 Section 1060.5(g)(3) (**Exhibit B, Code**) states that “The Commission may impose additional reasonable time, place and manner conditions on the permit” and provides the Commission legal authority to impose

time-based permit conditions. After learning from the mosque, Masjid al-Tawheed, located next door to 1217 Lounge, that their daily prayers, conducted in silence, end around 11pm each night, the Commission conditioned the start time of entertainment to 11:30pm on Friday-Sunday to ensure that entertainment does not begin until after prayer hours conclude; (2) At the Commission hearing on June 18th, 2024, the Commission mediated between the Appellant and members of the Masjid al-Tawheed mosque for 3 hours between the two parties, not only discussing the start time of entertainment as previously indicated, but also discussing the month of Ramadan when prayer hours can occur 24 hours a day. During the hearing, The Appellant stated they voluntarily closed the business entirely during the month of Ramadan this year, and then agreed not to host entertainment annually during the month of Ramadan out of respect for Masjid al-Tawheed. As such, the Commission added this restriction as a permit condition on the POE permit (**Exhibit C, Hearing Minutes & Video at 3:45:47**); (3) The POE permit's sound limit and the Commission's enforcement escalation process provide a safeguard for permit violations, and field staff are available to respond to complaints to ensure permit compliance.

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 POE permit is in effect.

III. PROCEDURAL HISTORY & BACKGROUND

On April 25th, 2024, 1217 Lounge applied for a brick-and-mortar POE permit for indoor entertainment and an Extended Hours Premises (EHP) permit for entertainment and food service until 3am on Sundays. **(Exhibit D, Application)**. The Commission voted to deny the EHP permit based on SFPD Northern Station’s recommendation, and due to the mosque’s prayer hours, which can begin as early as 3am. Please also note, a POE permit application is for live entertainment, namely DJs in this case, and regardless if the permit is issued, the business may still play prerecorded music during operating hours until 2am, as prerecorded music is not an entertainment activity. This means if the existing POE permit conditions stay in place, 1217 Lounge can still play prerecorded music before 11:30pm and until 2am Friday – Sunday and during regular business hours Monday – Thursday until 2am. During both

entertainment and prerecorded music alike, they will have to adhere to their approved sound limit which complies with the City's sound ordinance. We disagree with the Appellant's argument that the condition restricting entertainment to 11:30pm – 2am Friday – Sunday is significantly detrimental to their business, because this condition does not restrict their operating hours and allows them to continue to play prerecorded music anytime they are open.

All brick-and-mortar permits from the Commission require 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.

The initial hearing date for 1217 Lounge was scheduled for June 4th, 2024, but the Commission voted to continue the application to the following hearing on June 18th, 2024 at the request of the neighboring mosque and Supervisor Peskin's office because residential neighbors stated they never received an outreach letter from the Appellant, which is a requirement before attending a hearing. Additionally, the continuation allowed time for EC staff to provide further mediation and conduct sound testing within the mosque while music was playing inside 1217 Lounge at their approved sound limit, set in accordance with Municipal Police Code Article 29 Section 2909(b) inside 1217 (**Exhibit B, Code**).

Before the initial hearing date, the president of Masjid al-Tawheed mosque, which is located at 1227 Sutter Street immediately adjacent to 1217 Lounge, voiced his concerns about the entertainment permit applications. In response, EC Deputy Director Kaitlyn Azevedo hosted a virtual community meeting on May 23rd, 2024, and in attendance were representatives from the mosque, owner of 1217 Lounge Karlo Avassapian, Lower Polk CBD president Chris Schulman, and Hala Hijazi from the Interfaith Council. Members of the mosque voiced their concerns about safety in the area, explaining that

many children spend time at the mosque and that there is heightened concern for their community after a recent incident occurred at their mosque which is being charged by the DA as a hate-crime. The representatives from the mosque were apprehensive about 1217 Lounge hosting entertainment, as they do not want the business operations to interfere or disturb their prayers or any of the other community-oriented services they provide. There was no agreement reached during the meeting, but following the discussion, Deputy Director Azevedo received an email from the permit applicant explaining the steps they had implemented in response to the mosque's concerns. The steps included (1) having security guards outside of 1217 Lounge until 2:30am on Friday and Saturday nights; and (2) for improved sound mitigation, relocating a speaker from the bar closest to Sutter Street to the back of the business away from the mosque, as well as adding acoustic foam and sound curtains to all of the windows that share an alleyway with the mosque.

After the hearing was continued from June 4th, 2024, to June 18th, 2024, EC Director Weiland and Deputy Director Azevedo spoke with the business ownership team and requested that they redo their neighborhood outreach and use a mailing service in advance of their new hearing date to ensure all neighbors received a copy of their outreach letter. The business revised their outreach letter, and it was sent out by mailing service on June 10th, 2024, to all commercial and residential neighbors on Sutter Street between Polk and Van Ness. Although neighbors indicated they did not receive a copy of the new outreach letter in advance of the hearing on June 18th, the owners did share a copy of their mailing service receipt that indicated they mailed 230 letters (**Exhibit D, Application**).

Additionally, on Tuesday, June 11th, 2024, at 5:30pm, EC Senior Sound Inspector Andrew Zverina conducted a sound test inside the mosque while 1217 Lounge's music was playing at their approved sound limit. In attendance with EC Senior Inspector Zverina were representatives from SFPD Northern Station, 1217 Lounge, the Interfaith Council, and the mosque. In summary (**Exhibit E, Sound**

Test Summary), Senior Inspector Zverina first took a 10-minute sound measurement inside the mosque to determine the baseline sound levels during prayer hours. Next, he retested the sound limit at 1217 Lounge to ensure compliance with MPC Article 29. And finally, he went back to the mosque while the music was playing at the approved sound limit inside of 1217 Lounge and took another 10-minute reading to see how the music affected the mosque's internal sound levels. During this portion of the test, both Officer Walsh and members of the mosque went inside of 1217 Lounge to ensure they did not turn the volume down. The initial sound measurement showed that without music, the mosque's internal sound level was 45.0dBA/58.9dBC, and while music was playing, it was 43.0dBA/60.0dBC. The reason the first reading's A-weighted limit was slightly higher was likely due to people finishing prayer and quietly talking during the initial test inside the mosque. During the test, members of the mosque expressed that they could still hear the music next door, and that it would be impactful during their prayers because their prayers are conducted in silence. Senior Inspector Zverina also acknowledged that he could hear the music inside of the mosque, but that overall, the results of the sound test indicated only a 1 dBC increase inside of the mosque when music is playing at 1217 Lounge at their approved sound limit.

IV. GROUNDS FOR IMPOSING TIME-BASED PERMIT CONDITION

Due to the outpouring of concern from the mosque members, SFPD, Supervisor Peskin's office, and the Interfaith Council at large regarding this permit application, Commission staff dedicated a tremendous amount of time reviewing and processing this application and mediating among all parties in advance of the hearing, all of which was closely considered by the Commission. And, although these two premises are located within a zoning district that allows for both 1217 Lounge and the mosque to legally operate, there is no other example in the City of a Place of Entertainment permittee that is directly next door to a place of worship. Without any equivalent precedent, the Commission took care to

ensure that the permit was approved with reasonable time, place and manner conditions that would balance the permittee's interests with those of the mosque, including the time restriction and sound limit.

Further, the Commission found no grounds for denial of the Place of Entertainment permit per Article 15.1 Section 1060.5 Subsection (f)(1-5). The only section with potential factual basis for denial was Article 15.1 Section 1060.5 Subsection (f)(5) (**Exhibit B, Code**), but this was overruled by the Commission based on the sound test Commission staff conducted both within 1217 Lounge and within the neighboring mosque. When the sound was on at 1217 Lounge using the issued sound limit set in accordance with MPC Article 29, it only increased the volume inside of the mosque by 1 C-weighted decibel. However, it was noted by members of the mosque and our Senior Inspector that the sound was still audible during the sound test.

Article 15.1 Section 1060.5(g)(3) (**Exhibit B, Code**) states the Commission may impose additional reasonable time, place and manner conditions on the permit. When the Commission heard testimony from the mosque and learned that their daily prayers are conducted in silence and generally end by 11pm, the Commission voted to impose a reasonable time-based condition on this permit to ensure that entertainment would only be permissible outside of the hours of worship at the mosque. Further, as noted in the Commission hearing video (**Exhibit C, Hearing Minutes & Video at 3:45:47**), Hala Hijazi from the Interfaith Council described that during the month of Ramadan, there are people at the mosque praying 24 hours per day and asked if 1217 Lounge would agree to not having entertainment during the month of Ramadan. The Appellant had already stated that they voluntarily closed this year during Ramadan, and during Ms. Hijazi's request to not host entertainment annually during Ramadan, EC Director Weiland goes on record to note that the Appellant was shaking his head in agreement from the audience behind Ms. Hijazi. Based on this agreement, the Commission voted to include the language of not hosting entertainment during the month of Ramadan on the POE permit conditions.

V. APPELLANT'S CONSTITUTIONAL ARGUMENTS

The Appellant argues that the Commission's imposition of permit condition 4 violates the U.S. Constitution because Police Code section 1060.5(g)(3) is unconstitutionally vague, because the tailoring of sound limits to accommodate the neighboring mosque's religious practices violate the First Amendment's Establishment Clause, and because the permit condition constitutes an unconstitutional taking without due process. All three of these theories fail.

A. Vagueness.

Appellant argues that Police Code Section 1060.5(g)(3), allowing the Commission to "impose additional reasonable time, place and manner conditions on the permit," is impermissibly vague and could be interpreted to allow the Commission to add "draconian conditions" on a POE. But the plain language of this section restricts allowable permit conditions to those that are "*reasonable* time, place and manner conditions" (emphasis added), and Appellant presents no evidence substantiating that the hours restrictions imposed are unreasonable – let alone draconian – impositions on its business operations. And the Commission's reasonable time restrictions in condition #4 are expressly tailored to accommodate the neighboring mosque's needs, a consideration cited in 1060.5(f)(5) as a basis to deny a permit involving amplified sound. Police Code section's 1060.5(g)(3) allowance for reasonable time, place and manner conditions on entertainment permits are a far cry from the criminal loitering statute or unconstitutional prior restraint examples cited by Appellant, and it is sufficiently specific and constrained to guard against abuse.

B. Establishment Clause.

The Establishment Clause of the First Amendment, which prohibits any law "respecting an establishment of religion," prohibits government action that unduly favors one religion over another or excessively entangles the government with religious activities. Appellant cites the "Lemon Test," the

three-part test from *Lemon v. Kurtzman*, 403 U.S. 602 (1971), in which the U.S. Supreme Court found that government action violates the Establishment Clause if (1) it lacks a secular purpose; (2) its primary effect is to advance or inhibit religion; or (3) it fosters excessive government entanglement in religion. Appellant argues that the Commission’s action fails the Lemon test because “[i]f the primary purpose is to acknowledge or respect Ramadan, it may fail [the first Lemon test] prong,” “[i]f the permit conditions primarily affect Muslim businesses or individuals, it may be seen as advancing or inhibiting Islam, failing the second prong of the Lemon Test,” and “[e]nforcing permit conditions specific to a religious observance could result in excessive government entanglement with religion, violating the third prong of the Lemon Test.”

But it is well established that “[g]overnment can accommodate the beliefs and practices of members of minority religions without contravening the prohibitions of the Establishment Clause” when the accommodation “does not constitute ‘sponsorship, financial support, (or) active involvement of the sovereign in religious activities’ with which the Establishment Clause is mainly concerned.” *Tooley v. Martin-Marietta Corp.*, 648 F.2d 1239, 1244–45 (9th Cir. 1981) (quoting *Wisconsin v. Yoder*, 406 U.S. 205, 234 n.22 (1972)); see also *Rankins v. Comm’n On Professional Competence*, 24 Cal. 3d 167, 177–78 (1979) (scheduling accommodations for public school teacher’s religious observance did not violate the Establishment Clause). The time limitations placed on Appellant’s POE permit in condition #4 are such an accommodation. The condition furthermore satisfies all three prongs of the Lemon Test: (1) The condition has a secular purpose in that it seeks to foster harmony between neighbors by balancing the operational wishes of the Appellant with the religious observances of the neighboring mosque; (2) The primary effect is not to advance or inhibit religion, but rather to harmonize the operational needs of these two neighboring establishments; and (3) the enforcement of this permit condition does not require excessive government entanglement in religion, but instead a straightforward monitoring of Appellant’s

hours and days of operation. Though the Commission has not previously issued a POE to an establishment in such close proximity to a religious institution, the Commission has on numerous occasions imposed restrictions on permitted hours of entertainment in response to residential and other neighbors' expressed concerns about noise. The Entertainment Commission routinely imposes conditions like time restrictions and sound limits to accommodate neighbors' noise concerns; on very quick review, we identified eight such instances in the recent past.

C. Takings.

Appellant argues without explanation that the Commission's imposition of permit condition #4 constitutes a taking without due process in violation of the United States and California Constitution. But the government may impose reasonable time, place and manner restrictions on expressive conduct, including entertainment. *See Menotti v. City of Seattle*, 409 F.3d 1113, 1129 (9th Cir. 2005) (City of Seattle's emergency order restricting downtown operations during trade conference was reasonable time, place and manner restriction); *see also United States v. Griefen*, 200 F.3d 1256, 1260 (9th Cir.2000) (“[A] restriction on expressive activity is content-neutral if it is justified, i.e., based on a non-pretextual reason divorced from the content of the message attempted to be conveyed.”). And Appellant has been provided with due process, both in the duly noticed Commission hearing in which the POE permit was issued, and in the current appeal.

VI. COMMISSION'S ENFORCEMENT TOOLS

The grant of a POE permit does not occur in a vacuum. POE permits are subject to conditions the Commission places on them, above and beyond the minimum requirements of Municipal Police Code. And, once issued, POE permits are not forgotten by the City. 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.

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.

With our rigorous enforcement escalation policy, we believe it is important that 1217 Lounge hold a permit from our office because it gives us the authority to ensure they are complying with their approved legal sound limit both during entertainment and outside of entertainment hours when they are playing prerecorded music. Additionally, as aforementioned, the Commission can always require the permit holder (Appellant) to return to a future hearing for potential permit reconditioning if circumstances change or permit violations are observed.

Finally, 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, a POE 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.)

VII. 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 conditional grant of the POE permit with its existing 8 conditions.

Respectfully submitted,



Maggie Weiland
Executive Director
Entertainment Commission

Exhibits Table of Contents

- A. Entertainment Commission Notice of Decision
- B. Police Code, Article 15.1 Sec. 1060.5 and 1070.5; Article 29 Sec. 2909; Good Neighbor Policy (GNP)
- C. June 18th, 2024 Commission Hearing Minutes & Link to Video of Hearing
- D. 1217 Lounge POE & EHP permit application
- E. 1217 Lounge Sound Test Summary

EXHIBIT

A



Entertainment Commission

City and County of San Francisco – *amended 6/21/2024 at 4:30pm*



To: Permit Applicant, Karlo Avassapian of Next Level SF LLC, *dba 1217 Lounge*, 1217 Sutter St

From: May Liang, Commission Secretary, San Francisco Entertainment Commission

Date: June 21, 2024

Re: **Notice of Decision** RE: June 18, 2024 Entertainment Commission Item 6h. Hearing and Possible Action Regarding applications for permits under the jurisdiction of the Entertainment Commission, item h. EC-1783 – Karlo Avassapian of Next Level SF LLC, *dba 1217 Lounge*, 1217 Sutter St – Place of Entertainment and Extended Hours Premises

NOTICE OF DECISION FROM JUNE 18, 2024 HEARING

The hearing on the aforementioned matter came before the Entertainment Commission on Tuesday, June 18, 2024.

Pursuant to Article 15.1 Section 1060.5 of the Municipal Police Code of the City and County of San Francisco, the Entertainment Commission hereby **CONDITIONALLY GRANTS** the Place of Entertainment Permit for **dba 1217 Lounge** pending completion of required departmental inspections with the following conditions:

- (1) 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.
- (2) Permit holder shall comply with the Commission-approved Security Plan.
- (3) Adhere to the Entertainment Commission's Good Neighbor Policy.
- (4) Indoor entertainment allowed Friday - Sunday 11:30pm – 2:00am – no entertainment allowed during the month of Ramadan each year.
- (5) Sound abatement internal limit approved at 88dBA/100dBC maximum, measured from the corner of the bar nearest the entrance.
- (6) There shall be a minimum of 4 security guards working on Friday - Sunday nights during entertainment.
- (7) At least two guards shall be outside at all times during entertainment on Friday – Sunday nights.
- (8) Beginning at 11:30pm on Friday - Sunday nights during entertainment, door policies shall include: ID check, bag check, pat-down, and wand prior to entry. A female guard will be onsite to perform female pat-downs.

This order was made on the basis that the Commission found no grounds for denial of the Place of Entertainment permit per Article 15.1 Section 1060.5 Subsection (f)(1-5). The only section with potential factual basis for denial was Article 15.1 Section 1060.5 Subsection (f)(5), but this was overruled by the Commission based on the sound test Commission staff conducted both within 1217 Lounge and within the neighboring mosque. When the sound was on at 1217 Lounge using the issued sound limit in compliance with MPC Article 29, it only increased the volume inside of the mosque by 1 C-weighted decibel. However, it was noted by members of the mosque that the sound was still audible during the sound test. This among other concerns from the neighboring mosque were considered by the Commission in the issuance of the aforementioned conditions on this permit to ensure that entertainment would only be permissible outside of the hours of worship at the mosque.

Pursuant to Article 15.2 Section 1070.5 of the Municipal Police Code of the City and County of San Francisco, the Entertainment Commission hereby **DENIES** the Extended Hours Premises Permit for **dba 1217 Lounge**. This order



ENTERTAINMENT COMMISSION

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was made on the basis that the Chief of Police or the Chief's designee, which in this case was the Northern Station Permit Office, recommended denial of the Extended Hours Premises Permit due to its direct proximity to a Place of Worship and the potential to disrupt the Place of Worship's practices during extended-hours (Article 15.1 Section 1060.5(f)(5) and (f)(7)).

RIGHT TO APPEAL

Pursuant to Article 15.1 Section 1060.24.2 and Article 15.2 Section 1070.32 of the Municipal Police Code of the City and County of San Francisco, the permit applicant has the right to appeal these decisions to the Board of Appeals. Any such appeal shall be filed within ten days from the date of the decision at the hearing, as provided in Section 8 of the San Francisco Business and Tax Regulations Code.

If you have any questions, please don't hesitate to reach out to Commission Secretary May Liang at: May.K.Liang@sfgov.org or Executive Director Weiland and Deputy Director Azevedo at: Maggie.Weiland@sfgov.org and Kaitlyn.Azevedo@sfgov.org.



ENTERTAINMENT COMMISSION

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EXHIBIT

B

SEC. 1060.5. DETERMINATION OF APPLICATION FOR A PLACE OF ENTERTAINMENT PERMIT.

(a) The applicant shall file the application for a Place of Entertainment 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. The Director shall promptly notify the Chief of Police or the Chief's designee in writing of the application and the hearing date and shall promptly transmit a copy of the application, including a copy of the security plan, to the Chief or the Chief's designee. For purposes of this Subsection (a), the Captain for the district where the Place of Entertainment would be located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise. Any Person may submit a written request to the Director to receive notice of the hearing on a permit application.

(b) (1) The applicant shall cause a notice of the hearing to be conspicuously and continuously posted for at least 30 days before the scheduled hearing date on the premises of the Business. Where the Business is located in a neighborhood-commercial or mixed residential district, as defined in Article 7 and 8 of the Planning Code, the applicant shall also make a good faith effort to distribute leaflets at each residence located within 150 feet of the Business, unless the Entertainment Commission finds that a Business located in a district is not likely to significantly generate nighttime noise and traffic to the detriment of residences located in that immediate area. Applicants subject to the requirement of distributing leaflets shall do so at least 30 days before the scheduled hearing date and the distribution shall be done in compliance with the provisions of Article 5.7 (beginning with Section 184.69) of the Public Works Code. The Director shall provide notice of the hearing at least 30 days before 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) 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 provide notice of the hearing electronically or by mail at least 10 days before the hearing to any Person who has filed a written request for such notice.

(3) 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) of this Section 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) of this Section.

(d) (1) 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(a), except that this 45 day period shall be extended for such period or periods of time that apply under the following circumstances:

(A) 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; and

(B) 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; and

(C)⁹⁰⁶If the applicant fails to post or maintain notice of the hearing, or make a good faith effort to distribute leaflets to residences, 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; and

(D) 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 Place of Entertainment within the time required by Subsection (d)(1) of this Section, including any extensions of time provided for in Subsection (d)(1), 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(a).

(f) The Entertainment Commission shall grant or conditionally grant a permit for a Place of Entertainment pursuant to this Article unless it finds:

(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) Notwithstanding the mitigation provided under the Security Plan submitted by the applicant, the building, structure, equipment, or location of the proposed Business cannot adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated; or

(3) The premises or the proposed operation of the Business lacks adequate safeguards to prevent emissions of noise, glare, dust, and odor that would substantially interfere with the public health, safety, and welfare or the peaceful enjoyment of neighboring property; or

(4) The permit applicant has not provided a Security Plan that adequately addresses the safety of persons and property and provides for the orderly dispersal of individuals and traffic.

(5) In addition to the findings stated in subsections (f)(1)-(4), if the proposed operation of the Business 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.

(6) 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.

(7) If the Chief of Police or the Chief's designee, in person at the Entertainment Commission hearing on the permit application or in writing prior to the hearing, objects to the granting of the permit on the basis that the Commission should make one or more of the findings stated in Subsections (f)(1)-(5) above, the Commission may not issue the permit without specifically addressing the objection in writing or on the record at a Commission meeting, and explaining specifically why the objection does not warrant the finding. This explanation requirement applies but is not limited to objections raised by the Chief or Chief's designee to the adequacy of a proposed security plan. For purposes of this Subsection (f)(7), the Captain for the district where the Place of Entertainment would be located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise.

(8) The explanation requirement stated in Subsection (f)(7) also applies to objections raised by other City departments; provided, however, that this subsection (f)(8) does not diminish the power of other City departments to issue permits or other authorization required for a Business to operate, and does not empower the Entertainment Commission to override a decision by another City department regarding the issuance of a permit or other authorization required for a Business to operate.

(9) When granting a permit, the Commission shall explain in writing or on the record at a Commission meeting, why it has not made any of the findings stated in subsections (f)(1)-(5).

(10) In considering whether to make any of the findings stated in subsections (f)(1)-(5), 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.

(g) Conditions on Permits.

(1) When the Commission grants or conditionally grants a permit, it shall require the applicant as a condition of the permit to comply with the Security Plan that has been approved as provided under this Article.

(2) Pursuant to its authority under subsection (e) of Section 2909 of this Code, when the Commission grants, conditionally grants, or amends a permit, it may require the Permittee as a condition of the permit to comply with noise limits that are lower or higher than those set forth in Article 29 of this Code. In considering whether to impose noise limits that are different from those in Article 29, the Commission may consider any or all of the following factors:

(A) Noise generated by licensed Places of Entertainment generally Citywide, as determined by Commission staff;

(B) Noise generated by the Place of Entertainment in the evening and nighttime;

(C) In the case of an amendment to an existing permit, the length of time the Place of Entertainment has operated, either under the current operator or prior operators;

(D) In the case of an amendment to an existing permit, whether the Commission, Police Department, and/or Department of Public Health have received noise complaints related to the operation of the Place of Entertainment;

(E) The proximity of the Place of Entertainment to other Places of Entertainment or commercial uses;

(F) The proximity of the Place of Entertainment to existing residential buildings;

(G) In the case of an amendment to an existing permit, whether the Place of Entertainment's operations preceded the construction or current use of the buildings in which complainants reside or work.

(3) The Commission may impose additional reasonable time, place and manner conditions on the permit. In considering whether to impose said conditions, 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 or Article 15.2, for the same permit applicant or Permittee.

(h) 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.

(i) The Entertainment Commission shall maintain an updated list of all currently permitted Places of Entertainment, and shall provide that list, with updates as appropriate, to the Planning Department.

(Added by Ord. 140-70, App. 4/28/70; amended by Ord. 325-91, App. 9/4/91; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 216-02, File No. 021460, App. 11/1/2002; Ord. 262-04, File No. 041148, App. 11/4/2004; Ord. 239-09, File No. 080323, App. 11/20/2009; Ord. [70-15](#), File No. 141298, App. 5/21/2015, Eff. 6/20/2015; 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)

SEC. 1070.5. DETERMINATION OF APPLICATION.

The procedures and standards set forth in Section 1060.5 of this Code shall govern the review and determination of applications for Extended-Hours Premises Permits.

(Added by Ord. 252-70, App. 7/23/70; amended by Ord. 325-91, App. 9/4/91; Ord. 76-98, App. 3/6/98; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 216-02, File No. 021460, App. 11/1/2002; Ord. 238-09, File No. 080324, App. 11/20/2009)

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)



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.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.
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

C

June 18th, 2024 Entertainment Commission Hearing Video Link

https://sanfrancisco.granicus.com/player/clip/46405?view_id=99&redirect=true



Entertainment Commission

City and County of San Francisco



DRAFT MINUTES

Meeting was held virtually and in-person

Tuesday, June 18, 2024

5:30 P.M.

Regular Meeting

COMMISSIONERS PRESENT: Ben Bleiman (President), Cyn Wang (Vice President), Maria Davis, Al Perez, Lt. Leonard Poggio, and Laura Thomas

COMMISSIONERS ABSENT: Anthony Schlander

STAFF IN ATTENDANCE: Executive Director Maggie Weiland; Deputy Director Kaitlyn Azevedo; Project and Communications Manager Dylan Rice; Commission Secretary May Liang; Senior Inspector Andrew Zverina

SPEAKER KEY:

- + indicates a speaker in support of an item;
- indicates a speaker in opposition of an item; and
- = indicates a neutral speaker or a speaker who did not indicate support or opposition

1. CALL TO ORDER AND ROLL CALL AT 5:37 PM

2. General Public Comment

Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

Public Comment: None

3. Approval of Meeting Minutes. Discussion and possible action to approve the minutes of the June 4, 2024 Commission meetings. [Discussion and Possible Action Item]

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Support Document: https://www.sf.gov/sites/default/files/2024-06/EC%20Meeting%20Minutes%20June%204%202024_Draft_0.pdf

Motion: Vice President Wang made a motion to approve the meeting minutes; Commissioner Davis seconded the motion.

Action: The Commission approved the minutes of the June 4, 2024 Commission meetings.

Ayes: President Bleiman, Vice President Wang, Commissioner Davis, and Commissioner Poggio

Nays: None

Public Comment: None

4. Report from Executive Director: Legislative/Policy Update: none; Staff and Office Update: none; Update on Board of Appeals Actions: none; Corrective Actions: none. [Discussion and Possible Action Item]

Public Comment: None

5. Report from Senior Inspector: Senior Inspector Andrew Zverina reports on recent enforcement activities. [Discussion and Possible Action Item]

Public Comment: None

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

Consent Agenda:

Commissioner Perez arrived during the consent agenda portion of the meeting.

- a. EC-1703 – Edward Sargent of GASHEAD PRODUCTIONS INC., *dba Murio's*, 1811 Haight St – Limited Live Performance that includes outdoor amplified sound & entertainment in parklet

Motion: Commissioner Davis made a motion to approve the permit with staff recommendations; Vice President Wang seconded the motion.

Action: The Commission approved the permit with staff recommendations.

Ayes: President Bleiman, Vice President Wang, Commissioner Davis, Commissioner Perez, and Commissioner Poggio

Nays: None

Public Comment: None

- b. EC-1791 - Eiad Eltawil of ELTAWIL BROTHERS LLC, *dba Yasmin*, 799 Valencia St – Limited Live Performance that includes outdoor amplified sound & entertainment in parklet

Motion: Vice President Wang made a motion to continue this item to the next Commission meeting; Commissioner Poggio seconded the motion.

Action: The Commission approved to continue the item to the next Commission meeting.

Ayes: President Bleiman, Vice President Wang, Commissioner Davis, Commissioner Perez, and Commissioner Poggio

Nays: None

Public Comment:

(=) Kevin Ortiz (Zoom), representative on behalf of Yasmin, agreed with the request of moving this item to the next Commission meeting and to host the community meeting.

(=/-) Charity Martin (Zoom), neighbor, agreed with the request of moving this item to the next Commission meeting and made comments in opposition of the permit application.

Regular Agenda:

- c. ECOTE24-228 – Charlie Schmitz of Noise Pop Industries, *dba Summer of Music*, various venues throughout San Francisco – One-Time Outdoor Event Permit with Extended Duration from June 22, 2024 to September 15, 2024, from 1:30pm-5:00pm each Saturdays and Sundays.

Motion: Vice President Wang made a motion to approve the permit with staff recommendations; Commissioner Poggio seconded the motion.

Action: The Commission approved the permit with staff recommendations.

Ayes: President Bleiman, Vice President Wang, Commissioner Davis, Commissioner Perez, and Commissioner Poggio

Nays: None

Public Comments: None

- d. ECOTE24-232 – Ben Davis of Illuminate the Arts, **dba Welcome 2024 (Pride Lasers)**, Harry Bridges Plaza, The Embarcadero at the Ferry Building – One-Time Outdoor Event Permit with Extended Duration on June 28 and 29, 2024 from 6:00pm to midnight and June 30, 2024 from 6:00pm-10:00pm.

Motion: Commissioner Poggio made a motion to approve the permit with staff recommendations; Commissioner Perez seconded the motion.

Action: The Commission approved the permit with staff recommendations.

Ayes: President Bleiman, Vice President Wang, Commissioner Davis, Commissioner Perez, and Commissioner Poggio

Nays: None

Public Comments: None

- e. EC-1780 – Tom Patella, Adam Rosenblum, and Elmer Mejicanos of MARINA MERCHANT LLC, **dba Causwell's**, 2346 Chestnut St – Fixed Place Amplified Sound in parklet

Motion: Vice President Wang made a motion to approve the permit with staff recommendations; Commissioner Davis seconded the motion.

Action: The Commission approved the permit with staff recommendations.

Ayes: President Bleiman, Vice President Wang, Commissioner Davis, Commissioner Perez, and Commissioner Poggio

Nays: None

Public Comments: None

- f. EC-1789 - Rick M. Haynes of SR VISIONS, LLC, **dba 7 Social**, 65 Post St – Place of Entertainment & Extended Hours Premises

Motion: Commissioner Davis made a motion to approve the permit with staff recommendations; Commissioner Poggio seconded the motion.

Action: The Commission approved the permit with staff recommendations.

Ayes: President Bleiman, Vice President Wang, Commissioner Davis, Commissioner Perez, and Commissioner Poggio

Nays: None

Public Comments: None

- g. EC-1794 - Aaron Paul, Eric Passetti, and Jacob Roberts of ZHUZH BAR LLC, ***dba Zhuzh***, 1548 California St – Place of Entertainment

Commissioner Thomas arrived during item 6g of the Regular Agenda.

Motion: Commissioner Davis made a motion to approve the permit with staff recommendations; Commissioner Perez seconded the motion.

Action: The Commission approved the permit with staff recommendations.

Ayes: President Bleiman, Vice President Wang, Commissioner Davis, Commissioner Perez, Commissioner Poggio, and Commissioner Thomas

Nays: None

Public Comments: None

The Commission took a recess for a bathroom break between items 6g and 6h.

- h. EC-1783 – Karlo Avassapian of Next Level SF LLC, ***dba 1217 Lounge***, 1217 Sutter St – Place of Entertainment and Extended Hours Premises

Commissioner Perez left early for an excused reason.

The Commission took a recess for a break before making the motions for item 6h.

Deputy Director Kaitlyn Azevedo presented to the Commission about the Place of Entertainment (POE) permit application and Extended Hours Premises (EHP) permit application, including the timeline of the application including the opposition from the neighboring mosque and the subsequent steps taken to try and remediate the situation. The Commission was provided with a copy of the applications, letters of opposition, SFPD Northern Station's recommendation recommending approval of the POE permit and denial of the EHP permit, and a copy of Municipal Police Code Article 15.1 Section 1060.5 and Article 15.2 Section 1070.5 which outline the determinations for Place of Entertainment and Extended Hours Premises permits.

The Commission was reminded that whatever action they took on the Place of Entertainment and Extended Hours Premises permit applications would need to be substantiated by the grounds set forth in Municipal Police Code as mentioned above. After taking public comment and deliberating both with the neighboring mosque and permit applicant, the Commission made the following decision regarding the Place of Entertainment and Extended Hours Premises permit applications:

Pursuant to Article 15.1 Section 1060.5 of the Municipal Police Code of the City and County of San Francisco, the Entertainment Commission **CONDITIONALLY GRANTED** the Place of Entertainment Permit for **dba 1217 Lounge** pending completion of required departmental inspections with the following conditions:

- (1) 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.
- (2) Permit holder shall comply with the Commission-approved Security Plan.
- (3) Adhere to the Entertainment Commission's Good Neighbor Policy.
- (4) Indoor entertainment allowed Friday - Sunday 11:30pm – 2:00am – no entertainment allowed during the month of Ramadan each year.
- (5) Sound abatement internal limit approved at 88dBA/100dBC maximum, measured from the corner of the bar nearest the entrance.
- (6) There shall be a minimum of 4 security guards working on Friday - Sunday nights during entertainment.
- (7) At least two guards shall be outside at all times during entertainment on Friday – Sunday nights.
- (8) Beginning at 11:30pm on Friday - Sunday nights during entertainment, door policies shall include: ID check, bag check, pat-down, and wand prior to entry. A female guard will be onsite to perform female pat-downs.

This decision was made on the basis that the Commission found no grounds for denial of the Place of Entertainment permit per Article 15.1 Section 1060.5 Subsection (f)(1-5). The only section with potential factual basis for denial was Article 15.1 Section 1060.5 Subsection (f)(5), but this was overruled by the Commission based on the sound test Commission staff conducted both within 1217 Lounge and within the neighboring mosque. When the sound was on at 1217 Lounge using the issued sound limit in compliance with MPC Article 29, it only increased the

ENTERTAINMENT COMMISSION

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volume inside of the mosque by 1 C-weighted decibel. However, it was noted by members of the mosque that the sound was still audible during the sound test. This among other concerns from the neighboring mosque were considered by the Commission in the issuance of the aforementioned conditions on this permit to ensure that entertainment would only be permissible outside of the hours of worship at the mosque.

Pursuant to Article 15.2 Section 1070.5 of the Municipal Police Code of the City and County of San Francisco, the Entertainment Commission hereby **DENIED** the Extended Hours Premises Permit for **dba 1217 Lounge**. This order was made on the basis that the Chief of Police or the Chief's designee, which in this case was the Northern Station Permit Office, recommended denial of the Extended Hours Premises Permit due to its direct proximity to a Place of Worship and the potential to disrupt the Place of Worship's practices during extended-hours (Article 15.1 Section 1060.5(f)(5) and (f)(7)).

Motion for Place of Entertainment Permit Application: Vice President Wang made a motion to conditionally grant the permit with the aforementioned conditions; Commissioner Davis seconded the motion.

The motion passed with the following 4-1 vote:

Ayes: President Bleiman, Vice President Wang, Commissioner Davis, and Commissioner Poggio

Nays: Commissioner Thomas

Motion for Extended Hours Premises Permit Application: President Bleiman made a motion to deny the permit; Commissioner Davis seconded the motion.

The motion passed with the following 5-0 vote:

Ayes: President Bleiman, Vice President Wang, Commissioner Davis, Commissioner Poggio, and Commissioner Thomas

Nays: None

Public Comments:

(Zoom Comments)

(=) Dr. Jonathan Butler, Vice Chair of the SF Interfaith Council, Associate Minister at Third Baptist Church and Vice President of the NAACP SF Branch, commented about defending the rights of this community to practice religious freedom in peace and without fear. He hopes the community and business owner can iron out the wrinkles in this matter.

(-) Jeremiah Jeffries, 1st Grade school teacher at Redding Elementary in the neighborhood and representative from the SF Muslim Community Center, commented in opposition of the permit

application.

(+) Kevin Ortiz, Co-President of the San Francisco Latinx Democratic Club, commented that they submitted a letter of support for the lounge. He commented in support of the permit application.

(-) Nash Mashrah commented in opposition to the permit application.

(=/+) James Miller, Bar Manager for 1217 Lounge, commented with additional information about how the bar has accommodated for the mosque. He commented in support of the permit application.

(=/-) Mahabbah Kimberly, worshipper at the Masjid Al-Tawheed which is the mosque next door to bar, commented that though she appreciates the additional steps that the bar has taken, there still needs to be better communication and prompt responses. She commented with concerns about the permit application.

(-) Rina, neighbor to the bar, commented in opposition to the permit application.

(-) Sara A., worshipper at the mosque, commented in opposition to the permit application.

(+) Tamana hatef, neighbor to the bar, commented in support of the permit application.

(In-Person Comments)

(-) Sunny Angulo, Chief of Staff for SF Board of Supervisor President and District 3 Supervisor Aaron Peskin, read aloud a letter from Supervisor Peskin in opposition to the permit application.

(-) Hani Ganji, attorney representing the Masjid Al-Tawheed, pointed out legal codes that would cause issues with granting the permit. He commented in opposition of the permit application.

(-) Mohammed Gluzaili, an Imam for the Masjid Al-Tawheed who holds daily prayers, commented in opposition to the permit application.

(-) Soha Abdon, representative from Chinatown Community Development Center and IRC, commented in opposition to the permit application.

(-) Abdullah Homran, Vice President of the Masjid Al-Tawheed, commented in opposition to the permit application.

(-) Omar Al-Ejel, worshipper at the mosque and neighbor, commented in opposition to the permit application.

(-) Belah Mohamed, an Imam for the Masjid Al-Tawheed, commented in opposition to the permit application.

(-) Bushra Alabsi, early childhood teacher, youth advocate at the mosque and representative from Cross Cultural SF, along with her students, commented in opposition to the permit application.

(-) Tatiana Alabsi, worshipper at the mosque and resident in the Tenderloin, commented in opposition to the permit application.

(-) Saif Fara, worshipper at the mosque and resident in the Tenderloin, commented in opposition to the permit application.

(-) Kashif Abdullah, Board Member with the SF Interfaith Council and School Head for the SF Islamic School, read the letter from the Executive Director of the Council Michael Pappas about the permit application. He also commented in opposition of the permit application.

(-) Muhammad Yasir, resident of SF, labor union president and organizer with the Muslim

community, commented in opposition to the permit application.

(-) Hakim Tanaka, worshipper at the mosque, commented in opposition to the permit application.

(-) An SF resident, peace organizer and former attendee of the mosque's school, commented in opposition to the permit application.

(=/-) Chris Schulman, Lower Polk Community Benefit District representative, shared that the District does not hold a position on the matter. He did comment regarding frustrations with the outreach process that the business did and gave some context to the history of 1217 Sutter St.

(-) Izzy Aomran, worshipper at the mosque, commented in opposition to the permit application.

(=) Mark Rennie, neighbor to the bar and mosque, shared a photo from their window of the bar's location and gave context as a neighbor about what is happening in the area.

(=) Miriam Zouzounis, member of the Arab community and Vice President of the SF Small Business Commission, commented in thanks for continuing this item and hope that there can be an agreement reached that works for everyone. She hopes that the community's concerns are heard and offered to be involved between the community and the businesses.

(-) Hala Hijaz, who serves on the SFPD Chief Community Policing Forum, a part of the Interfaith Center at the Presidio, and Muslim community leader, commented in opposition to the permit application and specifically of the applicant.

7. Commissioner Comments & Questions; New Business Request for Future Agenda Items: This item is to allow Commissioners to introduce agenda items for future consideration, and to make announcements. [Action item and Announcements]

Public Comment: None

8. ADJOURNMENT at 9:31 PM

EXHIBIT

D



City and County of San Francisco
Entertainment Commission

Permit referral request

To SFPD CPC Fire DBI Building DBI Electrical DBI Plumbing EC Sound

Date 5/4/2024

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

Permit(s) requested POE EHP

Entertainment Commission notes:

We have received the attached application for a Place of Entertainment and Extended Hours Premises permit.

Name Karlo Avassapian of NEXT LEVEL SF LLC

DBA 1217 Lounge

Street address 1217 SUTTER ST

Hearing date 6/4/2024

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 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 Karlo Avassapian

Email _____

Phone _____

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.

1

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 Karlo Avassapian Percentage owned 91
 Email [REDACTED] Phone [REDACTED]
 Residential address [REDACTED]
 City [REDACTED] State [REDACTED] Zip [REDACTED]

Business owner 2 (if applicable)

Name _____ Percentage owned _____
 Email _____ Phone _____
 Residential address _____
 City _____ State _____ Zip _____

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>

1154120

Business name (DBA) 1217 Lounge

Ownership name NEXT LEVEL SF LLC

Date of incorporation 01-18-2024

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>

1350551-01-241

Location street address 1217 SUTTER ST

License code (LIC)

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/>

635802

-  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	Closed
Tuesday	5:00 PM - 2:00 AM
Wednesday	5:00 PM - 2:00 AM
Thursday	5:00 PM - 2:00 AM
Friday	5:00 PM - 2:00 AM
Saturday	5:00 PM - 4:00 AM
Sunday	12:00 PM - 10:00 PM

 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:

We will generally only operate entertainment during business hours but would like the ability to host entertainment daily between 9am - 2am for holidays, events, etc

8.2

Your proposed indoor entertainment hours.

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

Monday	9:00 AM - 2:00 AM
Tuesday	9:00 AM - 2:00 AM
Wednesday	9:00 AM - 2:00 AM
Thursday	9:00 AM - 2:00 AM
Friday	9:00 AM - 2:00 AM
Saturday	9:00 AM - 2:00 AM
Sunday	 9:00 am - 6:00 am for extended hours service Saturday night (into Sunday morning)

Continue 8. Proposed hours on next page →

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, and belly dancing performances

⚠ 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.

Speaker and dj equipment that performers will use

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?

49

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.

Continue 9. Entertainment details on next page →

⚠ 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.

Extended hours entertainment description

9.6

Describe your proposed entertainment between 2 am and 6 am.

extended entertainment hours Monday closed Tuesday closed Wednesday closed Thursday closed Friday closed Saturday closed Sunday 2:00 AM - 6:00 AM

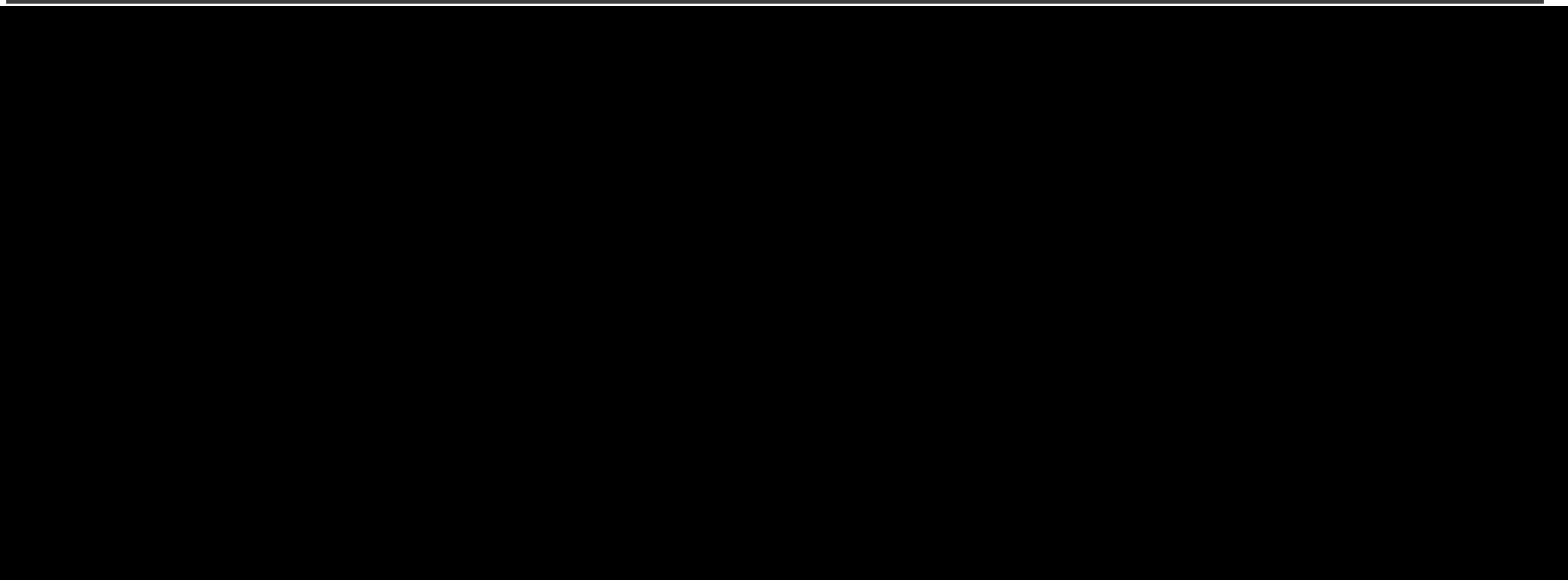
⚠ You only need to answer this if you selected to apply for an Extended Hours Premises (EHP) permit on question 1.3.

Extended hours food service description

9.7

Describe your proposed food service between 2 am and 6 am.

Chicken wings, fries. Plan to have DJs after hours on Saturday nights (technically Sundays) until 6am



Permit application

11. Traffic

⚠ You only need to complete this section if you selected to apply for a Place of Entertainment (POE) permit on question 1.1.

Parking

For example, street parking, private lot, none available. You can also tell us if you have loading zones or ADA parking available.

11.1

Describe any parking for your customers, if you have it?

Street

Permit application

13. Security

⚠ You only need to complete this section 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

A security plan usually includes day-to-day policies, measures, and protocols for managing specific situations. If you don't have one yet, don't worry. We will ask you some questions to help you create one.

13.1

Do you have a security plan document?

Choose one answer.

 Yes

i If you have a security plan, submit it with this application and skip the remainder of the questions in this section.

 No

⚠ You only need to answer this question if you selected "no security plan document" on question 13.1 above.

Number of Exits

13.2

How many exits do you have on site?

1

⚠ You only need to answer this question if you selected "no security plan document" on question 13.1 above.

Security staff

Based on your occupancy and events programming, the law requires you to hire at least one security staff for every 100 customers during entertainment.

13.3

How many security staff will be on site each weekday and on weekends? And what are their roles?

Friday and Saturday nights during entertainment starting at 10pm we will have a minimum of 4 guards working. 2 guards outside at all times, checking ID's, one will perform pat downs, bag checks, and wand patrons to prevent any illegal items from entering the premise. Inside we will have 2 guards. We will have a female guard working outside for female pat-downs

Continue **13. Security** on the next page →

⚠ You only need to answer this question if you selected “no security plan document” on question 13.1.

Staffing at exits

Include if all of your exits are staffed every day of the week, or if this changes depending on the day or entertainment being provided.

13.4

Describe your staffing at each exit and if it differs day to day.

see above

⚠ You only need to answer this question if you selected “no security plan document” on question 13.1.

Crowd control

Describe how you let customers in and how you exit and disburse them.

13.5

How do you plan to control lines or crowds in front of your business?

we will use stanchions at the front to keep lines orderly. AT 1:30 am we will end entertainment and transition into a slower tune in music along with announcing the last call. Between 1:40 and 1:45am we will be turning the lights on and having the DJ calmly announce to everyone to start making their way to the exit. At this time, we will have 4 guards outside and the rest inside using a segment method of clearing the venue so not all patrons are leaving the premises at the same time causing loud noises which we are trying our best to avoid. For example, the first half of the venue closest to the door will be

⚠ You only need to answer this question if you selected “no security plan document” on question 13.1.

Site security

The law requires that you secure your entire perimeter 100 feet in all directions. This includes things like picking up trash or calling 911 if there is an incident.

13.6

Describe your plan for securing your site.

Security & staff will be monitoring the perimeter throughout the night

Continue **13. Security** on the next page →

⚠ You only need to answer this question if you selected “no security plan document” on question 13.1.

Emergency plan

You are required to turn off sound, turn on lights, and have staff help customers find an exit.

13.7

Describe your plan for exiting customers in case of an emergency.

turn off the music and turn the lights on and help patrons safely exit the building

⚠ You only need to answer this question if you selected “no security plan document” on question 13.1.

Security type

You are liable for the actions of your security personnel on your site. You must provide proof of insurance for your business that includes security. This will be required before issuing a permit.

13.8

What type of security will you be using?

Choose one answer.

In-house security

i You must provide proof of insurance coverage for your business that includes security with your application.

Hiring a security company

i You must provide proof of insurance coverage for your security company with your application.

⚠ You only need to answer this question if you selected “no security plan document” on question 13.1.

Security training

You must follow state law SB741 . Learn more about security guards from the CA Department of BSIS.

13.9

What kind of training or certifications does your security staff have?

Select all that apply.


LEAD Training

Guard Card

Other _____

Examples of other training include ABC Responsible Beverage Service Training or CPR training.

Continue **13. Security** on the next page →

 You only need to answer this question if you selected “no security plan document” on question 13.1.


Door policies

Examples include ID check, pat downs, bag checks, or metal detectors. Include if these door policies happen daily, or only during certain hours.

13.10

Describe your door policies

On Friday & Saturday nights beginning at 10pm: pat downs, bag checks, and wand patrons to prevent any illegal items from entering the premise

 You only need to answer this question if you selected “no security plan document” on question 13.1.

Smoking area


13.11

Do you have a designated area for smoking customers?

Choose one answer.

Yes

No

 You only need to answer this question if you selected “no security plan document” on question 13.1.

Smoking area description


Examples include ID check, pat downs, bag checks, or metal detectors. Include if these door policies happen daily, or only during certain hours.

13.12

Describe the smoking section and how it will be monitored.

smoking allowed at the curb; security & staff remind them to keep their voices down. Across the street has vacant buildings

Continue **13. Security** on the next page →

 You only need to answer this question if you selected "no security plan document" on question 13.1.

Customer ages

Only some liquor licenses allow people of all ages to enter your business. For example, you cannot allow anyone under 21 if you have a type 48 liquor license.


13.13

Will you allow customers of all ages to enter your business?

Choose one answer.

Yes

No

 You only need to answer this question if you selected "yes, you will allow customers of all ages" on question 13.13 above.

Additional security

Examples include issuing wristbands or stamps or designating certain areas of the space for certain age groups.

13.14

What additional security will you have, and will your security plan change?

when we have events with people under 21, they will be required to wear a wristband


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 Karlo Avassapian Date 5/4/2024

The **1217 Lounge** is a bar and restaurant, located on Sutter between Polk and Van Ness Streets in San Francisco. The Wonder Lounge is a small/medium size restaurant, serving American food, and will provide the neighborhood a low key night spot.

At **1217 Lounge** the safety and security of our guests and employees is our first concern. This Security Plan is designed to provide the Entertainment Commission, the SFPD and our employees with information regarding various aspects of our safety and security program.

The **1217 Lounge** Security Plan and safety program is designed to comply with the safety and health standards that have been developed by federal, state, local government and current industry standards. It is our intent to be in compliance at all times, to assist the SFPD in crowd control issues and to always act responsibly and to be a Good Neighbor per the Good Neighbor Policies for Nighttime Entertainment Activities adopted by the San Francisco Entertainment Commission. In order to accomplish this, we have hired an excellent security staff. It is our intention to hire more mature staff that are well-trained, experienced, and who possess Guard Cards issued by the State of California Department of Consumer affairs.

The **1217 Lounge** will have security whenever entertainment is provided on the premises. At a minimum, there will be one security person for every 50 guests that frequent the venue when entertainment [live or DJ] is being offered. This number will be increased as necessary.

The Plan for operation on Friday and Saturday nights during entertainment is as follows: We will have a minimum of 4 guards working. 2 guards will be outside at all times, one will check government issued ID' s, one will perform pat downs and wand patrons to prevent any illegal items from entering the premise. **Inside we will have 2 guards.** One guard will be at the bottom of the stairs keeping the flow up and down clear, and one guard will be by the restrooms to make sure everyone is following the rules.

There will be **NO** discrimination at the door as to race, sex, orientation, etc. We will enforce a dress code.

As a Type-47 ABC licensed establishment we will comply with all ABC rules regarding minors and alcohol. California law requires that we allow persons under 21 during regular meal times but after 10 pm on Fridays and Saturday nights will have no persons under 21 years admitted to the premises, and we will be extremely vigilant to ensure that no minors are drinking on the premises or using a fake ID.

1217 Lounge will establish a cellular telephone line, dedicated as a community "hotline" that shall be promptly answered during operating hours for the purpose of fielding and action upon complaints from neighbors. **This number will be published online.**

Event Management

1) Our security personnel will roam the perimeter of the venue hourly, (at a perimeter of 50 feet) to assure that patrons keep noise levels down and to discourage loitering outside the venue.

- 2) Security will also scan adjacent parking areas for suspicious activity or loitering.
- 3) Any unlawful activity in the vicinity will be immediately reported to SFPD.
- 4) We will have undercover security on the floor during crowded events looking for

violent patrons, overly-intoxicated persons, drug use etc.

5) All other security staff will be dressed in distinctive clothing with a name badge plainly marked as security staff.

Separation and Removal of Patrons in the Event of Fights

In the event of a fight between patrons, security will immediately separate the fighting persons or groups. We will then remove the most aggressive group or person and attempt to have them leave the neighborhood quietly. If this is not possible we will request SFPD to assist in this removal process.

Next, we will then remove the second group or patron and again attempt to have them leave the area.

We will teach a policy of **ZERO** physical contact with patrons. Security staff will not touch a patron unless involved in a serious situation which could result in harm to patrons or staff. We feel that physical intervention tends to escalate, rather than de-escalate situations in the venue.

Conflict Resolution

1) We will not serve overly intoxicated patrons. In the event of over-intoxication, security staff will inform the customer's friends/companions that they must take their friend home.

2) Altercations between customers will be broken-up by the security immediately with as little physical contact as possible. Customers involved in the dispute will be escorted from the premises. See Separation and Removal of Patrons section, above.

3) In the event of serious injuries, unconscious patrons, etc. which occur on the premises, security personnel will immediately call the SF paramedics.

Drugs and Narcotics

1) **1217 Lounge** has a zero tolerance policy regarding drug use by staff or patrons.

2) We will train staff to recognize the symptoms of individuals who are illegally using drugs: i.e. contracted pupils, drowsiness, watery eyes, runny nose, extreme agitation/jitteriness. We will refuse entrance to such individuals.

3) Staff will monitor restrooms for drug use.

Exit procedures:

AT 1:30 am we will end entertainment and transition into a slower tune in music along with announcing the last call. Between 1:40 and 1:45am we will be turning the lights on and having the DJ calmly announce to everyone to start making their way to the exit. At this time, we will have 4 guards outside and the rest inside using a segment method of clearing the venue so not all patrons are leaving the premises at the same time causing loud noises which we are trying our best to avoid. For example, the first half of the venue closest to the door will be instructed to exit first, then once our guards outside have guided them towards their vehicles safely we will start with the second half of the venue and finish with upstairs.

Critical Incidents

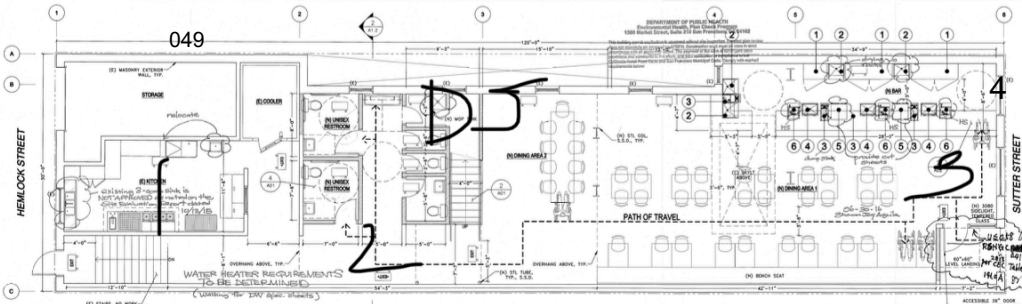
Critical incidents are those incidents that pose a threat of danger or harm to guests and/or employees within the venue. Critical Incidents are best prevented and should be addressed prior to becoming a problem. Common sense and preparation are the keys to success in preventing a small incident into becoming a critical incident endangering

guests and employees. On a daily basis the following steps shall be taken in order to better handle and mitigate any challenges or critical incidents.

Front line staff will monitor the Q-lines for any potential problems, disruptive persons and/or intoxicated persons that are unable to care for themselves and/or others. The Q- lines will be monitored at all times paying particular attention to any open containers and underage persons attempting to gain access to the Venue. Documented incidents and arrest reports have shown that underage drinking and intoxicated persons are the precursors to problems inside nighttime venues and bars. These preventative measures can be the determining factor of a successful evening or event. .

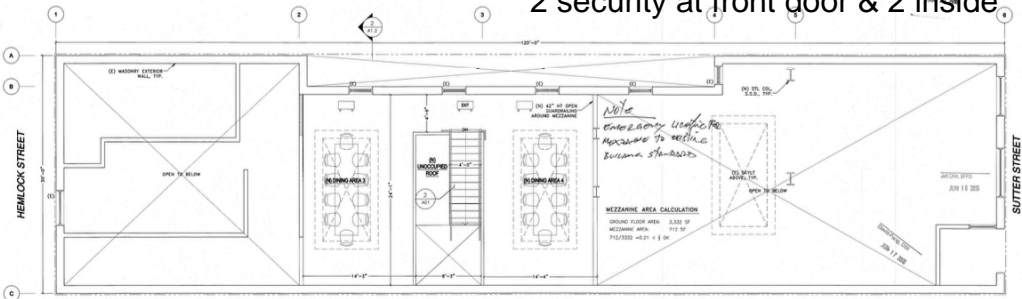
The front of the venue shall be monitored and staffed as soon as practical and at least a half hour prior to opening. All debris and trash receptacles in front of the Venue will be emptied and clear of any large items that could be used or thrown as weapons. Exterior lighting shall be in good working order and sufficient so as to be able to describe in detail one's facial features from approximately 50 feet away. Any and all solicitors will be encouraged to move along and not loiter or obstruct the sidewalk in front of the Venue without lawful reason.

Two separate lines will be established to differentiate persons on the invited guest list and those persons buying tickets at the door for general admission. These Q-lines will be as close to the building as practical, within 3-4 feet from the wall. The sidewalk in front of the Venue shall remain open to pedestrian traffic at all times. No structures or tents will be erected in front of the Venue without proper permitting from The City and County of San Francisco. Staff members will ensure that guests do not spill into the street affecting vehicular traffic or other pedestrian hazards. Staff members will make every effort that Q-lines are reduced and entry made into the Venue as safely, and efficiently as possible.



1 PROPOSED GROUND FLOOR PLAN
1/2" = 1'-0"

2 security at front door & 2 inside



2 PROPOSED MEZZANINE PLAN
3/8" = 1'-0"

- LEGEND**
- EMT SELF-ILLUMINATED EXIT SIGN (EQUIPPED w/ BATTERY BACKUP)
 - EMT SELF-ILLUMINATED EXIT SIGN w/ EMERGENCY ILLUMINATION (EQUIPPED w/ BATTERY BACKUP)
 - EMT EMERGENCY ILLUMINATION (EQUIPPED w/ BATTERY BACKUP)
 - (D) WALL
 - (D) TO BE REMOVED
 - (D) 2x4 914" C.E. STUD WALL, SEE 201

REVISIONS

BANA INC.
71 BLAKE STREET
SAN FRANCISCO, CA 94118
TEL. 415-752-2824

PROVE
JUN 11 2006
RSC/CM
RSC/CM

1217 SUTTER STREET
SAN FRANCISCO CA 94109

RECEIVED
JUN 11 2006
JUN 11 2006

PROPOSED FLOOR PLAN

DATE: 06/05/06
SCALE: AS NOTED

SHEET:

A2



PERMIT TO OPERATE AND CERTIFICATE OF SANITARY INSPECTION

Issued according to provisions of the San Francisco Health Code

AUTHORIZING conduct of the following class of Business

Permit #: 06733455
TTX Class Code: H26

ISSUED: 03/07/2024

Type of Operation: H26 - RESTAURANT OVER 2,000 SQFT

Business Account Number: 1154120

Owner: NEXT LEVEL SF LLC

DBA: NEXT LEVEL SF LLC

Street Address: 1217 SUTTER ST
SAN FRANCISCO, CA 94109

COOKING ALLOWED

DEPARTMENT OF PUBLIC HEALTH

Environmental Health Branch
City and County of San Francisco

Patrick Fosdahl
Director of Environmental Health

Display this Permit prominently. Valid only when accompanied by a receipt from the Tax Collector showing payment of current license fee. THIS PERMIT TO OPERATE MAY BE REVOKED OR SUSPENDED FOR CAUSE AND IS NOT TRANSFERABLE. CHANGE OF OWNERSHIP must be reported immediately. See reverse for additional information.

**STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
ALCOHOLIC BEVERAGE LICENSE**

ON-SALE GENERAL EATING PLACE

VALID FROM

Jun 01, 2023

SPRAOI LLC
1875 MISSION ST
#103
SAN FRANCISCO, CA 94103-3501

EXPIRES

May 31, 2024

TYPE NUMBER DUP

47 635802

AREA CODE

3800 24

BUSINESS ADDRESS
(IF DIFFERENT)

1217 SUTTER ST
SAN FRANCISCO, CA 94109-5516

RENEWAL

CONDITIONS

OWNERS: SPRAOI 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/LQSMMenu.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.

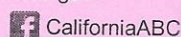
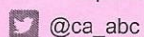
LICENSEE NAME: Only 10 names will be printed on each license. If there are more names associated with the license, they will be indicated by "AND XX OTHERS". All names are on file and available upon request from your local ABC office.

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>





Entertainment Commission City and County of San Francisco

PERMIT INSPECTION RECOMMENDATION

To: Building Inspection SFFD Division of Fire Prevention & Investigation
 Electrical Inspection Division Planning Department
 Plumbing Inspection Division Department of Health
 San Francisco Police Department Noise Abatement

From: Entertainment Commission
 Date: May 4, 2024

We have received the attached application for a **Place of Entertainment** permit at the indicated address below.

NAME: Karlo Avassapian of Next Level SF, LLC.
 DBA: 1217 Lounge
 ADDRESS: 1217 Sutter St, San Francisco, CA
 Hearing Date: June 4, 2024

DBI – BID – DIST. #10
 REC'D DATE 5/4/2024
 RECEIPT #: FYF
 ISS DATE: 5/15/2024
 RECORD #: 2024-017

We share the hearing date for your information. Except for Planning and SFPD, we do not need a response before the hearing date.

Please check the box next to your department and share your recommendation below.

Inspection Date:	BID	EID	PID
1. APPROVED	<i>chester</i>		
2. NOT APPROVED: DOES NOT MEET CODE (S) AND CANNOT BE REMODELED TO MEET CODE(S)	<i>9/19/24</i>		
ACTION 3. ADDITIONAL CODE WORK NEEDED- PERMIT(S) FROM DBI REQUIRED BEFORE APPLICATION CAN BE APPROVED. APPLICANT MUST SUBMIT WRITTEN VERIFICATION OF COMPLETED WORK FROM DBI INSPECTOR TO POLICE DEPARTMENT.			
4. NO RECOMMENDATION-UNABLE TO CONTACT APPLICANT AFTER TWO ATTEMPTS.			

Time & Date of attempted contact: 5/15/24
 Approved Occupant load (determined by Bldg. Inspector): 146 as posted (to be verified by SFPD)
 Inspector: chester chiu *CC* 9/19/24 Rcvd. Back @ Counter: _____ MFWBE



Entertainment Commission City and County of San Francisco

PERMIT INSPECTION RECOMMENDATION

To: Building Inspection SFFD Division of Fire Prevention & Investigation
 Electrical Inspection Division Planning Department
 Plumbing Inspection Division Department of Health
 San Francisco Police Department Noise Abatement

From: Entertainment Commission
 Date: May 4, 2024

We have received the attached application for a **Place of Entertainment** permit at the indicated address below.

NAME: Karlo Avassapian of Next Level SF, LLC.
 DBA: 1217 Lounge
 ADDRESS: 1217 Sutter St, San Francisco, CA
 Hearing Date: June 4, 2024

DBI – PID – DIST. #1
 REC'D DATE 5/4/2024
 RECEIPT #: FYF
 ISS DATE: 5/15/2024
 RECORD #: 2024-017

We share the hearing date for your information. Except for Planning and SFPD, we do not need a response before the hearing date.

Please check the box next to your department and share your recommendation below.

Inspection Date:	BID	EID	PID
1. APPROVED			X
2. NOT APPROVED: DOES NOT MEET CODE (S) AND CANNOT BE REMODELED TO MEET CODE(S)			
<u>ACTION</u> 3. ADDITIONAL CODE WORK NEEDED-PERMIT(S) FROM DBI REQUIRED BEFORE APPLICATION CAN BE APPROVED. APPLICANT MUST SUBMIT WRITTEN VERIFICATION OF COMPLETED WORK FROM DBI INSPECTOR TO POLICE DEPARTMENT.			
4. NO RECOMMENDATION-UNABLE TO CONTACT APPLICANT AFTER TWO ATTEMPTS.			

Time & Date of attempted contact: 5/15/24

Approved Occupant load (determined by Bldg. Inspector): _____

Inspector: Chris Vella Rcvd. Back @ Counter: _____ MFWBE



PLACE OF ENTERTAINMENT

Entertainment Commission - Sound Abatement Test Results

EC-1783: 1217

Lounge

1217 Sutter St.

APPROVED

Internal Limit:

88dBA / 100dBC

(measured from corner of bar nearest the entrance)

Date of Inspection:
Tuesday, June 11th 2024

Time of Inspection:
6:30 PM

Meter:
Cirrus – CR:171B

Ambient Avg:
71.7dBA / 77dBC
(measured from curb on Sutter St.)

Measures shall be taken to reduce the amount of sound that escapes a permitted 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:

1. Regulation of Noise - Noise Limits
 - a. Commercial & Industrial Property - [SF MPC Article 29 Section 2909\(b\)](#)
 - b. Public Property - [SF MPC Article 29 Section 2909\(c\)](#)
2. Outdoor Amplified Sound Regulations - [SF MPC Article 15.1 Section 1060.16\(b\)\(3\)](#)
3. Unnecessary Noise - [SF MPC Article 1 Section 49\(b\)](#)

NOTE:

Entertainment Commission must be notified of any modification to sound system.

Andrew Zverina
Inspector



Date: May 7, 2024

Dear Neighbor,

My name is **Karlo Avassapian** and I am the **Owner** of **1217 Lounge**. This letter is to notify you that we are applying for a Place of Entertainment (POE) permit and Extended Hours Premises (EHP) permit with the San Francisco Entertainment Commission.

We are applying for the POE & EHP permit so we can host events from all over the world. The POE permit requires that entertainment must end by 2am, the EHP permit requires that we end entertainment by **6 am in the event we want to leverage it** and we plan to use the EHP permit only on **Sunday morning if we decide to**. Under these permits, we must adhere to a sound limit set forth by the Entertainment Commission. Additionally, we are required to follow the Entertainment Commission's Good Neighbor Policy (GNP), which is included with this letter for your reference.

We have provided a detailed Operating plan which outlines on how we will enforce the GNP rules and ensure the safety of the patrons and neighbors. We are a local neighborhood bar/lounge providing a space for the local neighbors to use for any private events or just to come and enjoy any of the international themed events.

Our permit application will be heard by the Entertainment Commission on **June 4, 2024** 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

Sincerely,

Karlo Avassapian

Owner

510-340-1994

nextlevelsfillc@gmail.com

From: [NextlevelSFLLC](#)
To: [Azevedo, Kaitlyn \(ADM\)](#)
Subject: Re: IMPORTANT REMINDERS about the June 4th Entertainment Commission Hearing
Date: Wednesday, May 29, 2024 4:51:41 PM
Attachments: [1217 Outreach letter POE & EHP.pdf](#)

Attached is the outreach letter and below are the additional steps we have taken:

1. Removed a speaker from the bar closest to Sutter st
2. We foamed all windows that share an alley way and sound insulated various areas of the bar and front
3. We hired 2 additional security guards. 1 focused on the side by the Mosque
4. We started our entertainment at 10:30 pm
5. We added a volume control in the office

Thanks

On Wednesday, May 29, 2024, Azevedo, Kaitlyn (ADM) <kaitlyn.azevedo@sfgov.org> wrote:

Hi Karlo,

Do you have time this morning for a phone call? I'm open between 11am -1pm. Let me know what time works best.

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](#)

From: NextlevelSFLLC <nextlevelsflc@gmail.com>

Sent: Tuesday, May 28, 2024 6:41:44 PM

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

Cc: Liang, May (ADM) <may.k.liang@sfgov.org>

Subject: Re: IMPORTANT REMINDERS about the June 4th Entertainment Commission Hearing

From: [NextlevelSFLLC](#)
To: [Azevedo, Kaitlyn \(ADM\)](#)
Subject: Re: IMPORTANT REMINDERS about the June 4th Entertainment Commission Hearing
Date: Thursday, May 30, 2024 6:35:15 PM

That is correct. They were mailed and the ones in the mailroom were physically placed.

On Thursday, May 30, 2024, Azevedo, Kaitlyn (ADM) <kaitlyn.azevedo@sfgov.org> wrote:

Thanks! Are all of these residential addresses except Sliders? And did you mail them US mail?

Kaitlyn Azevedo (she/her)

Deputy Director

San Francisco Entertainment Commission

[49 South Van Ness, Suite 1482](#)

[San Francisco, CA 94103](#)

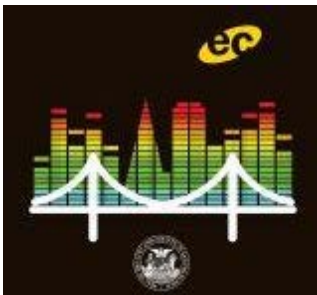
628-652-6038 (direct line) | 628-652-6030 (EC main line)

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: NextlevelSFLLC <nextlevelsflc@gmail.com>
Sent: Thursday, May 30, 2024 4:00 PM
To: Azevedo, Kaitlyn (ADM) <kaitlyn.azevedo@sfgov.org>
Subject: Re: IMPORTANT REMINDERS about the June 4th Entertainment Commission Hearing

Total of 115

[1201 Sutter st](#)- 43 and we posted in the mail room on the ground floor

1238 Sutter st- 27 we posted on the main door as well

Sliders restaurant - 1

[1285 Sutter st](#)- 40 letters and posted in main mail room

1226 Sutter- 2

1258 Sutter- 2

On Thursday, May 30, 2024, Azevedo, Kaitlyn (ADM) <kaitlyn.azevedo@sfgov.org> wrote:

Hi Karlo,

Can you please send me the # of outreach letters you sent out and who they went to? It's helpful if you send a screenshot of a map and outline everyone who received the letter.

I want to confirm that the condos to your left (when looking at 1217 Lounge) all received an outreach letter, as well as the residences across the street.

Thanks,

Kaitlyn

Kaitlyn Azevedo (she/her)

Deputy Director

San Francisco Entertainment Commission

[49 South Van Ness, Suite 1482](#)

[San Francisco, CA 94103](#)

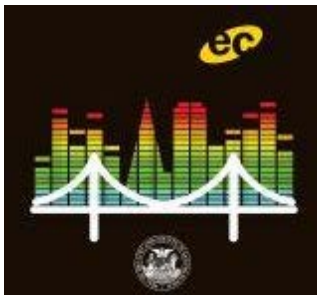
628-652-6038 (direct line) | 628-652-6030 (EC main line)

Kaitlyn.Azevedo@sfgov.org

[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: NextlevelSFLLC <nextlevelsflc@gmail.com>

Sent: Wednesday, May 29, 2024 9:35 PM

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

Subject: Re: IMPORTANT REMINDERS about the June 4th Entertainment Commission

EC12 - Cases in Queue

Case Id	Opened Date Time	Address	Request Description
18265862	5/26/2024 2:22:27 PM	1202 SUTTER ST, SAN FRANCISCO, CA, 94109	The 1217 bar: I am writing to express my concern and file a complaint regarding the loud music emanating from inside the mosque located at 1217 Sutter Street. The music was very loud, especially on the night of May 11th. This noise disturbance has significantly impacted our ability to conduct our religious activities peacefully and has been a source of significant disruption to our community. Loud music interferes with our prayers and creates an unsuitable environment for worship.
18265780	5/26/2024 1:51:19 PM	1202 SUTTER ST, SAN FRANCISCO, CA, 94109	Music being heard inside the mosque. The lines are disrupting our mosque.
18265738	5/26/2024 1:42:39 PM	1209 SUTTER ST, SAN FRANCISCO, CA, 94109	Outside noise from crowded streets and loud public gatherings, especially when it obstructs sidewalks. Efficient solutions may involve collaboration with authorities to manage crowd control and noise levels, ensuring a peaceful environment.
18265710	5/26/2024 1:30:34 PM	1202 SUTTER ST, SAN FRANCISCO, CA, 94109	The music is so loud people at the masjid can not focus on their prayers.
18265348	5/26/2024 11:32:41 AM	1202 SUTTER ST, SAN FRANCISCO, CA, 94109	The 1217 bar is disrupting daily worship at our community in the building at Masjid Al-Tawheed. We have had super loud music which is disturbing in Prayer hall.
18264873	5/26/2024 9:11:27 AM	1202 SUTTER ST, SAN FRANCISCO, CA, 94109	The 1217 bar is disrupting daily worship at our community in the adjacent building at Masjid Al-Tawheed. We have had super loud music audible from our prayer hall, large crowds of drunk partygoers standing right across our entrance, and bouncer lines on the path that our worshippers take to attend prayer.

From: [REDACTED]
To: [Azevedo, Kaitlyn \(ADM\)](#)
Subject: 1217 Sutter St application
Date: Monday, June 3, 2024 5:47:21 PM

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

Dear Ms Azevado,

I understand that the applicant for 1217 Sutter claims to have mailed every resident within 150 ft of the location regarding their application. I live at [REDACTED] (across the road) and have had no communication from the applicant in any way - and indeed only learnt of the proposal by happenstance in passing. I have concerns regarding what I have heard about this proposal, concerns which are heightened given the applicant appears to be saying they have notified locals despite that not being the case.

Best,

[REDACTED]

From: [Hala Hijazi](#)
To: [Azevedo, Kaitlyn \(ADM\)](#); [Lazar, David \(POL\)](#)
Cc: cschulman@lowerpolkcbd.org; [REDACTED]; [NextlevelSFLLC](#); [Weiland, Maggie \(ADM\)](#); soha.agina@chinatowncdc.org; myeung@chinatowncdc.org
Subject: Re: 1217 Sutter Street entertainment permit discussion
Date: Thursday, May 30, 2024 5:44:20 PM

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

Good afternoon Kaitlyn,

Thank you again for your leadership and patience to try to figure all this out.

Per your request and behalf of Masjid Al-Tawheed, below is the current schedule for the daily prayers. Please keep in mind that this is a place of worship that is open to congregants the majority of the day, including but not limited to daily prayers, meditation, reflections, memorization, all year round afterschool and cultural and women and other religious and educational programming.

The approval of these permits would result in nuisance, disturbance, and other intolerable conditions to not only to congregants but also to the residents of the apartment complex next door, potentially resulting in multiple and frequent lawsuits.

Additionally, for both worshippers and residents it will inevitably create more problems and cause a significant strain on our community resources, including SFPD.

This is why the majority of these types of bars/ clubs/ restaurants with after hour permits are located in downtown and south of market.

There are no restaurants with these permits next door to Grace Cathedral, 3rd Baptist Church, or Congregation Emanuel. And while this masjid is smaller and less ornate and caters to mostly an immigrant and marginalized constituency, I pray that the City will treat it and give it the same weight as other places of worship.

As such, with the increase of hate crimes, violent assaults and bullying against our diverse Muslim and Arab communities and the general increase of violence and drugs in the Tenderloin especially at night - the leadership of this mosque at 1227 Sutter does not support the following permits:

Place of Entertainment (POE)

Extended Hours Premises (EHP)

Per your request, here is the current Daily Prayer Services Schedule:

3:30am: Masjid opens
4:10am: Athan
4:21am: Fajr Prayer
7:00am: Duha
1:15 pm: Dhuhhr Prayer
5:00pm: Asr Prayer
8:30pm: Maghrib Prayer
9:54pm: Isha Prayer (usually finishes around 11:30pm)
11:30pm: Tahajjud Prayer (optional prayer performed nightly in the middle of the night by the Imams and elders of the community)

I hope this schedule helps. When you have a chance, please provide us with the agenda for Tuesday's meeting.

If you have any questions, please let us know.

Thank you,

Hala Hijazi
415-307-4607
Founder, SF AMEMSA Advisory Board
Board of Directors, Interfaith Center at the Presidio
Member, SFPD's Chief's Community Policing Advisory Forum

On May 28, 2024, at 5:12 PM, Hala Hijazi <hkhijazi@gmail.com> wrote:

Good Afternoon Kaitlyn,

Hope you had a great weekend. Thank you for the email follow up. We appreciate it. I have been sick the last few days and will circle back with everyone tomorrow.

Thank you for your patience.

Hala

On May 24, 2024, at 10:48 AM, Azevedo, Kaitlyn (ADM)
<kaitlyn.azevedo@sfgov.org> wrote:

Good morning, all –

Thank you for taking the time to meet yesterday. As requested, I am sending this follow up email to provide more information around the Place of Entertainment (POE) and Extended Hours Premises (EHP) permits, what the business has applied for, and potential next steps as we approach the hearing on Tuesday, June 4th.

1217 Sutter Street is located in the [RC-4 - Residential- Commercial, High Density](#) zoning district, which principally permits nighttime entertainment. A POE permit allows indoor entertainment until 2am daily, and the EHP permit allows food service and/or entertainment between 2am – 6am. Currently, 1217 Lounge has applied for a POE permit for indoor entertainment until 2am daily, and the EHP for Sunday mornings until 4am. During our meeting yesterday, Karlo offered to remove the EHP permit application altogether. **Karlo, please confirm if you are moving forward with this proposal and I will remove the EHP from your application.**

I understand that the Mosque is currently opposing the entertainment permit(s) outright. However, in my experience, providing the Commission with a “plan B” is useful for mediation. That said, of course it is your right to oppose the permit altogether and you are not required to find middle ground. **Folks from the Mosque, please send me your daily prayer schedule.** Regardless if you are open to proposing that 1217 Lounge can operate entertainment outside of your daily prayer hours, I still want to provide the prayer schedule to my Commission as I think it’s extremely important information and necessary to provide them with all of the facts.

If folks would like to meet again, I am happy to schedule another community meeting on MS Teams in advance of the hearing on June 4th, and will have my Director join me this time. We are currently available Tuesday 5/28 between 2pm – 4pm, Wednesday, 5/29 between 11am – 1:30pm, or Thursday 5/30 any time between 9:30 am – 2:30pm.

Please let me know if there are any questions.

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



P.O. Box 29055
 San Francisco, CA 94129
 Phone: 415.474.1321
 www.sfinterfaithcouncil.org

Michael G. Pappas, M.Div.
 Executive Director
 mgpappas@sfinterfaithcouncil.org

Board of Directors:

Rev. Vanessa Southern, Chair
*First Unitarian Universalist Society
 of San Francisco*

The Rev. Canon Debra Low-Skinner
 Vice Chair, *Episcopal Diocese of CA*

Rev. Fred Harrell, Treasurer
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Col. Deborah Dacumos, Secretary
*St. Dominic's Catholic Church &
 Veterans Affairs Commission*

Kashif Abdullah

San Francisco Islamic School

Rev. Dr. Leroy E. Adams, Jr.
Providence Baptist Church

Father Mesrop Ash
St. John Armenian Apostolic Church

Wilma Batiste
Neighborhood Baptist Church

Derick Brown
University of San Francisco

Rev. Dr. Jonathan Butler
*SF African American Faith-Based
 Coalition, Third Baptist Church, UCSF*

Tessa Rouverol Callejo
*Nonprofit Consultant
 St. Agnes Catholic Church, Parishioner*

Winnie Chu

Andrew Galvan
Old Mission Dolores & Ohlone Nation

Rev. Marci Auld Glass
Calvary Presbyterian Church

Rabbi Jessica Zimmerman Graf
Congregation Sherith Israel

Paige Hosking
Church of Jesus Christ LDS

Father Kevin Kennedy
St. Mary's Cathedral

Sister Kyoko Kimura
Brahma Kumaris Meditation Center

The Rev. Canon Anna Rossi
Grace Cathedral

Rita R.Semel, Past Chair
Congregation Emanu-El

Swami Tattwamayananda
Vedanta Society

Rev. Trent Thornley
San Francisco Night Ministry

Marvin K. White, M.Div.
Glide Memorial Church

June 11, 2024

Dear Directors Weiland, Azevedo & SF Entertainment Commissioners,

I am writing today, on behalf of the San Francisco Interfaith Council (which counts as its constituents the 800 communities of faith and religious institutions in San Francisco) in support of the Masjid Al-Tawheed's (located at 1227 Sutter Street) opposition to both the Place of Entertainment (POE) and Extended Hours Premises (EHP) Permits for 1217 Sutter Lounge, located adjacent to the masjid in the Tenderloin neighborhood.

The Masjid Al-Tawheed, is a sanctuary where its faithful gather five times daily for obligatory Muslim prayer, as well as being the epicenter of its community life. As was accentuated during the pandemic, houses of worship play multiple and vital roles that provide essential support not only to their own faithful but to those in the neighborhoods they serve. In addition to providing sacred space for obligatory worship, the Masjid Al-Tawheed has and continues to offer a dedicated home for secondary prayer services, afterschool and evening educational and programming for youth and the elderly, and community events, including the distribution of grocery vouchers.

Masjid Al-Tawheed serves the largest religiously-observant immigrant Yemeni community in San Francisco. Many of the congregants are also residents of the Chinatown Community Development Center located at 201 Turk Street and rely on this masjid for critical social services.

Additionally, this masjid is in an area of the Tenderloin that has seen the ongoing increase of violence, drug dealing, recruitment activity and more recently skyrocketing hate crimes and related incidents. These proposed permits would only further attract a negative element and amplify unhealthy behavior, which would further adversely impact this long-established sacred site and its worshippers.

The approval of these permits would not only result in nuisance, disturbance, and other intolerable conditions to the Masjid Al-Tawheed's congregants and to the greater neighborhood community it serves, but would also create the risk of setting a broader precedent with incumbent, unforeseen and unintended consequences.

In light of the Masjid Al-Tawheed's location, diverse community it serves, and nature of the prayer schedule, all of which would be adversely impacted, the San Francisco Interfaith Council opposes the POE and EHP permit applications and encourages the Entertainment Commission to vote against them.

Thanking you in advance for your thoughtful consideration of and response to this matter, I remain,

Sincerely,

Michael G. Pappas, Executive Director
 San Francisco Interfaith Council



City and County of San Francisco
Entertainment Commission

Permit referral request

0691/012A
Dist 3
RC-4
2024-003993MIS

To SFPD CPC Fire DBI Building DBI Electrical DBI Plumbing EC Sound

Date 5/4/2024

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

Permit(s) requested POE EHP

Entertainment Commission notes:

We have received the attached application for a Place of Entertainment and Extended Hours Premises permit.

Name Karlo Avassapian of NEXT LEVEL SF LLC

DBA 1217 Lounge

Street address 1217 SUTTER ST

Hearing date 6/4/2024

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

Your recommendation:

Recommend approval of Place of Entertainment and Extended Hours permits at 1217 Sutter St. as continuation of existing restaurant use per PC Section 209.3. (d.b.a. 1217 Lounge). Must operate as a bona fide eating place per PC Section 102. Entertainment use permitted in RC-4 District per Sec. 209.3. Honora Montano, SF Planning, honora.montano@sfgov.org

Signature Honora Montano Date 5/7/24

From: [Lazar, David \(POL\)](#)
To: [Azevedo, Kaitlyn \(ADM\)](#); [DPH-hkhijazi](#)
Cc: [cschulman@lowerpolkcbd.org](#); [yemen2224@gmail.com](#); [NextlevelSFLLC](#); [Weiland, Maggie \(ADM\)](#); [hganji@gmail.com](#); [Michael Pappas](#); [kabdullah77@gmail.com](#); [soha.agina@chinatowncdc.org](#); [myeung@chinatowncdc.org](#); [Sawyer, Jason \(POL\)](#)
Subject: Re: 1217 Sutter Street entertainment permit discussion
Date: Friday, May 31, 2024 2:56:18 PM

Kaitlyn,

I too completely agree with Hala's argument against the issuance of this permit as explained and well articulated in her email. I have cc'd Captain Sawyer of Northern Station.

Thank you,

Assistant Chief David Lazar
San Francisco Police Department
Chief of Operations
1245 3rd Street, 6th Floor
San Francisco, Ca 94158
Office: (415) 575-6715
Cell: (415) 850-5144
www.sanfranciscopolice.org

From: Azevedo, Kaitlyn (ADM) <kaitlyn.azevedo@sfgov.org>
Sent: Friday, May 31, 2024 2:46 PM
To: DPH-hkhijazi <hkhijazi@gmail.com>; Lazar, David (POL) <David.Lazar@sfgov.org>
Cc: cschulman@lowerpolkcbd.org <cschulman@lowerpolkcbd.org>; [REDACTED]
[REDACTED] Weiland, Maggie (ADM)
<maggie.weiland@sfgov.org>; [REDACTED] Michael Pappas
<mgpappas.sfic@gmail.com>; [REDACTED]
soha.agina@chinatowncdc.org <soha.agina@chinatowncdc.org>; myeung@chinatowncdc.org
<myeung@chinatowncdc.org>
Subject: RE: 1217 Sutter Street entertainment permit discussion

Hi Hala,

Thank you for your email and for providing the added context. I will be including your message in the applicant's file for my Commission to review.

Attached here is the agenda for Tuesday's hearing along with my staff memo that I'll be reading to introduce each permit agenda item.



City and County of San Francisco
Entertainment Commission

Permit referral request

To SFPD CPC Fire DBI Building DBI Electrical DBI Plumbing EC Sound

Date 5/4/2024

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

Permit(s) requested POE EHP

Entertainment Commission notes:

We have received the attached application for a Place of Entertainment and Extended Hours Premises permit.

Name Karlo Avassapian of NEXT LEVEL SF LLC

DBA 1217 Lounge

Street address 1217 SUTTER ST

Hearing date 6/4/2024

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

Please enter your recommendation below.

Your department San Francisco Police Department

Your recommendation: Northern station has no objection to the application of the POE permit. We do have an objection to the EHP permit allowing the business to operate from 2am to 6am. We feel this would be disruptive to the neighborhood.

Signature  #1587 Date 6/4/2024

New Items for June 18th, 2024 Hearing

From: [REDACTED]
To: [Azevedo, Kaitlyn \(ADM\)](#)
Subject: Re: INQUIRY 1217 SUTTER
Date: Sunday, June 16, 2024 9:06:37 PM

Thank you Kaitlyn for your response I did and so did a lot of other people attend the hearing on the 4th of June. Seemed like the commissioners were overwhelmed with the turnout against the permit and moved the hearing on the 18th. I anticipate the a larger attendance and therefore want to inform you and the commissioners that I am against the approval of the permit for the following reasons:

1. When they were remodeling for several months including evenings and weekends while attending congregation at the mosque located next door 1227 Sutter, I could here the drills and sanding machines. I can only image what a live dj or performer would sound like!
2. While the Polk corridor is a commercial zone the Sutter block between Polk and Van Ness over the past 5 years has added several multi unit residential housing on the 1200 block of Sutter. The most recent is 1201 Sutter completed last year and located right next door to 1217 Lounge. I have spoke with some residents and they do are not in favor of the permit.

Before their permits should be even taken into consideration I hope you make it contingent upon measures that would minimize noise inside and outside the lounge this should include sound proofing and proper trained security to disburse crowds not just from the club but neighbors doorways in the late hours.

Thank you

[REDACTED]

On Tuesday, May 21, 2024 at 09:34:57 AM PDT, Azevedo, Kaitlyn (ADM) <kaitlyn.azevedo@sfgov.org> wrote:

Hi [REDACTED]

1217 Lounge has applied for a Place of Entertainment (POE) and Extended Hours Premises (EHP) permit from my office.

Under the POE permit, they are seeking the ability to host entertainment including DJs, live bands, and belly dancing performances until 2am daily (although I will note that they currently only have programming plans for entertainment Friday – Sunday, but their application requests the ability for daily entertainment in the event of a holiday/buy out/etc).

Under the EHP permit, they are seeking the ability to serve food and non-alcoholic drinks and possibly

have the same type of entertainment until 4am Saturday nights (technically ending on Sunday morning at 4am). The owner said they will likely not activate this permit often, but would like the option.

Please let me know if there are any other questions I can answer for you.

Best,

Kaitlyn

Kaitlyn Azevedo (she/her)

Deputy Director

San Francisco Entertainment Commission

49 South Van Ness, Suite 1482

San Francisco, CA 94103

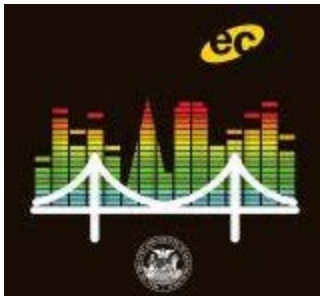
628-652-6038 (direct line) | 628-652-6030 (EC main line)

Kaitlyn.Azevedo@sfgov.org

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From: [REDACTED]
Sent: Sunday, May 19, 2024 4:38 PM
To: Azevedo, Kaitlyn (ADM) <kaitlyn.azevedo@sfgov.org>
Subject: INQUIRY 1217 SUTTER

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

untrusted sources.

Kaitlyn

I understand the subject property is applying for an extended permit can you elaborate how they intend to use that permit? Live bands? DJs? Would like to find out the specifics to make sure that it aligns with the block given there is a new luxury high rise condo on one side and and a mosque on the other.

Thank you





Date: June 5, 2024

Dear Neighbor,

My name is **Karlo Avassapian** and I am the **Owner** of **1217 Lounge**. This letter is to notify you that we are applying for a Place of Entertainment (POE) permit and Extended Hours Premises (EHP) permit with the San Francisco Entertainment Commission.

We are applying for the POE & EHP permit so we can host events from all over the world. The POE permit requires that entertainment must end by 2am, and the EHP permit requires that entertainment and food service must end by 6 am, but we are only requesting the EHP permit for Sunday mornings until 3am. Under these permits, we must adhere to a sound limit set forth by the Entertainment Commission. Additionally, we are required to follow the Entertainment Commission's Good Neighbor Policy (GNP), which is included with this letter for your reference.

We have provided a detailed Operating plan which outlines on how we will enforce the GNP rules and ensure the safety of the patrons and neighbors. We are a local neighborhood bar/lounge providing a space for the local neighbors to use for any private events or just to come and enjoy any of the international themed events.

Our permit application will be heard by the Entertainment Commission on **June 18, 2024** 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

Sincerely,

Karlo Avassapian

Owner

510-340-1994

nextlevelsfillc@gmail.com

Masjid al-Taweed/1217 Lounge Ambient Testing Summary

June 11, 2024 @ 5:30pm

Notes: The mosque and 1217 building are not connected. There is a small alleyway leading between the buildings. The mosque has large skylights in the prayer room. When asked members said they experience the greatest disturbance in the upstairs room as opposed to the downstairs prayer room.

1217 Lounge has relocated a speaker from the front of the business to the back, facing away from the mosque. They have also attached acoustic foam to every window on the west side and covered them with curtains as acoustic treatment.

After retesting, the new sound limit is 88dBA/100dBC. While operating at this level sound escaping the front of the business exceed ambient by 2-3dBC while dBA was unaffected. The limit is set well under MPC 15.1 Article 29 allowance of +8dB over ambient measurements.

Ambient Measurements at Masjid al-Taweed

Masjid al-Taweed – internal ambient measured in the upstairs prayer room from the center support pole on the left after entering. This location is in the half of the room closest to 1217.


#1 – Taken while no sound was in operation at 1217, meant to capture the ambient levels of the prayer room. 45.0dBA/58.9dBC

#2 – Recorded while 1217 was operating at maximum allowable sound levels as determined by sound testing. 43.0dBA/60.0dBC

Mosque members wanted to be sure that 1217 was not going to lower volumes as I tested in the prayer room. The solution was to have mosque members present at 1217 while our neutral party, Officer Walsh, operated the sound system at confirmed maximum levels approved and measured real time by myself.

Main people involved/present: Hala, Mansoor, Abdul, Karlo, Officer Walsh

Active Orders

Project	P2790322030
Item	4864562029
Contact	Karlo Avassapian
Order Placed	6/6/2024
PO Number	
Client	
Item Name	Karlo Avassapian
Status	Shipped
Ship type	
Thumbnail	
Description	230 8.5 X 11 Brochures, Digital Full Color/None, No Coating, 100# Gloss Text, Half Fold, 230 1st Class

Project	P2789778020
Item	4863004049
Contact	Karlo Avassapian
Order Placed	6/6/2024
PO Number	

076

Social Hall SF

1238 Sutter St Condo

Stage

1258

Sutter St

1201

Masjid al-Tawheed

San Francisco Fleet Week Association

Etta Apartments

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DiskFaktory

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The Hemlock

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On Tue, Jun 18, 2024 at 2:12 PM Azevedo, Kaitlyn (ADM) <kaitlyn.azevedo@sfgov.org> wrote:

Hi Karlo,

Please see attached

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)



Entertainment Commission
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Dear Commissioners,

Thank you for the opportunity to submit comment for today's hearing, 6/18/2024.

The Neighborhood Business Alliance is a trade association based out of years of business and community organizing, largely with immigrant and minority owned and operated small businesses with regulatory licenses. We write today in support of Item 6 b on the consent Agenda for limited Live Performance permit for Yasmin's on Valencia Street. This is a community serving business and gathering place in the neighborhood balancing domineering forces of gentrification.

Item 6

Consent Agenda:

b. EC-1791 - Eiad Eltawil of ELTAWIL BROTHERS LLC, dba Yasmin, 799 Valencia St – Limited Live Performance that includes outdoor amplified sound & entertainment in parklet

We are also writing in support of a compromise between the business and the Mosque and impacted community on Sutter Street. Arab, African and South West Asian Businesses are constantly being asked to conform to new regulations and restrictions on our businesses in response to environmental, public health and public safety matters, and we ask now that there is a proposed business activity that is impacting one of our cultural and religious spaces, we ask we are met with good will in return. Please consider community concerns regarding the proposed Extended Hours and Place of Entertainment license and encourage the business to come to a compromise and agreement with the community.

Regular Agenda:

h. EC-1783 – Karlo Avassapian of Next Level SF LLC, dba 1217 Lounge, 1217 Sutter St – Place of Entertainment and Extended Hours Premises

Thank you,

Neighborhood Business Alliance Executive Board and Members



June 18, 2024

San Francisco Entertainment Commission
1 Dr Carlton B Goodlett Pl
San Francisco, CA 94102

Dear Members of the San Francisco Entertainment Commission,

I am writing to express my enthusiastic support for 1217 Lounge's application for a Place of Entertainment and Extended Hours Permit. As an engaged member of the community and a business owner, I have witnessed firsthand the positive impact that 1217 Lounge has on our local nightlife and cultural landscape.

1217 Lounge is more than just a venue; it is a vibrant hub of cultural diversity nightlife events. The space is known for hosting a wide array of nightlife events that cater to various tastes and backgrounds. From Reggaton themed parties on Sundays to Afro-beats, live music performances and more, 1217 Lounge offers something for everyone. This diversity in programming not only enriches our nightlife scene but also fosters an inclusive environment where people from all walks of life can come together to celebrate and enjoy themselves.

The operators of 1217 Lounge are truly exceptional. Their commitment to providing a safe, welcoming, and enjoyable experience for all patrons is evident in every aspect of their operation. They have consistently demonstrated their dedication to upholding the highest standards of hospitality and entertainment. Their ability to curate a diverse lineup of events is a testament to their understanding of and respect for our community's unique cultural fabric.

Granting 1217 Lounge the Place of Entertainment and Extended Hours Permit will undoubtedly enhance the vibrancy and attractiveness of our city's nightlife. It will also support local artists, performers, and promoters by providing them with a platform to showcase their talents. This permit is not only an investment in the success of 1217 Lounge but also an investment in the cultural and economic vitality of San Francisco.

Thank you for considering this application. I strongly urge you to approve the Place of Entertainment and Extended Hours Permit for 1217 Lounge, as it will bring substantial benefits to our community.

Sincerely,

Kevin Ortiz
Founder, KO Strategies



June 18, 2024

San Francisco Entertainment Commission
1 Dr Carlton B Goodlett Pl
San Francisco, CA 94102

Dear Members of the San Francisco Entertainment Commission,

On behalf of the San Francisco Latino Democratic Club, I am writing to express our full support for 1217 Lounge's application for a Place of Entertainment and Extended Hours Permit. As an organization dedicated to promoting the interests and cultural heritage of the Latino community, we recognize the significant role that 1217 Lounge plays in enriching the social and cultural fabric of our city.

1217 Lounge stands out as a special place within San Francisco's nightlife scene. It is a venue where diversity thrives, offering an eclectic mix of events that reflect the rich tapestry of our community. From lively Latino nights to a variety of other cultural celebrations, 1217 Lounge provides a space where people from diverse backgrounds can come together to share in joyful and memorable experiences.

The operators of 1217 Lounge are exemplary in their commitment to creating an inclusive and safe environment for all patrons. Their dedication to excellence is evident in their thoughtful curation of events and their proactive approach to ensuring the well-being of their guests. They are not only skilled in entertainment but also deeply invested in the community they serve.

Approving the Place of Entertainment and Extended Hours Permit for 1217 Lounge will significantly benefit our community by enhancing the vibrancy of our nightlife and supporting local artists and entertainers. This permit will allow 1217 Lounge to continue offering diverse and high-quality events that cater to a wide range of interests, further solidifying its role as a cornerstone of our cultural landscape.

We strongly urge you to approve this permit application, as it represents an important step in fostering a thriving, inclusive, and culturally rich community in San Francisco.

Thank you for your consideration.

Sincerely,

San Francisco Latino Democratic Club

EXHIBIT

E

Masjid al-Taweed/1217 Lounge Ambient Testing Summary

June 11, 2024 @ 5:30pm

Notes: The mosque and 1217 building are not connected. There is a small alleyway leading between the buildings. The mosque has large skylights in the prayer room. When asked members said they experience the greatest disturbance in the upstairs room as opposed to the downstairs prayer room.

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Main people involved/present: Hala, Mansoor, Abdul, Karlo, Officer Walsh

PUBLIC COMMENT

City and County of
San Francisco



Board of Supervisors,
President

AARON PESKIN
市參事 佩斯金

July 11, 2024

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

RE: Appeal No. 24-039 – EC-1783 Place of Entertainment permit for 1217 Lounge
Brief of Respondent Entertainment Commission

Dear President Lopez and Honorable Members:

I am attaching in this correspondence my original statement urging the Entertainment Commission to deny the requests of Next Level SF LLC to create a nightclub at 1217 Sutter Street, next to the Masjid al-Tawheed mosque, read into the record at the June 18th, 2024 Entertainment Commission by my Chief of Staff.

I urge you to deny the subsequent Appeal No. 24-039 and uphold the determination of the Entertainment Commission, who vetted this proposal after hours of public comment and deliberation at their meeting.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Aaron Peskin".

Aaron Peskin

City and County of
San Francisco



President, Board of
Supervisors

AARON PESKIN
市參事佩斯金

June 18, 2024

Entertainment Commission
Room 416, San Francisco City Hall

RE: Item (h)EC-1783 - Support for Masjid al-Tawheed Mosque Request to Disapprove

Dear President Bleiman and Commissioners,

I am writing to request that you do not grant the requested Place of Entertainment and Extended Hours Premises permits for Next Level SF LLC, located at 1217 Sutter Street in the Lower Polk Community Benefit District. I have heard from countless residents and neighbors from a diversity of communities about the profound impacts to the neighborhood if the City grants this request.

I have fielded noise and safety concerns from many members of the Arab-American and Yemeni communities, as well as their neighborhood supporters – including Redding Elementary School families, Lower Polk and Tenderloin merchants, and members of the Masjid al-Tawheed Mosque, located next door. Out of roughly 62 mosques in the greater San Francisco Bay Area, Masjid al-Tawheed, in particular, is not only a critical community hub, but also a beloved faith epicenter and a sanctuary for hundreds of Arab-Americans seeking a safe oasis from the challenging street conditions in the Tenderloin and Lower Polk.

This community has legitimate concerns regarding an extended hours nightclub adjacent to a site that has experienced documented street violence, a recent hate crime, and property vandalism. The incentivization of a late-night club next to a place of worship only exacerbates the many challenges that they continue to face in the neighborhood.

I have long been a supporter of late-night entertainment, including in Polk Gulch where I've fought to save numerous legacy bars and music venues, and I am continuing to lead Downtown economic recovery efforts, in partnership with the Mayor, which include a vibrant nightlife. But this long-established and sacred site on Sutter Street should not be ground zero for a 2:00 am nightclub. I urge you to listen to the pleas of this often-ignored community, and stand up for their reasonable request.

Thank you for your consideration,

A handwritten signature in blue ink that reads "Aaron Peskin".

Aaron



LONDON N. BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158



WILLIAM SCOTT
CHIEF OF POLICE

July 15, 2024

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

RE: (Deny) Appeal No. 24-039 - EC-1783 Place of Entertainment Permit for 1217 Lounge Brief of Respondent Entertainment Commission

Dear President Lopez, Honorable Members, and Director Rosenberg:

I am writing to urge the Permit Board of Appeals to deny Next Level SF LLC's, dba 1217 Lounge, located at 1217 Sutter Street, San Francisco, CA 94109, Appeal No. 24-039 and uphold the determination of the Entertainment Commission.

Masjid Al-Tawheed, located at 1227 Sutter Street, next door to 1217 Lounge, is not only one of the few places of worship for SF's Muslim community but also serves as safe place and community hub for Tenderloin's vulnerable and marginalized immigrant community. My Command staff and I work very closely with Masjid Al Tawheed and community partners to address a variety of public safety concerns including vandalism, assaults, hate incidents, and most recently in April 2024 during the Month of Ramadan, apprehended a suspect now charged by the District Attorney with a felony hate crime. These crimes took place inside and in front of the masjid.

Due to recent events, SFPD is concerned about the safety of congregants and their right to worship peacefully and without obstruction or disturbance. Only subsequent to the Entertainment Commission's Determination, that we had a better understanding of how the congregants pray – requiring them to worship with minimal to no sound. Consequently, this lack of knowledge impacted our decision to not to deny the granting of a Conditional Place of Entertainment permit pursuant to MPC §1060.5(f)(5) and (7).

For these reasons and in addition to the requests to deny by the District Supervisor President Peskin and the Entertainment Commission, I too urge you to deny Appeal No. 24-039.

Thank you for your consideration.

Sincerely,


WILLIAM SCOTT
Chief of Police

Letter Of Appeal – 1217 Sutter

Dear Board Office,

I am an owner of a condo in 1201 Sutter, the building next door to 1217 Sutter, and I am writing to formally appeal the recent decision to permit 1217 Lounge to extend its operating hours until 6am. I am deeply concerned about the negative impacts this decision will have on our neighborhood, including my own living conditions.

Allowing 1217 Lounge to remain open until 6am poses significant public safety risks. Extended late-night hours are often associated with an increase in noise, disturbances, and criminal activities. Neighborhoods with late-night establishments tend to experience higher rates of noise complaints, vandalism, and public intoxication. The proposed extended hours will likely exacerbate these issues, disrupting the peace and safety of residents, including myself and my neighbors.

As the owner and resident of the building next door, the extended hours of operation will have a direct and detrimental impact on my quality of life. Noise and disturbances from the bar, especially during the early morning hours, will severely disrupt my sleep, affecting my health and daily routine. The well-being of our community, including my own, should be a priority, and such a decision undermines this principle. The influx of patrons during the early morning hours may result in higher levels of noise, litter, and environmental degradation. This is particularly concerning given the residential nature of our neighborhood and the proximity of the CPMC hospital and SLS Preschool.

I respectfully urge the Board Office to reconsider the decision and propose the following alternatives:

1. Limiting the operating hours to close at 2am, which aligns with standard closing times for similar establishments.
2. Implementing strict noise control measures and increased security to mitigate potential disturbances.
3. Be responsible for cleaning the streets and removing homeless people away to prevent crime and dirty streets.

Thank you for considering this appeal. I trust that the Board Office will take into account the well-being and safety of our community in making a final decision. I look forward to your positive response and am available to discuss this matter further if needed.

Yours sincerely,

Susie Lee

From: [jane.ng](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Appeal#24-039.1217 Sutter Street
Date: Thursday, July 11, 2024 4:24:31 PM

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

Dear board members;

My name is Jane Ng. My parents and I are the residents of 1201 Sutter street next to the property 1217 bar intend to extend their business hour to 2:00 am.

We are strongly oppose their application due to the unwelcome impact to our community....

We lived in a high crime and unsafe zone due to close proximity to tenderloin area, and already had plenty of bars operate around us..

We are deeply concerned our daily life will effect by how 1217 operate their business!!

Best regards,

Jane Ng
Xiu qiong Wu
Qi zhuo Chen

[Sent from Yahoo Mail for iPhone](#)



San Francisco Interfaith Council

*Celebrating our diverse faiths & spiritual traditions
Bringing people together to build understanding
Serving our community*

P.O. Box 29055
San Francisco, CA 94129
Phone: 415.474.1321
www.sfinterfaithcouncil.org

Michael G. Pappas, M.Div.
Executive Director
mgpappas@sfinterfaithcouncil.org

Board of Directors:

Father Mesrop Ash, Chair
St. John Armenian Apostolic Church

Rev. Dr. Jonathan Butler
Vice Chair, *SF African American
Faith-Based Coalition, Third Baptist
Church, UCSF*

Rev. Fred Harrell, Treasurer
City Church San Francisco

Col. Deborah Dacumos, Secretary
*St. Dominic's Catholic Church &
Veterans Affairs Commission*

Kashif Abdullah

San Francisco Islamic School

Rev. Dr. Leroy E. Adams, Jr.
Providence Baptist Church

Derick Brown
University of San Francisco

Tessa Rouverol Callejo
*Nonprofit Consultant
St. Agnes Catholic Church, Parishioner*

Winnie Chu

Rev. Beate Chun
St. Francis Lutheran Church

Rev. Staci Current
Temple United Methodist Church

Andrew Galvan
Old Mission Dolores & Ohlone Nation

Rev. Marci Auld Glass
Calvary Presbyterian Church

Rabbi Jessica Zimmerman Graf
Congregation Sherith Israel

Paige Hosking
Church of Jesus Christ LDS

Father Kevin Kennedy
St. Mary's Cathedral

Sister Kyoko Kimura
Brahma Kumaris Meditation Center

Rev. Junchol Lee
Swedenborgian Church

The Rev. Canon Anna Rossi
Grace Cathedral

Rita R.Semel, Past Chair
Congregation Emanu-El

Swami Tattwamayanda
Vedanta Society

Rev. Trent Thornley
San Francisco Night Ministry

Marvin K. White, M.Div.
Glide Memorial Church

July 11, 2024

Delivered Via E-mail (boardofappeals@sfgov.org)

President Jose Lopez and Commissioners
Director Julie Rosenberg
San Francisco Board of Appeals
1650 Mission Street, Room 304
San Francisco, CA 94103

Re: Deny Appeal No.: 24-039 and Place of Entertainment Permit
Appeal Title: Next Level SF LLP, dba 1217 Lounge vs. SF Entertainment
Commission
Property: 1217 Sutter Street
Permit No.: EC-1783
Hearing Date: Wednesday, July 17, 2024
Location: San Francisco City Hall, Room 416

Dear President Lopez, Commissioners, and Director Rosenberg:

I am writing today, on behalf of the San Francisco Interfaith Council (which counts as its constituents the 800 communities of faith and religious institutions in San Francisco) in support of Masjid Al-Tawheed's (located at 1227 Sutter Street in the Tenderloin) opposition to Appeal No.: 24-039 and to the Place of Entertainment (POE) Permit for 1217 Sutter Lounge because it impedes on the congregants' constitutional right to worship and pray without disturbance.

The Masjid Al-Tawheed, is a sanctuary where its faithful gather five times daily for obligatory Muslim prayer, as well as being the epicenter of its community life. As was accentuated during the pandemic, houses of worship play multiple and vital roles that provide essential support not only to their own faithful but to those in the neighborhoods they serve. In addition to providing sacred space for obligatory worship, the Masjid Al-Tawheed has and continues to offer a dedicated home for secondary prayer services, afterschool and evening educational and programming for youth and the elderly, and community events, including the distribution of grocery vouchers.

Masjid Al-Tawheed serves the largest religiously-observant immigrant Yemeni community in San Francisco. Many of the congregants are also residents of the Chinatown Community Development Center located at 201 Turk Street and rely on this masjid for critical social services.

Additionally, this masjid is in an area of the Tenderloin that has seen the ongoing increase of violence, drug dealing, recruitment activity and more recently skyrocketing hate crimes and related incidents. This proposed permit would only further attract a negative element and amplify unhealthy behavior, which would further adversely impact this long-established sacred site and its worshippers.

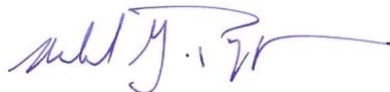
The approval of this permit would not only result in nuisance, disturbance, and other intolerable conditions to the Masjid Al-Tawheed's congregants and to the greater neighborhood community it serves, but would also create the risk of setting a broader precedent with incumbent, unforeseen and unintended consequences.

As such and for the following reasons, the San Francisco Interfaith Council opposes both the POE permit application and Appeal No.: 24-039 and strongly encourages the Permit Board of Appeals to vote against them since the approval of either will adversely impact worship and religious services:

- The sounds/ music emitted by 1217 Lounge can be heard by congregants during religious prayers. Per **Sec. 1060.5. (f)(5) Determination Of Application For A Place Of Entertainment Permit:** "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";
- Masjid Al-Tawheed's location is next door/ share the same wall with 1217 Lounge;
- Masjid Al-Tawheed serves a marginalized and diverse community, many housed in CCDC and TNDC;
- The nature of the Religious Prayer Schedule during Monday - Sunday (3:30am – 11pm)
- The nature of the Religious Prayer Schedule during the Holy Month of Ramadan (up to 24 hours/ per day)

Thanking you in advance for your thoughtful consideration of and response to this matter, I remain,

Sincerely,



Michael G. Pappas, Executive Director
San Francisco Interfaith Council

Masjid Al Tawheed
1227 Sutter Street
San Francisco, CA 94109
hkhijazi@gmail.com | 415-307-4607

July 15, 2024

Delivered Via E-mail (boardofappeals@sfgov.org)

President Jose Lopez and Commissioners
Director Julie Rosenberg
San Francisco Board of Appeals
1650 Mission Street, Room 304
San Francisco, CA 94103

Appeal Title: Next Level SF LLP, dba 1217 Lounge vs. SF Entertainment Commission
Property: 1217 Sutter Street
Permit No.: EC-1783
Hearing Date: Wednesday, July 17, 2024
Location: San Francisco City Hall, Room 416

RE: Opposition to Appeal No. 24-039 and Request to Rescind Conditional Granting of Place of Entertainment Permit to 1217 Lounge

Dear President Lopez, Commissioners, and Director Rosenberg:

Masjid Al Tawheed, a cornerstone for worship in the Tenderloin for 29 years, serves a vibrant community of children, women, men, and the elderly. Today, we find ourselves compelled to submit this letter in strong opposition to Appeal No. 24-039, initiated by Next Level SF, LLC, operating as 1217 Lounge.

The appeal here is brought in bad faith and under a hostile environment, as the conditional permit was granted (1) following a deliberative process (a hearing with over 60 attendees and for over 3 hours), (2) offers made by 1217 Lounge, itself, as a compromise to secure the requested permit, and (3) the public agreement between the appellant and the community. The Entertainment Commission made the decision they did with the full acceptance and approval of the 1217 Lounge at that hearing. 1217 Lounge should not be permitted to retreat from the very representations it made to the Commission and the Community to secure the conditional permit in the first instance.

Request: The quiet and concentration required for our prayers and religious studies are incompatible with the ambient noise from the lounge, especially during our extensive prayer times that include the early hours and late nights. Additionally, in the City and County of San Francisco, there are NO such permits next to ANY place of worship. We cannot imagine CCSF allowing for such permits next to Grace Cathedral, Congregation Emanu-El, or Third Baptist Church. As such, we respectfully request that the Board of Appeals not only **Deny** the appeal but also **Rescind** the Entertainment Commission's Conditional Granting of a Place of Entertainment (POE) Permit based on the following legal, factual, and public interest grounds.

The following Appendixes are attached:

Appendix A: Masjid Al-Tawheed’s Rebuttal in Response to 1217 Lounge's Brief

Appendix B: Prayer Information + Schedule for the Month of July 2024 ([based on solar diurnal motion](#))

Appendix C: Pictures of Prayer Services

Legal Basis

1. First Amendment: Free Exercise Clause

The First Amendment to the U.S. Constitution guarantees the free exercise of religion. Any government action that significantly interferes with this right must be closely scrutinized and justified by a compelling interest. The noise emanating from 1217 Lounge poses a significant threat to our congregants' constitutional right to worship and pray without disturbance.

- **Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah**, 508 U.S. 520 (1993): This case emphasizes that any governmental action that burdens religious practices must be justified by a compelling interest and be narrowly tailored to achieve that interest. Preventing noise and related disturbances during worship is unquestionably a compelling governmental interest.

In Islam, prayers (Salat) are performed primarily in silence, with an Imam leading congregants in spiritual and physical prayer requiring peace and quiet to focus on the recitation of the Quran. Additionally, congregants stay in the masjid to memorize and mediate and hold classes for proper recitation. The ambient noise from 1217 Lounge directly impedes these essential aspects of our worship (see attached prayer schedule)

2. San Francisco Municipal Police Code (MPC) § 1060.5(f)(5)

According to MPC § 1060.5(f)(5), the Commission shall not grant a POE permit if the emission of outdoor amplified sound within 300 feet of a place of worship during normal hours of use will be disruptive. 1217 Lounge will indisputably use amplified sounds, and the mosque and 1217 Lounge share a common wall, making noise transfer inevitable and disruptive to our religious activities, thus justifying the Commission's condition under MPC § 1060.5(f)(5).

Notably, MPC § 1060.5(f)(5) is neither unconstitutionally vague nor does it lack proper standards. It contains specific parameters (use of electronically amplified sound), specific and limited standards (within 300 feet), limitations to specific locations of particular importance to a community (e.g., hospitals, schools, places of worship, etc.), and a requirement that such amplified sound “be disruptive of the operations of said facility” (i.e., it must cause harm). The foregoing provides both clear and definite standards, and is thus valid and enforceable.

Further, 1217 Lounge’s argument that their activities are otherwise “lawful” is based on a false premise: they are not “lawful” if they create amplified sound within 300 feet of a place of worship, which disrupts the operations of that facility. That is exactly what is happening at the Mosque.

3. Establishment Clause and Reasonable Time, Place, and Manner Restrictions

The Establishment Clause prohibits government actions that unduly favor one religion over another. However, MPC § 1060.5(f)(5) does not favor *any* religion over another. On its face, the regulation applies *irrespective* of the type of house of worship, with the only conditions being distance related amplified sound that can disrupt the operations of the house of worship. Thus, no religion has been favored.

Next, contrary to 1217 Lounge's position, no one has taken the position that businesses should operate pursuant to Islamic beliefs, including observing Ramadan, as part of the "establishment" of Islam over non-religious individuals or those of other faiths. Neither MPC § 1060.5(f)(5) nor Condition 4 require any others to observe Ramadan, or place beliefs of Muslims above their own. The regulation and condition merely place limitations on certain activities (i.e., technologically amplified sound), within a short geographic location of a house of worship (here, within 300 feet of the Mosque), where such activity will interfere with the operation of the facility. Lounge1217 and partygoers are free to engage in such activities anywhere else and during other hours.

Finally, given that MPC § 1060.5(f)(5), and Condition No. 4 imposed by the Entertainment Commission consistent with it, largely establish geographic and sound limitations, they are merely reasonable time, place, and manner restrictions serving a secular purpose: preventing noise disturbances during worship times or facility operations, which have repeatedly been found to be constitutional, valid and enforceable.

- **Ward v. Rock Against Racism**, 491 U.S. 781 (1989): The Court upheld time, place, and manner restrictions on sound levels, highlighting that such restrictions are permissible if they serve a significant governmental interest.

Factual Basis

1. Proximity and Shared Wall with Mosque

- The mosque shares a wall with 1217 Lounge, making it impossible to mitigate the noise disturbance that interferes with our religious practices.

2. Nature of Religious Practices

- **The mosque's prayer schedule extends from 3:30am to 11pm daily, with extended hours during the Holy Month of Ramadan, potentially up to 24 hours per day. Unlike other religious services, in which congregants may sing out loud, or more exuberantly express their convictions (all beautiful in their own ways), the extensive schedule for Islamic prayers (especially during the month of Ramadan) necessitates a quiet environment during these hours. Silence and tranquility are essential for our prayers, which are performed in hushed tones, requiring deep concentration and spiritual reflection. As can be imagined, such prayers would be hard to maintain with deep base and dance music in the background.**

3. Documented Noise Disturbances

- There have been documented instances of noise disturbances from 1217 Lounge, severely affecting our ability to conduct prayers and other religious activities. These disturbances disrupt the sanctity of our worship and violate our congregants' constitutional right to religious freedom. Thus, the problem is not theoretical, but rather factual.

4. Inadequate Sound Test by Entertainment Commission

- The Entertainment Commission should not have overruled the only section with potential factual basis for denial of an Entertainment Permit in the Municipal Police Code Article 15.1 Section 1060.5 Subsection (f)(5). **While the sound test conducted by staff using the issued sound limit in compliance with MPC Article 29 “only increased the volume inside the mosque by 1 C-weighted decibel”, music was still heard by congregants in the mosque and the sound investigator himself. Further, this test did not account for a full crowd with live music, DJs, or loud partygoers, which would undoubtedly exacerbate the disturbance. The real-world scenario of a crowded, noisy lounge will invariably generate more sound than the “laboratory conditions” established during the sound test, which will more severely disrupt our religious practices.**

5. Inconsistent Chief of Police's Designee Recommendation

- The Chief of Police's designee, the Northern Station Permit Office, recommended denial of the Extended Hours Premises Permit pursuant to Article 15.2 Section 1070.5 of the Municipal Police Code on the basis of its direct proximity to a place of worship and the potential to disrupt the place of worship's practices “***during extended hours***”. This recommendation underscores the necessity for both the Chief of Police and the Permit Board of Appeals to deny the Appeal and the Place of Entertainment Permit based on the disruption during “***normal hours of use of said facility***”, the masjid, and its regular prayer hours between 3:30am and 11pm.

6. 1217 Lounge Offered and Accepted the Very Limitations Now at Issue

- It bears noting that, in an effort to secure the conditional permit, 1217 Lounge offered limitations on its operations, including the very limitations that it now seeks to appeal as unlawful and unconstitutional. Offering and accepting limitations in order to secure a conditional permit, and then attacking the undesired limitations as unlawful, reflect bad faith and an effort to “game the system,” which the Commission should not reward.

Public Interest Basis

1. Community Harmony and Respect for Diverse Populations

- Masjid Al Tawheed serves a marginalized and diverse community, many of whom live in the surrounding area, including at Chinatown Community Development Center (CCDC) and the Tenderloin Neighborhood Development Center (TNDC). Families attend the Masjid throughout the day. Some do not have safe, quiet places for worship and reflection. Protecting our ability to worship without disturbance promotes community harmony and respect for religious diversity. Ensuring a quiet environment for worship is essential for maintaining the spiritual and emotional well-being of our community members.

2. Balancing Economic Interests with Constitutional Rights

- While supporting local businesses like 1217 Lounge is admittedly important, it should not come at the expense of constitutional rights. Placing time, place and manner restrictions on 1217 Lounge, while ensuring that the Mosque can operate without undue disturbance, strikes a necessary balance. The rights of individuals to worship freely and without interruption must be weighed against and provided due importance and priority over some limitations on commercial interests.

3. Precedent for Future Cases

- **Currently, in the City and County of San Francisco, there are NO such permits next to ANY place of worship. We cannot imagine CCSF allowing for such permits next to Grace Cathedral, Congregation Emanu-El, and Third Baptist Church.**
- **Masjid Al-Tawheed should not be treated any differently than any other place of worship in the CCSF.**
- If you will not rescind the Place of Entertainment Permit then please uphold the Entertainment Commission's decision and deny the appeal to set a precedent for handling similar cases, emphasizing the importance of protecting places of worship from noise disturbances and maintaining a fair balance between business interests and community rights.

Conclusion and Request

For the aforementioned reasons, we strongly urge the Board of Appeals to Deny Appeal No. 24-039 and to Rescind the Entertainment Commission's conditional granting of the POE Permit to 1217 Lounge. This action is necessary to protect the constitutional rights of our congregants, maintain community harmony, and set a proper precedent for future cases involving potential conflicts between places of entertainment and places of worship.

Alternatively, the Board of Appeals should fully uphold all conditions placed on the POE Permit to 1217 Lounge. Condition No. 4 of the Conditional Grant of a POE Permit for 1217 Lounge was a reasonable and necessary measure to balance the fundamental rights against the Mosque's congregants against 1217

Lounge's commercial interest and to protect the constitutional rights of the congregants of Masjid Al-Tawheed. It meets the legal standards for time, place, and manner restrictions, is not unconstitutionally vague, and does not violate the Establishment Clause or due process rights. Upholding this condition was essential not only for protecting constitutional rights but also for ensuring that the operations of nearby businesses do not disrupt the sanctity of religious practices. Notably, the condition is one that 1217 Lounge offered and accepted as a compromise in order to secure the conditional POE Permit to begin with.

While the entire congregation and community were initially against the POE, at the Entertainment Commission hearing we wanted to act in good faith, as a good and reasonable neighbor, and willing to compromise in support of the Commission's Condition #4.

However, because of 1217 Lounge's pattern of bad faith conduct, including renegeing on volunteering to shut down live entertainment during the Month of Ramadan, agreeing at the Entertainment Commission's hearing to Condition #4, including the hours of live entertainment from 11:30pm-2am, and threatening and bullying congregants of the Masjid, we can no longer support this POE Permit.

As the next door neighbors who serve an already marginalized immigrant community who has seen a rise in vandalism and hate crimes, we are fearful of a hostile and a retaliatory environment and actions and as such are in opposition of the POE Permit.

Thank you for your attention to this important matter.

Sincerely,



Hala Hjazi
Representative, Masjid Al Tawheed

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APPENDIX A
Refutation and Response to 1217 Lounge's Brief

I. Introduction

In response to the brief submitted by 1217 Lounge (Next Level SF, LLC), we will address the key arguments made by the appellant and refute them with legal reasoning and relevant case law. The primary focus will be on defending Condition No. 4, which restricts entertainment during the month of Ramadan, and demonstrating its necessity and constitutionality.

II. Rebuttal of Appellant's Key Arguments

1. First Amendment Protections and the Right to Worship

While the appellant contends that the activities at 1217 Lounge are protected under the First Amendment, *this right is not absolute and must be balanced against other constitutional rights, such as the right to freely practice one's religion*. The Free Exercise Clause of the First Amendment guarantees this right without interference, a principle upheld in multiple judicial precedents.

The Supreme Court has held that reasonable time, place, and manner restrictions on speech are permissible if they are justified without reference to the content of the regulated speech, are narrowly tailored to serve a significant governmental interest, and leave open ample alternative channels for communication of the information.

- **Ward v. Rock Against Racism** (491 U.S. 781, 791 (1989)): The Supreme Court upheld the city's regulations on sound levels at a public concert venue, emphasizing that the regulations were content-neutral and served the significant government interest of preventing noise disturbance.
- **Rebuttal to First Amendment Claim:** The appellant's operations during hours overlapping with our religious observances, specifically during the month of Ramadan, significantly disrupt the silent, contemplative nature of our prayers, which are essential to our practice of Islam. This interference is a direct infringement on our congregants' constitutional rights. While 1217 Lounge argues for its First Amendment rights, these cannot override the equally important rights of religious freedom and peace at the mosque.

Additionally, Condition No. 4 is a content-neutral regulation aimed at preventing noise disturbance during the mosque's prayer times, or the operation of any other kind of religious facility, which serves a significant governmental interest in protecting the constitutional right to worship, without “establishing” or “favoring” any religion over any others.

2. **Vagueness and Reasonableness of MPC §1060.5(g)(3)**

The appellant claims that MPC §1060.5(g)(3) is unconstitutionally vague and lacks definite standards. As discussed above, that is simply not the case here, and Courts have upheld similar statutes as long as they provide adequate notice of what is prohibited and do not encourage arbitrary enforcement. Here, the condition imposed is clear, specific, and directly related to the unique circumstances surrounding the mosque and the lounge's shared proximity.

City of Lakewood v. Plain Dealer Pub. Co. (486 U.S. 750 (1988)): The Court struck down an ordinance giving the mayor unbridled discretion over permit decisions. However, it also emphasized that a statute is not vague if it provides sufficient guidelines to prevent arbitrary enforcement.

Rebuttal: MPC §1060.5(g)(3) provides clear guidelines on what conduct is prohibited and in which geographic limitations, and under which circumstances the Commission may impose conditions on entertainment permits, ensuring decisions are based on preventing disturbances to nearby sensitive facilities like places of worship. Condition No. 4 is a reasonable and necessary measure to prevent such disturbances. Simply put, the regulation is clear on what is prohibited and under what circumstances, requires specific harm, and is narrowly tailored to effectuate its goals.

Legal Clarity and Precision: The stipulation to restrict noise during the hours most critical to the mosque's operations, particularly during Ramadan, is a tailored approach that directly addresses the specific issue of noise disturbance. This is not an arbitrary imposition but a necessary measure to protect the religious practices of our community.

3. **Establishment Clause Misapplication**

The appellant's invocation of the Establishment Clause is misplaced. The condition imposed by the Entertainment Commission does not favor one religion but rather ensures that the mosque's operations are not unduly interfered with by external factors - this condition serves a secular purpose of preventing noise disturbance during times when the mosque is in use.

- **Correct Application of the Establishment Clause:** The condition ensures neutrality by preventing undue noise during and key religious observances, without reference to the kind of religion, practice or observance. This respects the principle of separation between church and state by (1) not favoring any religion or another, and (2) not allowing the operations of a commercial entity to interfere with religious practices.
- **Lemon v. Kurtzman** (403 U.S. 602 (1971)): The Lemon Test evaluates whether a government action has a secular purpose, does not advance or inhibit religion, and avoids excessive government entanglement with religion.

Rebuttal: Condition No. 4 meets the Lemon Test criteria:

- **Secular Purpose:** The primary purpose is to prevent noise disturbance during the mosque's prayer times.

- **Primary Effect:** The condition does not advance or inhibit religion; it merely prevents disturbances under certain limited circumstances (here, during specific hours).
- **Excessive Entanglement:** The condition does not entangle the government excessively with religion, as it is a straightforward regulation of noise levels during certain times, without reference to religious content, beliefs, or observances.

4. Allegation of Property Taking Without Due Process

The appellant's argument that restricting entertainment during Ramadan constitutes a taking of property without due process misconstrues the nature of regulatory conditions associated with operating licenses. The conditions set by the Entertainment Commission are part of the regulatory framework within which *all* businesses operate, especially those in close proximity to sensitive areas like places of worship (but also others like schools and hospitals). Additionally, the condition is a reasonable regulation that does not deprive the lounge of all economically beneficial use of the property, but rather places time, place, and manner restrictions.

- **Due Process Consideration:** *The conditions were imposed following a transparent process involving community input and were based on factual evidence of potential disturbance. This is a justified regulatory action, not an arbitrary deprivation of property.*
- **Penn Central Transportation Co. v. New York City** (438 U.S. 104 (1978)): The Supreme Court held that a regulation does not constitute a taking if it does not deprive the owner of all economically viable use of the property.

Rebuttal: Condition No. 4 allows 1217 Lounge to operate outside of Ramadan and at times that do not conflict with the mosque's prayer schedule. *It does not deprive the lounge of all economically viable use of the property.* Indeed, outside of amplified sounds during the time slots identified, *the property can be used for any other lawful purpose.*

5. Public Interest and Community Impact

The operation of 1217 Lounge must be considered within the broader context of community impact. The public interest in maintaining peaceful and harmonious neighborhoods, particularly respecting the environment around places of worship, supports the imposition of reasonable restrictions on nearby businesses.

- **Balancing Interests:** While we acknowledge the appellant's business interests, these cannot be pursued at the expense of the constitutional rights of our congregants to practice their religion in peace. The community's welfare and the constitutional protections afforded to religious practices must take precedence.

III. Conclusion

Given the detailed analysis above Masjid Al Tawheed respectfully urges the Board of Appeals to Deny Appeal No. 24-039 and to Rescind the Entertainment Commission's Conditional Granting of a Place of Entertainment (POE) Permit.

APPENDIX B

Prayer information | Prayer Schedule for the Month of July 2024 (only)

(“Because the start and end times for prayers are related to the [solar diurnal motion](#), they vary throughout the year and depend on the local latitude and longitude when expressed in local time.”)

All congregational and obligatory physical prayers are led by an Imam and are meant to build community, unity, and humility. During prayer, Muslims briefly kneel and touch their foreheads to the ground as a sign of submission to the will of God.

As the Imam leads the prayers, all congregants are quiet and listening to the recitation of the Quran and for queues on what to do next. Also, all individual prayers are performed quietly and in silence.

In addition to and after the obligatory prayers, there are Sunni/ Supplemental prayers performed by all Muslims, which happen in between and after each prayer.

There are other forms of worship that happens at the Masjid including but not limited to: meditation, reciting and memorizing of the Quran, reading, rosary based devotion and prayers – all which require CONCENTRATION, PEACE & QUIET, and NO NOISE.

Masjid Al Tawheed just like most places of worship is traditionally and meant to be open and accessible throughout the day and night. Congregants come in and out and stay as little and as long as they wish.

NOTE: During the Holy Month of Ramadan, daily congregational prayers can last until at least 3:00am.

SCHEDULE

Masjid opens:	3:30am	Masjid closes:	11:30pm/ 12am
Al Fajir:	Call to Prayer:	4:30am	Congregational Prayer: 4:50am
Al Dhuh A/ Shurq:	Call to Prayer:	5:59am	Congregational Prayer: 6:14am
Al Dhur/ Al Zuhr:	Call to Prayer:	1:15pm	Congregational Prayer: 1:30pm
Al Asr:	Call to Prayer:	5:08pm	Congregational Prayer: 5:18pm
Magrib:	Call to Prayer:	8:32pm	Congregational Prayer: 8:37pm
Al Isha:	Call to Prayer:	10:01pm	Congregational Prayer: 10:11pm
Tahajjud:	11:30pm (optional)		

APPENDIX C
Pictures of Congregants Praying at Mosques/ Masjids







