



May 30, 2013

Jocelyn Kane, Director
Entertainment Commission, City & County of S.F.
City Hall, Room 453
San Francisco, CA 94102

Appeal No(s):	13-063
Appeal Title:	<u>"Brick and Mortar" vs. EC</u>
Subj. Property:	1710 Mission Street
Existing Permit:	Place of Entertainment
Permit No(s):	EC-1052
Action:	Approval of Additional Conditions

Dear Ms. Kane:

This is to notify you that an appeal has been filed with this department contesting the **APPROVAL OF ADDITIONAL CONDITIONS** against the above-referenced existing permit(s). Pursuant to Article I, § 8(i)(5) of the San Francisco Business & Tax Regulations Code, these additional conditions are hereby **SUSPENDED** until the Board of Appeals decides this matter and releases a notice of decision and order.

We are enclosing a copy of the Preliminary Statement(s) of Appeal for your information.

The hearing regarding this matter has been scheduled for **Wednesday, June 19, 2013, 5:00 pm, City Hall, Room 416**, One Dr. Carlton B. Goodlett Place. If you have any further questions, you may call this office at (415) 575-6880.

Sincerely,

BOARD STAFF

cc: Planning Department, and Appellant(s) w/o enclosures

Jason Perkins dba "Brick and Mortar", Appellant
11 Duboce Avenue
San Francisco, CA 94103



City & County of San Francisco
BOARD OF APPEALS

BOARD OF APPEALS

Date Filed:

MAY 30 2013

APPEAL # 13-063

PRELIMINARY STATEMENT OF APPEAL

I / We, Jason Perkins dba "Brick and Mortar", hereby appeal the following departmental action: Conditions placed on an Entertainment Permit # EC-1052
(Building Permit Application No.; ZA determination or variance decision; Dept. of Public Works Order No. etc.)
which was issued / became effective on: May 21, 2013, to: Brick and Mortar
for the property located at: 1710 Mission St.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: June 06, 2013, (no later than three (3) Thursdays prior to the hearing date), up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

EC
Respondent's / Other Parties' Brief is due on or before: June 13, 2013, (no later than one (1) Thursday prior to the hearing date), up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Only photographs and drawings may be submitted by the parties at hearing. *Expedited hearing pursuant to Art. 1, § 8(i)(3) of Bus. + Prof. Regs Code

Hearing: **Wednesday**, June 19, 2013*, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place (formerly 301 Polk Street).

All parties to this appeal must adhere to the briefing schedule above; however, if the hearing date is changed, the briefing schedule is automatically changed to allow briefs on the same three Thursdays / one Thursday schedule.

Members of the public may submit letters of support/opposition no later than one (1) Thursday prior to hearing date by 4:00 p.m., with an original and 10 copies required of all documents submitted. Please note that names and home addresses 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 at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880.

The reasons for this appeal are as follows:

Ruling over permit changes are due to an inspector who has violated City Law and the Entertainment Commission's own rules. The Entertainment Commission has violated also there own rules in 7 instances when changing our permit. The board also knowingly participated in covering up the Inspector's conflict & illegal activity

J. Perkins
Signature of Appellant or Agent



Entertainment Commission



Mr. Michael O'Connor
Mr. Jason Perkins
Brick and Mortar
11 Duboce Ave
San Francisco, CA 94103

BOARD OF APPEALS

MAY 30 2013

APPEAL # 13-063

Re: Permit #EC-1052 POE, Brick and Mortar, 1710 Mission Street

Dear Mr. O'Connor and Perkins:

In February 2012, the Entertainment Commission received noise complaints from several neighbors of Brick and Mortar and began a discussion with the owners about how the noise issue could be resolved. After a year of ongoing complaints, additional citations, and Brick and Mortar's failure to pay outstanding citations, the Entertainment Commission requested that the owners of Brick and Mortar appear at a hearing regarding their ongoing noise issues.

The Entertainment Commission met last night, May 21, 2013, and discussed permit # EC-1052. After discussion and public comment, the Commission approved the following conditions be added to the existing permit:

1. Brick and Mortar shall limit entertainment hours of operation from 5pm - 11:30pm during the week and from 5pm - 12:30pm during weekends.
2. Permit holders new sound cap will be 80dba.
3. Permit holder will send EC and SFPD an updated security plan by 6-15-2013
4. Permit holder will submit a timeline with hard dates of when all new sound proofing will be done which shall be done by 6-15-2013.
5. Permit holder will have a phone line or cell phone number available so that any neighbor may contact the management on duty.
6. Permit holder will improve current sound proofing in the venue to better control the sound coming from the front of the venue and especially the roof the venue.
7. Permit holder shall pay all citations by 6-15-2013

Five Commissioners were present and the vote was unanimous, 5 - 0.

The above conditions are deemed part of your permit until such time as they are considered and changed by the Entertainment Commission.

Sincerely,

Joelyn Kane
Exec. Director

Cc: Dan Peshkin, Esq.,
Adine Varah, City Attorney



CONTACT INFORMATION FOR PARTIES

BOARD OF APPEALS

MAY 30 2013

Appeal No(s): _____

APPEAL # 13-063

APPELLANT(S)

Name: Jason Perkins / Brich & Mather

Phone Number: 415 371 1631 Fax Number: 415 371 1632

Email Address: jasone1004@att.net

Mailing Address: 11 Duane Ave ST CA 94113
Street City State Zip

Names of Other Appellants: _____

Agent for Appellant

Name: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Mailing Address: _____
Street City State Zip

OTHER PARTY (PERMIT HOLDER, VARIANCE HOLDER, ETC.)

Name: Jocelyn Kane, Executive Director - Entertainment Comm.

Phone Number: 415-534-5793 Fax Number: _____

Email Address: _____

Mailing Address: _____
Street City State Zip

Names of Other Parties: _____

Agent for Other Party

Name: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Mailing Address: _____
Street City State Zip