



# Entertainment Commission

## *City and County of San Francisco*



### MINUTES

Meeting was held virtually and in-person

**Tuesday, September 19, 2023**

**5:30 P.M.**

### Regular Meeting

**COMMISSIONERS PRESENT:** Dori Caminong (President), Ben Bleiman (Vice President), Laura Thomas, Stephen Torres, and Cyn Wang

**COMMISSIONERS ABSENT:** Lt. Dave Falzon, Al Perez

**STAFF IN ATTENDANCE:** Executive Director Maggie Weiland, Deputy Director Kaitlyn Azevedo; Senior Analyst 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 5:43 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 August 15, 2023 Commission meeting. [Discussion and Possible Action Item]



Support Document: [https://sf.gov/sites/default/files/2023-08/EC%20Meeting%20Minutes%20Aug%2015%202023\\_Draft.pdf](https://sf.gov/sites/default/files/2023-08/EC%20Meeting%20Minutes%20Aug%2015%202023_Draft.pdf)

Motion: Commissioner Wang made a motion to approve the meeting minutes; Commissioner Thomas seconded the motion.

Action: The Commission approved the minutes of the August 15, 2023 Commission meeting.

Ayes: President Caminong, Vice President Bleiman, Commissioner Thomas, Commissioner Torres, and Commissioner Wang

Nays: None

Public Comment: None

**4. Report from Executive Director:** Legislative/Policy Update: Update on Entertainment Commission's role in preparing for the 2023 Asia-Pacific Economic Cooperation coming to San Francisco November 12-18; Director Weiland will update Commission on [File No. 230861](#) during the update on Nightlife Business Assistance with Ben Van Houten; 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]

President Caminong arrived at the meeting.

Public Comment: None

**6. Updates on Nightlife Business Assistance:** Ben Van Houten, Business Development Manager, Nightlife and Entertainment Sector with the Office of Economic and Workforce Development, provides an update on nightlife business assistance. [Discussion Item]

Public Comment: None

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

**Consent Calendar:**

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

**Consent Agenda:**

- a. EC-1720 – Devlin Shand, *dba Queer Arts Featured*, 575 Castro St – Limited Live Performance

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

Action: The Commission approved the permit with staff recommendations.

Ayes: President Caminong, Commissioner Perez, Commissioner Thomas, and Commissioner Torres (Vice President Bleiman stepped out during the vote)

Nays: None

Public Comments: None

**Regular Agenda:**

- b. EC-1717 - Andrew Wasilewski and Daniel Bondi of FAIGHT COLLECTIVE SF, LLC, *dba The Faight*, 475 Haight St. – Limited Live Performance permit including outdoor amplified sound at the front of the business

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

Action: The Commission approved the permit with staff recommendations.

Ayes: President Caminong, Vice President Bleiman, Commissioner Thomas, Commissioner Torres, and Commissioner Wang

Nays: None

Public Comments:

- + Gina Kotos, neighbor and vendor, commented in support of the permit application.
- + Michael Harkin, resident and representative from LOHAMNA, commented in support of the permit application.

- c. EC-1719 – Louis Kuang of UNITED RESTAURANT CORP, ***dba Wasabi Bistro Grand Hot Pot***, 4134 Geary Blvd. – Place of Entertainment

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

Action: The Commission approved the permit with staff recommendations.

Ayes: President Caminong, Vice President Bleiman, Commissioner Thomas, Commissioner Torres, and Commissioner Wang

Nays: None

Public Comments: None

- d. EC-1721 – Dave and Kimberly Competente of 3089 16<sup>th</sup> St LLC, ***dba Skylark***, 3018 16<sup>th</sup> St. – Place of Entertainment – change in ownership

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

Action: The Commission approved the permit with staff recommendations.

Ayes: President Caminong, Vice President Bleiman, Commissioner Thomas, Commissioner Torres, and Commissioner Wang

Nays: None

Public Comments: None

- e. EC-1722 - Jim Woods of SURFACE AREA, LLC, ***dba Woods Lower Haight***, 530 Haight St. – Limited Live Performance permit including outdoor entertainment and amplified sound on back patio, and amplified sound at the front of the business

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

Action: The Commission approved the permit with staff recommendations.

Ayes: President Caminong, Vice President Bleiman, Commissioner Thomas, Commissioner Torres, and Commissioner Wang

Nays: None

Public Comments: None

- f. EC-1723 – AMF Bowling Centers, INC, ***dba Lucky Strike Lanes***, 200 King St. – Place of Entertainment including outdoor amplified sound on private patio, Billiard Parlor, and Mechanical Amusement Device – change in ownership

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

Action: The Commission approved the permit with staff recommendations.

Ayes: President Caminong, Vice President Bleiman, Commissioner Thomas, Commissioner Torres, and Commissioner Wang

Nays: None

Public Comments: None

- g. EC-1325 - David Kiely and Keith Cochrane of TWO SMART GUYS LLC, ***dba Mars Bar and Restaurant***, 798 Brannan St. – Limited Live Performance permit amendment to include outdoor entertainment on private patio

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

Action: The Commission approved the permit with staff recommendations.

Ayes: President Caminong, Vice President Bleiman, Commissioner Thomas, Commissioner Torres, and Commissioner Wang

Nays: None

Public Comments: None

### **Recess**

Motion: President Caminong made a motion to take a 5-minute recess before the next item. Commissioner Torres seconded the motion.

Action: The Commission took a 5-minute recess.

Vote: President Caminong, Vice President Bleiman, Commissioner Thomas, Commissioner Torres, and Commissioner Wang

Nays: None

Public Comments: None

The meeting resumed from recess at 7:26pm.

**8. Hearing and possible action to revoke Permit No. EC-1452, Place of Entertainment, issued to Jose Montecinos (served to Cesar Montecinos), dba Stratos Night Club located at 358 Ocean Avenue, San Francisco, CA. [Hearing and Possible Action Item]**

President Caminong made the following statement for the revocation hearing:

“This hearing is convened pursuant to Administrative Code Chapter 90 and related provisions of the San Francisco Police Code.

Administrative Code Section 90.4(c) provides that the Commission may ‘suspend, revoke or withdraw entertainment-related permits in accordance with the law and regulations governing such permits.’

Police Code Sections 1060.20.4 and 1070.20 set forth the standards for revocation of a Place of Entertainment permit.

- Section 1060.20 and 1070.20 provide that the Commission may revoke a Place of Entertainment permit "after a noticed public hearing" if it determines that any of the Code-specified conditions exist.
- Section 1060.20.4 and 1070.20(a) provide for revocation where one or more of the grounds for suspension listed in Section 1060.20.1 and 1070.17.1 exist and “considerations of public safety warrant revocation of the permit.”

The current matter is set for hearing based on a Complaint filed by the Executive Director against Permit Holder Jose Montecinos dba Stratos Night Club on August 10, 2023, which alleges violations of Police Code Sections 1060.20 and 1070.20.

As provided by Administrative Code Section 90.4 and Police Code Sections 1060.20 and 1070.20, and related law and rules, we will conduct this hearing to provide the permit holder with due process. We will fully consider the evidence provided by the Charging Party and by the Permit Holder, and fulfill our responsibilities in a fair and impartial manner.”

Executive Director Maggie Weiland stated she, Deputy Director Kaitlyn Azevedo, and Deputy City Attorney Sarah Crowley would be representing the Entertainment Commission Department as the Charging Party and Complainant.

Attorney M. Alieu Iscandari stated he was representing Stratos Night Club and the Permit holder's son Cesar Montecinos as the Respondent.

**Public Comments:**

- + Franklin Medina, neighbor, commented in support of revoking Stratos Night Club's permit.
- + Sam Berenson, SFPD D11 Public Safety Liaison, commented in support of revoking Stratos Night Club's permit.
- + David Hooper (Zoom), neighbor, commented in support of revoking Stratos Night Club's permit.
- Dennis Caliyo (Zoom), neighbor, commented in opposition to revoking Stratos Night Club's permit.
- Mario Sandino, neighbor/patron of Stratos Night Club, commented in opposition to revoking Stratos Night Club's permit.
- Michelle Binden, neighbor/patron, commented in opposition to revoking Stratos Night Club's permit.

The Commission received evidence and heard argument from both parties. The Commission heard sworn testimony from two witnesses called by Complainant: Sergeant Richard Bodisco, Ingleside Station of the San Francisco Police Department, and Deputy Director Azevedo.

The Commission also heard sworn testimony from two witnesses called by Respondent: Cesar Montecinos and Alex Montecinos. Witnesses were crossed-examined by the opposing party, and individual Commissioners asked questions from time to time.

The Chair admitted Complainant's Exhibits A-R without objection from Respondent, and admitted Respondent's Exhibits 1-2 without objection from Complainant.

Following the evidentiary hearing, the Commission deliberated and decided the matter. By a unanimous vote of the Commissioners present (Ayes: Caminong, Bleiman, Thomas, Torres, Wang), the Commission found that the Complainant proved by a preponderance of the evidence that:

1. Respondent failed to comply with its Security Plan and the Good Neighbor Policy, in violation of Police Code Section 1060.21.1(a)(4); (Vice President Bleiman motioned, Commissioner Thomas seconded)
2. Respondent failed to comply with a revised Security Plan as required by Section 1060.32, in violation of 1060.20.1(a)(6); (Vice President Bleiman motioned, Commissioner Wang seconded) and
3. Considerations of public safety warrant revocation of Respondent's Place of Entertainment Permit No. EC-1452 (Permit), taking into account the five considerations set forth in Sections 1060.20.4(a)(4) and 1070.20(a)(4). (Vice President Bleiman motioned, Commissioner Wang seconded)

The Commission determined that the appropriate penalty is to revoke Respondent's Permit pursuant to Articles 15.1 and 15.2 because one or more grounds for suspension enumerated in Section 1060.20.1(a) applies, and considerations of public safety under Sections 1060.20.4(a)(4) and 1070.20(a)(4) warrant revocation. Commissioner Wang motioned for the revocation and directed staff to create the Findings and Determinations document by Friday, September 22, 2023. Vice President Bleiman seconded the motion.

Ayes: President Caminong, Vice President Bleiman, Commissioner Thomas, Commissioner Torres, and Commissioner Wang

Nays: None

**9. 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

**10. ADJOURNMENT** at 10:04 PM