



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: MARCH 22, 2018

Continued from the February 22, 2018 and December 14, 2017 Hearings

Date: March 15, 2018
Case No.: **2016-010348CUA**
Project Address: **1233 POLK STREET**
Zoning: Polk Street Neighborhood Commercial District (NCD)
65-A Height and Bulk District
Block/Lot: 0670/004
Project Sponsor: Jeremy Paul
584 Castro Street, #466
San Francisco, CA 94114
Staff Contact: Andrew Perry – (415) 575-9017
andrew.perry@sfgov.org
Recommendation: **Approve with Conditions**

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BACKGROUND

The proposed Project requests Conditional Use Authorization to legalize the operation of a Nighttime Entertainment use with electronic amplification until 2 a.m., 7 days per week, within the existing business (d.b.a. "Mayes Oyster House").

The project was continued without hearing at both the December 14, 2017 and February 22, 2018 Planning Commission hearings at the request of the Project Sponsor and the Lower Polk Neighbors ("LPN"), in order to allow the operator time to implement recommended soundproofing measures, and to allow the neighborhood group additional time to formally evaluate the proposal at one of their regularly scheduled monthly meetings, including any new soundproofing and operational improvements.

CURRENT PROPOSAL

The proposal has not changed during the time that has elapsed since both continuances, nor has staff received any additional comments from members of the public either in support or opposition, other than what has already been identified in the staff report. Staff reports were already printed in anticipation of the February 22, 2018 hearing, and then subsequently not used due to the late request for continuance. As there are no additional changes to report, and to save on resources, please find attached the staff report dated for that hearing.

Due to the timing of the LPN monthly meeting, at time of publication, staff had not yet received any additional letter from LPN taking a position on the application, other than what already appears in the attached staff report. Staff expects a letter from LPN is forthcoming, as well as an updated assessment and letter from Salter Associates, Inc. in regard to the soundproofing efforts undertaken to date, and will present those to the Commission as soon as they are made available, and at the scheduled hearing.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to permit the operation of a Nighttime Entertainment use with electronic amplification until 2 a.m., 7 days per week.

BASIS FOR RECOMMENDATION

As described in the attached staff report.

RECOMMENDATION: Approve with Conditions

Attachments:

Complete Staff Report, dated for prior February 22, 2018 CPC hearing



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: FEBRUARY 22, 2018;
CONTINUED FROM DECEMBER 14, 2017

Date: February 15, 2018
Case No.: **2016-010348CUA**
Project Address: **1233 POLK STREET**
Zoning: Polk Street Neighborhood Commercial District (NCD)
65-A Height and Bulk District
Lower Polk Street Alcohol Restricted Use District
Block/Lot: 0670/004
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PROJECT DESCRIPTION

The project sponsor proposes to legalize the operation of a Nighttime Entertainment use with electronic amplification until 2 a.m., 7 days per week, within the existing establishment (d.b.a. "Mayes Oyster House"). The subject property is currently authorized for Restaurant use and Other Entertainment use, the latter for which was authorized as part of Case No. 93.422C and Planning Commission Motion No. 13572. Pursuant to the conditions of approval of Motion No. 13572, electronic amplification was authorized only on Fridays and Saturdays until midnight. Planning Enforcement Case No. 2016-000434ENF was subsequently opened and is active due to the business' current operation with electronic amplification beyond those hours previously authorized. Therefore, the subject application seeks to modify the previous conditions of approval, and abate the violation. The project sponsor has made additional soundproofing improvements based on the recommendations of a sound study, but no other physical expansion or exterior modifications are proposed as part of this project.

SITE DESCRIPTION AND PRESENT USE

The subject property is located on the west side of Polk Street, between Sutter and Bush Streets, on the northwest corner of Polk and Fern Streets, Lot 004 in Assessor's Block 0670 (District 3). The subject property is located within the Polk Street Neighborhood Commercial District ("NCD") and the 65-A Height and Bulk District. The property is developed with a two-story mixed use building with full lot coverage at approximately 3,300 square feet of lot area, 30 feet of frontage along Polk Street, and 110 feet of frontage along Fern Street. The second story is occupied by a Residential Hotel use with 13 guestrooms, over the ground floor commercial use, currently authorized for Restaurant and Other Entertainment uses.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Polk Street NCD, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. The neighborhood is particularly well-trafficked and known for its nightlife destinations. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by offices or residential units. Larger scale retail uses, tourist hotels, and residential uses are situated along the Van Ness Corridor, outside of the Polk Street NCD to the west.

ENVIRONMENTAL REVIEW

Per CEQA Section 21065 and CEQA Guidelines Section 15378, the proposed legalization of the existing use is not considered a “project” under CEQA, as it would not result in a direct physical change, or a reasonably foreseeable indirect physical change in the environment.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	November 24, 2017	November 22, 2017	22 days
Posted Notice	20 days	November 24, 2017	November 24, 2017	20 days
Mailed Notice	20 days	November 24, 2017	November 22, 2017	22 days

PUBLIC COMMENT/COMMUNITY OUTREACH

- To date, the Department has received 24 communications in opposition to the proposal, and 5 communications in support. Those in opposition appear to be most concerned with the expansion of entertainment hours until 2 a.m. on weeknights. One neighbor in opposition, who lives along Sutter Street with the rear of their property facing Fern Street, has also provided the Department with emails from 2014 that they had with an Entertainment Commission inspector regarding excessive sound coming from Mayes at the time.
- The project sponsor has conducted outreach to the adjacent neighbors and interested community groups, including the Lower Polk Neighbors (LPN). The sponsors held a formal pre-application meeting on November 28, 2016, and have made their contact information available on the exterior of the establishment for anyone who may have potential concerns or issues regarding the business. The applicant also notes regular attendance at LPN meetings in order to discuss the subject business and its role in the context of an improved Polk Street entertainment district.
- Just prior to the scheduled hearing on December 14, 2017, Lower Polk Neighbors requested a continuance of the case until February to allow their organization a chance to review additional documentation and discuss the project at their regular February meeting in order to take a formal position on the application. At the time of the requested continuance, LPN acknowledged that

they would not be in a position to support legalization of the expanded entertainment hours. At the time of publication of this staff report, LPN has not submitted further communication to the Department, however, has indicated that a formal position is forthcoming.

- Lastly, the project sponsor notes the business' direct involvement with maintaining cleanliness in the surrounding area, and particularly along Fern Street, coordinating as well with the SFPD and the Homeless Outreach Team in these efforts. The business also notes their active involvement in many local charity efforts and events, as evidence of their good standing within the community.

ISSUES AND OTHER CONSIDERATIONS

- The Commerce and Industry Element of the General Plan contains Guidelines for Entertainment uses that encourages these uses to be adequately soundproofed or insulated for noise, operated so as to reasonably protect surrounding residences, and have ventilation systems adequate to permit doors to stay closed during performances. These Guidelines also generally discourage the operation of entertainment uses past 2 a.m., and amplified entertainment past midnight.

Section 303(p) of the Planning Code similarly states that with respect to Conditional Use authorization applications for Entertainment uses, such use shall not be open between 2 a.m. and 6 a.m., shall not use electronic amplification between midnight and 6 a.m., and shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building.

However, notwithstanding the Guidelines and Planning Code requirements stated above, the Planning Commission may authorize a Conditional Use which is open past 2 a.m. and/or provides electronic amplification past midnight, if facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control.

- The Entertainment Commission has previously granted Mayes Oyster House a Place of Entertainment permit allowing for entertainment to operate until 1:30 a.m. The Place of Entertainment permit does not distinguish between types of entertainment (e.g. karaoke, DJ performance, live band, comedy acts, etc.), nor does it restrict entertainment to select nights of the week, nor distinguish between amplified and non-amplified entertainment. This existing Entertainment Commission permit may have caused confusion for the current business owners when they took over the establishment in 2013, not realizing that they would also need to amend a prior Planning Commission approval.
- As part of the efforts to legalize the Nighttime Entertainment use through this application, the project sponsor has hired the consultant Charles M. Salter Associates, Inc. to conduct environmental noise measurements and sound isolation testing. The consultant made several recommendations to the business regarding soundproofing measures that would need to be implemented in order to comply with the San Francisco Noise Ordinance criteria (Article 29 of the San Francisco Police Code.) Under Building Permit Application No. 2017.10.25.2251, the project sponsor implemented some of these recommendations, and brought the consultant back

to the site to inspect and make further recommendations, as necessary. In the consultant's view, some additional soundproofing measures are still needed, however, the project sponsor has demonstrated a good faith effort to bring this work to completion. The consultant's findings and recommendations can be seen as attachments to this report, dated 5/24/17 and 11/16/17.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization to permit the operation of a Nighttime Entertainment use with electronic amplification seven days per week until 2 a.m., and to modify the existing conditions of approval of Planning Commission Motion No. 13572, within the existing business (d.b.a. Mayes Oyster House) authorized for Restaurant and Other Entertainment uses within the Polk Street NCD and a 65-A Height and Bulk District, pursuant to Planning Code Sections 303 and 723.

BASIS FOR RECOMMENDATION

- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of the overall Polk Street NCD.
- The project does not introduce any new use that is not already legally permitted at the project site, rather merely seeks to expand the permitted hours of amplified entertainment.
- The project has demonstrated that it would be adequately soundproofed and operated in a manner so as to minimize disruption to nearby residences in the District. The existing Polk Street neighborhood character in this area is characterized by a number of bars, restaurants, and entertainment establishments, many of which also operate between the hours of midnight and 2 a.m.; any additional impacts directly generated by the subject Project would thus be minimal when compared to the overall operating environment.
- The application seeks to abate Planning Enforcement Case No. 2016-000434ENF, bringing the subject business into Planning Code compliance, as well as seeks to reconcile different previous approvals that have been granted by the Planning Commission and Entertainment Commission.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Planning Commission Motion No. 13572
Entertainment Commission Place of Entertainment Permit issued to Mayes
Enforcement Notification for Complaint No. 2016-000434ENF
Planning Commission Conditional Use Authorization Hearing Notification
Place of Entertainment Proximity Map

Public Correspondence in Opposition

- Emails between Sutter neighbor and Entertainment Commission from 2014

Public Correspondence in Support

Lower Polk Neighbors – December 11, 2017 submittal

Project Sponsor Submittal, including:

- Cover Letter
- Charles M. Salter Associates, Inc. Study and Report
- Security Plan
- Plans

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

Exhibits above marked with an "X" are included in this packet

_____AWP_____
Planner's Initials

AWP: G:\Plan Checks\1233 Polk Street (Mayes)\Case Report\ExecutiveSummary_1323 Polk_2016-010348CUA.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

HEARING DATE: FEBRUARY 22, 2018
CONTINUED FROM DECEMBER 14, 2017

Case No.: **2016-010348CUA**
Project Address: **1233 POLK STREET**
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 723 TO PERMIT THE OPERATION OF A NIGHTTIME ENTERTAINMENT USE WITH ELECTRONIC AMPLIFICATION SEVEN DAYS PER WEEK UNTIL 2 A.M., AND TO MODIFY THE EXISTING CONDITIONS OF APPROVAL OF PLANNING COMMISSION MOTION 13572, WITHIN AN EXISTING BUSINESS (D.B.A. MAYES OYSTER HOUSE) AUTHORIZED FOR RESTAURANT AND OTHER ENTERTAINMENT USES WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 9, 1993, the Planning Commission adopted Motion No. 13572 authorizing an Other Entertainment use within the existing Restaurant use, with electronic amplification permitted until midnight on Fridays and Saturdays only.

On November 20, 2009, the Entertainment Commission granted a Place of Entertainment permit to the owners of Mayes Oyster House at the 1233 Polk Street location.

On April 20, 2016, the Planning Department issued an Enforcement Notification to the property owner for a complaint alleging that the Restaurant and Other Entertainment establishment (d.b.a. Mayes Oyster House) on the property is operating as a Nighttime Entertainment use with electronic amplification in

excess of what was previously permitted under Planning Commission Motion No. 13572. In order to correct the violation, the property owner and/or business would either need to limit the hours of amplified entertainment to Fridays and Saturdays only until midnight, as per Condition No. 2 of Motion No. 13572, or apply for a new Conditional Use Authorization in order to modify the previous conditions of approval. Additionally, in order to correct the violation, the property owner and/or business must demonstrate that they are storing garbage and waste containers within the building until collection times, as per Condition No. 8 of the aforementioned Motion, and provide evidence that any required soundproofing or insulation was completed as necessary in order that fixed source equipment noise complies with the San Francisco Noise Control Ordinance, as per Condition No. 4 of the Motion.

On August 10, 2016, Jeremy Paul (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303 and 723 to permit the operation of a Nighttime Entertainment use with electronic amplification seven days per week until 2 a.m., and to modify the existing conditions of approval of Planning Commission Motion No. 13572, within the existing business (d.b.a. Mayes Oyster House) authorized for Restaurant and Other Entertainment uses within the Polk Street Neighborhood Commercial District (NCD) and a 65-A Height and Bulk District.

On December 14, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-010348CUA. Without hearing the item, the Planning Commission continued the Project to the public hearing on February 22, 2018.

Per CEQA Section 21065 and CEQA Guidelines Section 15378, the proposed legalization of the existing use is not considered a "project" under CEQA, as it would not result in a direct physical change, or a reasonably foreseeable indirect physical change in the environment.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2016-010348CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The subject property is located on the west side of Polk Street, between Sutter and Bush Streets, on the northwest corner of Polk and Fern Streets, Lot 004 in Assessor's Block 0670 (District 3). The subject property is located within the Polk Street Neighborhood Commercial District ("NCD") and the 65-A Height and Bulk District. The property is developed with a two-story mixed use building with full lot coverage at approximately 3,300

square feet of lot area, 30 feet of frontage along Polk Street, and 110 feet of frontage along Fern Street. The second story is occupied by a Residential Hotel use with 13 guestrooms, over the ground floor commercial use, currently authorized for Restaurant and Other Entertainment uses.

3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Polk Street NCD, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. The neighborhood is particularly well-trafficked and known for its nightlife destinations. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by offices or residential units. Larger scale retail uses, tourist hotels, and residential uses are situated along the Van Ness Corridor, outside of the Polk Street NCD to the west.
4. **Project Description.** The project sponsor proposes to legalize the operation of a Nighttime Entertainment use with electronic amplification until 2 a.m., 7 days per week, within the existing establishment (d.b.a. "Mayes Oyster House"). The subject property is currently authorized for Restaurant use and Other Entertainment use, the latter for which was authorized as part of Case No. 93.422C and Planning Commission Motion No. 13572. Pursuant to the conditions of approval of Motion No. 13572, electronic amplification was authorized only on Fridays and Saturdays until midnight. Planning Enforcement Case No. 2016-000434ENF was subsequently opened and is active due to the business' current operation with electronic amplification beyond those hours previously authorized. Therefore, the subject application seeks to modify the previous conditions of approval, and abate the violation. The project sponsor has made additional soundproofing improvements based on the recommendations of a sound study, but no other physical expansion or exterior modifications are proposed as part of this project.
5. **Public Comment.** To date, the Department has received 24 communications in opposition to the proposal, and 5 communications in support. Those in opposition appear to be most concerned with the expansion of entertainment hours until 2 a.m. on weeknights. One neighbor in opposition, who lives along Sutter Street with the rear of their property facing Fern Street, has also provided the Department with emails from 2014 that they had with an Entertainment Commission inspector regarding excessive sound coming from Mayes at the time.

The project sponsor has conducted outreach to the adjacent neighbors and interested community groups, including the Lower Polk Neighbors (LPN). The sponsors held a formal pre-application meeting on November 28, 2016, and have made their contact information available on the exterior of the establishment for anyone who may have potential concerns or issues regarding the business. The applicant also notes regular attendance at LPN meetings in order to discuss the subject business and its role in the context of an improved Polk Street entertainment district.

Just prior to the scheduled hearing on December 14, 2017, Lower Polk Neighbors requested a continuance of the case until February to allow their organization a chance to review additional documentation and discuss the project at their regular February meeting in order to take a formal position on the application. At the time of the requested continuance, LPN acknowledged that they would not be in a position to support legalization of the expanded entertainment hours. At

the time of publication of this staff report, LPN has not submitted further communication to the Department, however, has indicated that a formal position is forthcoming.

Lastly, the project sponsor notes the business' direct involvement with maintaining cleanliness in the surrounding area, and particularly along Fern Street, coordinating as well with the SFPD and the Homeless Outreach Team in these efforts. The business also notes their active involvement in many local charity efforts and events, as evidence of their good standing within the community.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use Size.** Planning Code Sections 121.2 and 723 state that a Conditional Use Authorization is required for individual non-residential uses that are 2,500 square feet or larger within the Polk Street NCD.

The existing non-residential use on the property occupies the ground floor of the building with full lot coverage and approximately 3,300 square feet of floor area. This existing use size is considered a permitted conditional use and is authorized to continue as it has legally existed pursuant to Planning Code Section 178(b). The Project does not propose any expansion either to the exterior building envelope or to the individual non-residential subject use.

- B. **Floor Area Ratio.** Planning Code Sections 124 and 723 state that the basic Floor Area Ratio is limited to 2.5 to 1 within the Polk Street NCD.

The existing building has a Floor Area Ratio of approximately 1 to 1, and so complies with the basic FAR limit as set forth in Code. The residential uses at the second floor do not apply toward the FAR limits within this District, and so is only based on the non-residential ground floor use, which has full lot coverage. The Project does not propose any expansion either to the exterior building envelope or to the individual non-residential subject use.

- C. **Hours of Operation.** Planning Code Section 723 states that hours of operation between 6 a.m. and 2 a.m. are principally permitted within the Polk Street NCD, and that Conditional Use Authorization is required for maintaining hours of operation after 2 a.m., until 6 a.m.

The subject business currently maintains hours of operation until 2 a.m. as is principally permitted under Code. The Project does not propose to include any hours of operation past 2 a.m., therefore no Conditional Use Authorization is needed in this regard.

- D. **Entertainment Use.** Planning Code Section 723 states that a Nighttime Entertainment use requires Conditional Use Authorization within the Polk Street NCD.

The Planning Code defines Nighttime Entertainment as a Retail Entertainment, Arts and Recreation Use that includes dance halls, discotheques, nightclubs, private clubs, and other similar evening-oriented entertainment activities which require dance hall keeper police permits or Place of Entertainment permits, and which are not limited to non-amplified live entertainment, including Restaurants and Bars which present such activities. This definition is now applicable throughout the

Planning Code and all Zoning Districts. However, prior to the Article 7 reorganization that occurred under Ordinances 129-17 and 130-17, Article 7 of the Planning, as applicable to Neighborhood Commercial Districts, did not contain a definition for Nighttime Entertainment, but rather included a definition for "Other Entertainment" under previous Section 790.38 that largely matches the current definition for Nighttime Entertainment. Uses that were previously considered Other Entertainment in these Districts are therefore now considered Nighttime Entertainment uses.

The subject property was previously authorized for Other Entertainment use under Planning Commission Motion No. 13572, as part of Case No. 93.422C. This authorization included a condition of approval which limited amplified entertainment on the premises to Fridays and Saturdays only, until midnight. Other Entertainment use has continued at the subject property since that approval, such that the use was not considered discontinued as per Planning Code Section 178(d). Therefore, the Project does not require Conditional Use Authorization to establish a new Nighttime Entertainment use at the subject property, as this is a continuation of the previously permitted conditional (Other Entertainment) use, per Section 178(b). Rather, the subject application seeks a modification to the conditions of approval of the previously granted Conditional Use Authorization under Motion No. 13572, as per Planning Code Section 303(e).

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
 - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The proposed Project does not include any physical expansion to the existing building envelope or business area, nor would it be adding a new use that is not already authorized on the property. The Project would slightly increase the intensity of activity at the site, by allowing for amplified entertainment to occur on additional days of the week, and later into the evening; however, the business is already permitted to remain open until 2 a.m., so there is also no increase to overall hours of operation. Although the total number of entertainment-hours would increase under the Project proposal, the property's location along Polk Street is well-suited to accommodate this additional activity and is compatible with the existing neighborhood context. Polk Street, and in particular this lower stretch below California Street, is an established entertainment and nightlife District, with a number of bars, restaurants and entertainment venues. Within 1,000 feet of the project site, the subject business is one of ten licensed Places of Entertainment, some of which also already permit amplified entertainment until 1:30 or 2 a.m.

Additionally, the subject establishment previously obtained a permit from the Entertainment Commission to provide entertainment until 1:30 a.m. and has previously operated under those assumed conditions. This application to legalize this activity then in some ways has even less overall net impact to the neighborhood, and the opportunity to bring the use into compliance, and bring consistency between the Planning Commission and Entertainment Commission's authorizations is generally seen as desirable. Provided that the business can comply with soundproofing recommendations made by the noise consultant and Entertainment Commission, and that it would be

operated in a manner to minimize noise and disruption to surrounding residences, as is consistent with Planning Code and General Plan requirements, the business is seen as an economic asset to the neighborhood and San Francisco nightlife generally. The Project Sponsor has demonstrated efforts to fully comply with the consultant's noise containment recommendations, and the consultant's letters acknowledge that the Polk Street noise environment at the intersection of Fern Street was affected not only by the operation of the subject establishment, but also by the adjacent businesses, d.b.a. Lush Lounge at 1217 Polk Street, and McTeague's Saloon at 1237 Polk Street, neither of which are considered Places of Entertainment.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require parking or loading for the subject business, or for the proposed Project to extend the hours of amplified entertainment. The property is well-served by transit, and the Project should not substantially increase the volume of trips to and from the site.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

As the Project does not involve any physical expansion of the building envelope and only minor work related to soundproofing of the business, it is unlikely that the Project would result in any noxious or offensive emissions related to glare, dust, and odor. The Project's proposed expansion of amplified entertainment hours certainly contains the potential for increased noise and associated nuisances to extend beyond the immediate project site. To address these possible concerns, the Project Sponsor has hired Charles M. Salter Associates, Inc. to conduct environmental noise measurements and sound isolation testing for the subject business. As a result of this testing and study, the consultant made a number of recommendations. The Project Sponsor then filed Building Permit No. 2017.10.25.2251 to implement some of these recommendations, and brought the consultant back to the project site to inspect the progress, who made further recommendations to the project team in order to fully satisfy City noise requirements.

Noise impacts may arise not only from the amplified entertainment directly, but also due to patron activity outside in the vicinity of the project site. The Project Sponsor has submitted a security plan for the business, demonstrating the presence of multiple security personnel, including dedicated staff to control and monitor entry of all patrons into the establishment, and staff to help

control queues for entry in order to help keep sidewalk space clear for pedestrian traffic, and noise disruptions or unruly behavior to a minimum. Lastly, the subject business engages in power washing of the sidewalks along both Polk and Fern Streets on Fridays and Saturdays, fifteen minutes prior to closing, which helps to maintain the overall cleanliness of the immediate area, as well as to discourage patrons from loitering following the close of the business at 2 a.m.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The Project does not require consideration of treatments with respect to landscaping, screening, open spaces, parking and loading, service areas, lighting, or signs. As part of the complaint filed against the subject business, there were concerns with the business keeping trash, recycling and compost receptacles along the Fern Street sidewalks in the public right-of-way. The submitted plans for this application show dedicated space in the kitchen for these receptacles; storage of these bins inside the business is required as a standard condition of approval, and failure to comply with said condition could lead to the revocation of the Conditional Use Authorization.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed Project is consistent with the stated purposes of the Polk Street NCD in that the intended use is located at the ground floor and permitted within the allowable zoning controls. Furthermore, the character description of the Polk NCD acknowledges the presence of bars and entertainment venues which keep the district active into the evening, and for which this project is compatible. This Project does not propose any new or additional entertainment, bar, or eating/drinking use, but rather seeks to amend previous conditions associated with the entertainment use dating back to the early 90s, and legalize the expanded entertainment activities that have been occurring at the property under the assumed permission of a Place of Entertainment permit.

- E. That the use as proposed would satisfy any criteria specific to Adult Business, Nighttime Entertainment, and General Entertainment uses, as required under Planning Code Section 303(p).

- i. With respect to Conditional Use Authorization applications for Adult Business, Nighttime Entertainment, and General Entertainment uses, such use or feature shall:
- a. If the use is an Adult Business, it shall not be located within 1,000 feet of another such use; and/or

The use is not an Adult Business, therefore this requirement does not apply to the Project.

- b. Not be open between 2 a.m. and 6 a.m.; and

The business does not propose to operate between the hours of 2 a.m. and 6 a.m. and therefore complies with this requirement.

- c. Not use electronic amplification between midnight and 6 a.m.; and

The Project does propose to extend the hours of electronic amplification past midnight, until 2 a.m.; however the Planning Commission may still authorize such a Conditional Use that does not satisfy this criterion, as will be described further below.

- d. Be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

The subject establishment will be soundproofed and insulated for noise as per the recommendations of the Charles M. Salter Associates, Inc. study and report, which is intended to comply with the requirements of the San Francisco Noise Control Ordinance and the soundproofing requirements of the Entertainment Commission's Place of Entertainment permit review procedure.

- ii. Notwithstanding the above, the Planning Commission may authorize a Conditional Use which does not satisfy the criteria set forth in (b) and (c) above, if facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control.

Based on the soundproofing recommendations of the consultant-prepared noise study, and the Project Sponsor's efforts to comply with all such recommendations, along with their submittal of a security plan to address potential patron and crowd disruptions, these facts establish that the use will be operated in such a way as to minimize disruption to surrounding residences in the district. That said, even with the Project Sponsor's best efforts in this regard, there may still be ambient noise disruptions to the immediately surrounding area, resulting from the operation of other bars in the vicinity.

- iii. The action of the Planning Commission approving a Conditional Use does not take effect until the appeal period is over or while the approval is under appeal.

In the event the Planning Commission approves a Conditional Use for the proposed expansion of amplified entertainment hours, the decision will not take effect until the conclusion of any relevant appeal period.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project does not propose any new or additional uses not already in existence at the project site, and which conform to the generalized land use plan for the District. The expanded entertainment offerings would be required to adhere to City noise control requirements and standards, and the business will be operated in a manner so as to minimize disruption to surrounding residential uses. The Project will benefit the economic activity of the Polk Street corridor, and help maintain San Francisco's entertainment and nightlife activities.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project will retain and enhance an existing commercial activity, and will legalize the business' amplified entertainment activities after midnight, thus also bringing consistency between previous Planning Commission and Entertainment Commission actions. Conversely, a denial of the Conditional Use application would disrupt the existing economic activity for the subject business.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Approval of the proposed Project would help to encourage the retention of an existing local business that provides an entertainment locale for the immediate and other surrounding neighborhoods. Although there are number of other places of entertainment in the vicinity, expanded entertainment hours for the subject business is appropriate, acknowledging the role of Lower Polk Street within the City's overall entertainment landscape. This business helps to strengthen the overall continued viability of the Polk Street corridor. Although entertainment uses have the potential to disrupt surrounding residential areas, the proposed establishment will be adequately soundproofed and operated in a manner so as to minimize that disruption, and entertainment will not extend beyond 2 a.m.

HOUSING

Objectives and Policies

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.8:

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

The Project does not propose any new or additional uses not already in existence at the project site, but rather an expansion to the amplified hours of entertainment use already permitted at the property, and in conformance with the general land use plan. Additionally, the immediate neighborhood context has an established landscape of entertainment and nightlife uses, such that the proposed expansion of entertainment hours will be well integrated into this context and result in minimal additional nuisance or disruption to surrounding residences. The expanded entertainment offerings would be required to adhere to City noise control requirements and standards, and the business will be operated in a manner so as to minimize disruption to surrounding residential uses.

ARTS

Objectives and Policies

OBJECTIVE VI-1:

SUPPORT THE CONTINUED DEVELOPMENT AND PRESERVATION OF ARTISTS' AND ARTS ORGANIZATIONS' SPACES.

Policy VI-1.4:

Preserve existing performance spaces in San Francisco.

The subject business is an existing Place of Entertainment, and with a small overall capacity, provides a space for less well-known and up-and-coming DJs and other artists.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The Project would allow for the continued operation and viability of a local restaurant and entertainment venue.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project would align with the existing neighborhood character of Lower Polk Street, and the business would be soundproofed and operated in such a manner so as to minimize disruption to surrounding residences.

- C. That the City's supply of affordable housing be preserved and enhanced,

No housing is removed for this Project.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The site is located on Polk Street and is well-served by transit. The Project's expansion of entertainment hours only is not likely to generate large increased demand for public transit or neighborhood parking.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment. The Project would allow for the continued operation of a restaurant and entertainment venue that provides service-sector employment opportunities.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

This proposal will not impact the property's ability to withstand an earthquake, and any soundproofing or other interior improvements would be reviewed under current seismic Building Code requirements.

G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site, and the Project will not impact any other landmark or historic building in the vicinity.

H. That our parks and open space and their access to sunlight and vistas be protected from development.

The project will have no negative impact on existing parks and open spaces.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2016-010348CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 7, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 22, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 22, 2018

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to permit the operation of a Nighttime Entertainment use with electronic amplification seven days per week until 2 a.m., and to modify the existing conditions of approval of Planning Commission Motion No. 13572, within the existing business (d.b.a. Mayes Oyster House) authorized for Restaurant and Other Entertainment uses located at 1233 Polk Street, Lot 004 in Assessor's Block 0670, pursuant to Planning Code Section(s) 303 and 723 within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District; in general conformance with plans, dated July 7, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2016-010348CUA and subject to conditions of approval reviewed and approved by the Commission on February 22, 2018 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on February 22, 2018 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN

6. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

7. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING

8. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

9. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

10. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

11. **Eating and Drinking Uses.** As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in Section [102](#), shall be subject to the following conditions:

- A. The business operator shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section [34](#) of the San Francisco Police Code.

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>.

- B. When located within an enclosed space, the premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance of fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org.

For information about compliance with construction noise requirements, contact the Department of Building Inspection at 415-558-6570, www.sfdbi.org.

For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department at 415-553-0123, www.sf-police.org.

- C. While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

- D. Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>.

12. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For*

information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

13. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

14. **Other Entertainment.** The Other Entertainment shall be performed within the enclosed building only. The building shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. Bass and vibrations shall also be contained within the enclosed structure. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to operation. The authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

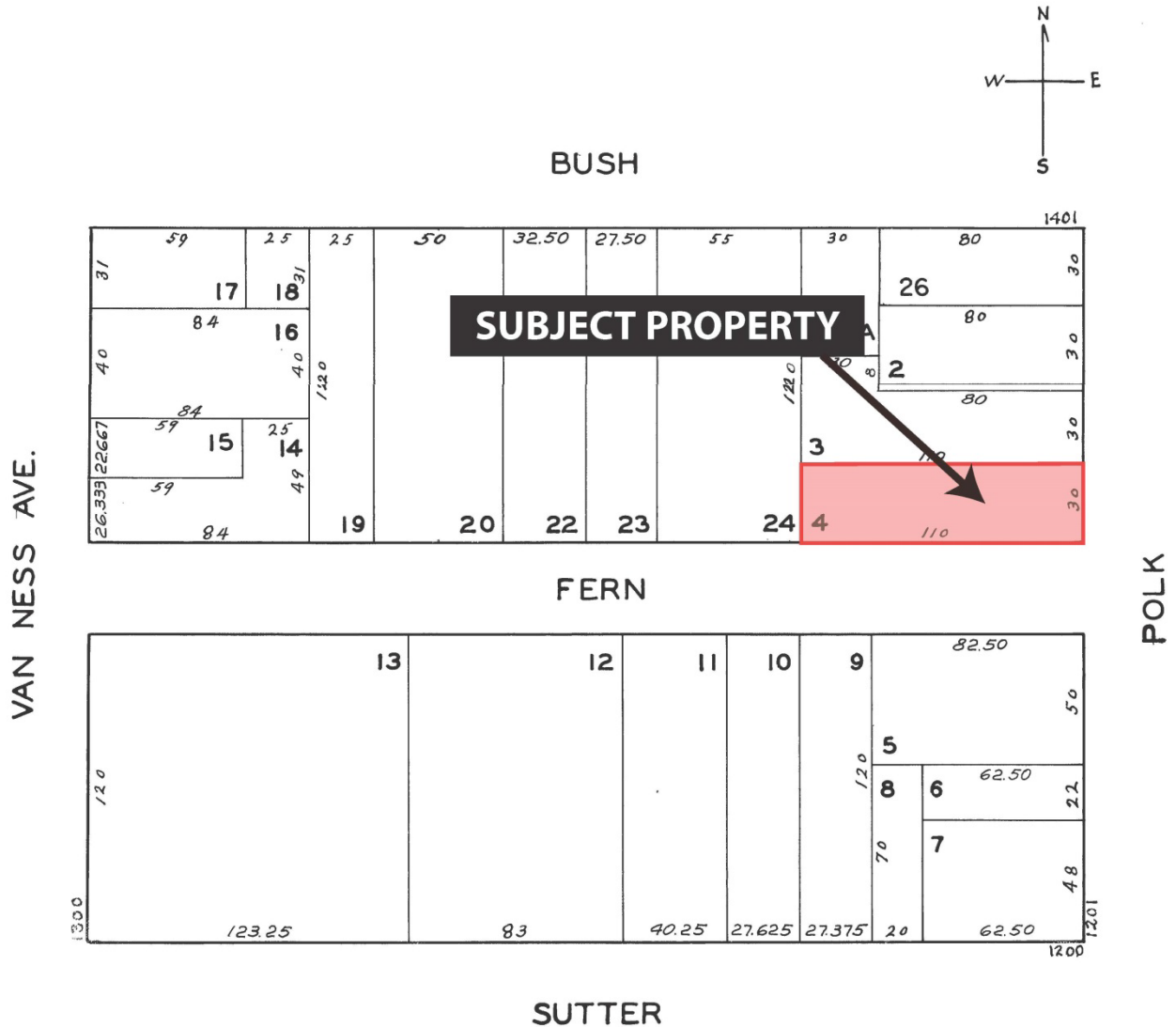
For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

15. **Hours of Operation.** The subject establishment is limited to the following hours of operation, including for amplified entertainment: Monday through Sunday until 2 a.m.

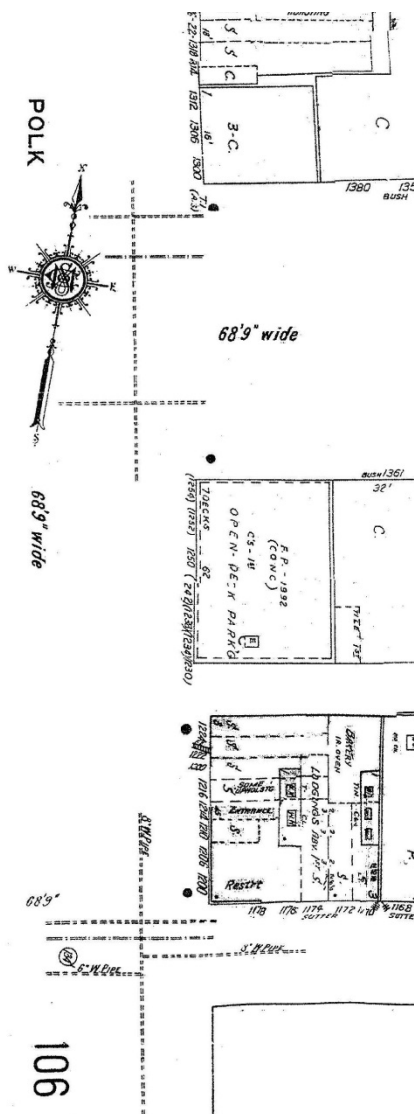
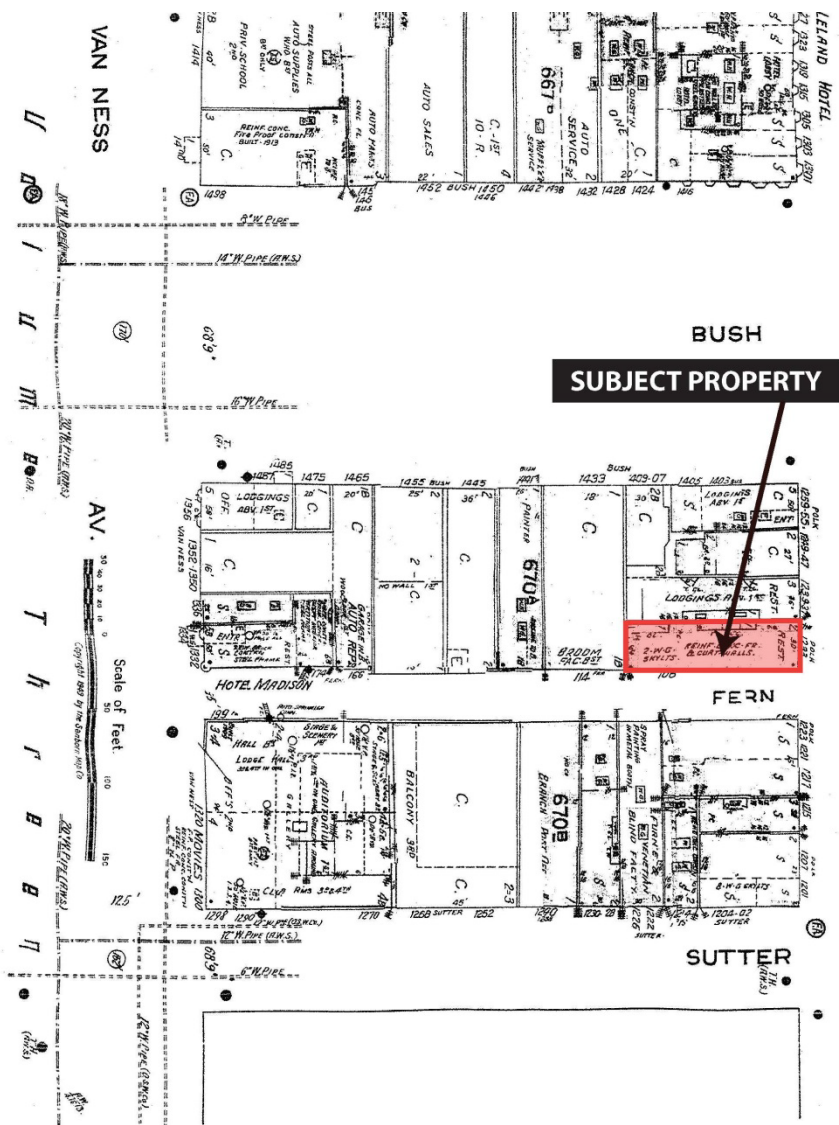
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Exhibits

Block Book Map

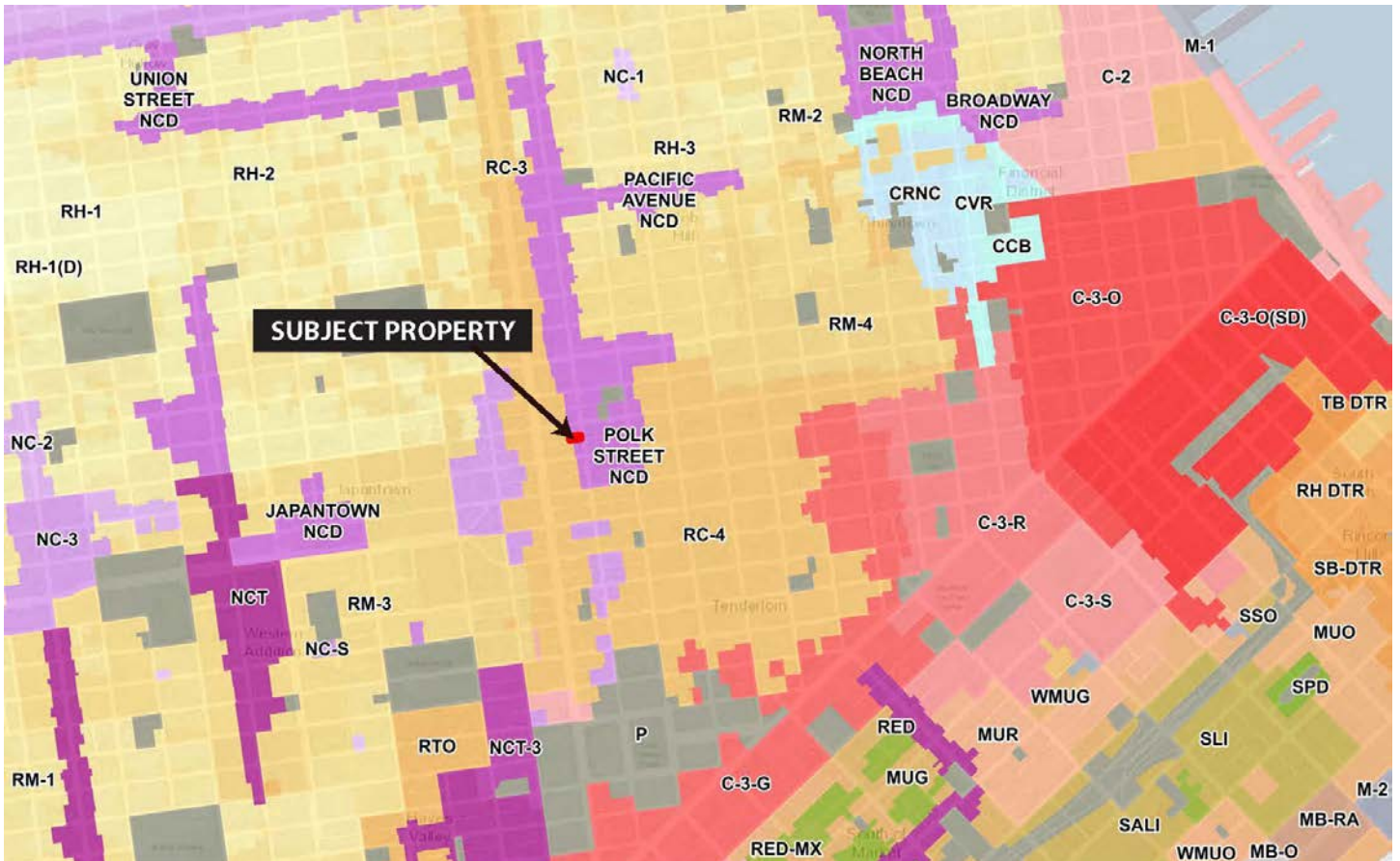


Sanborn Map*

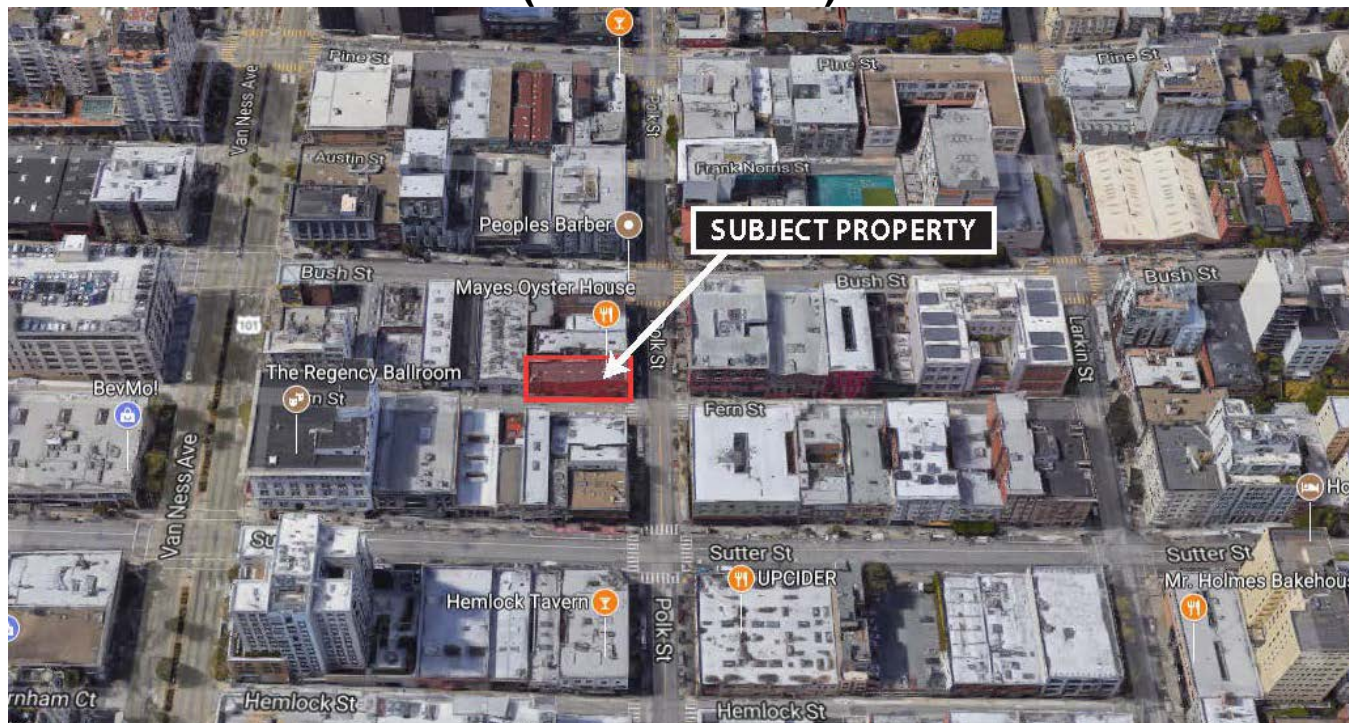


* The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

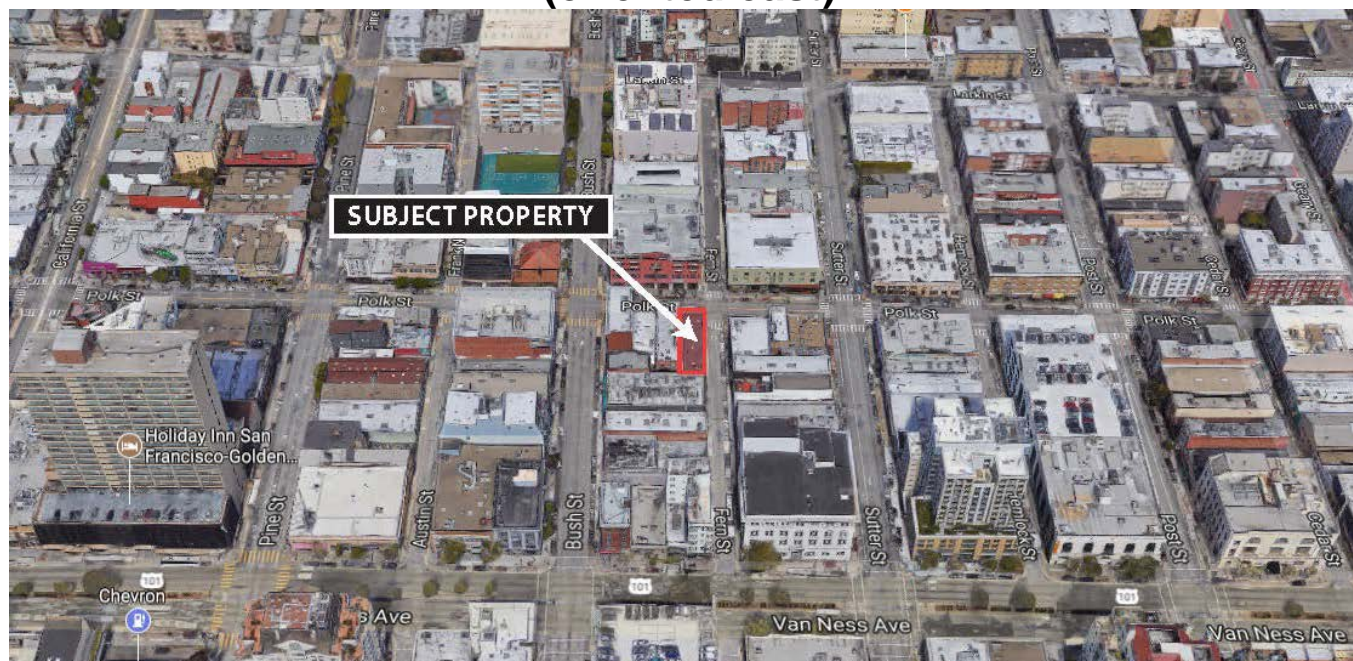
Zoning Map



Aerial Photo (oriented north)



(oriented east)

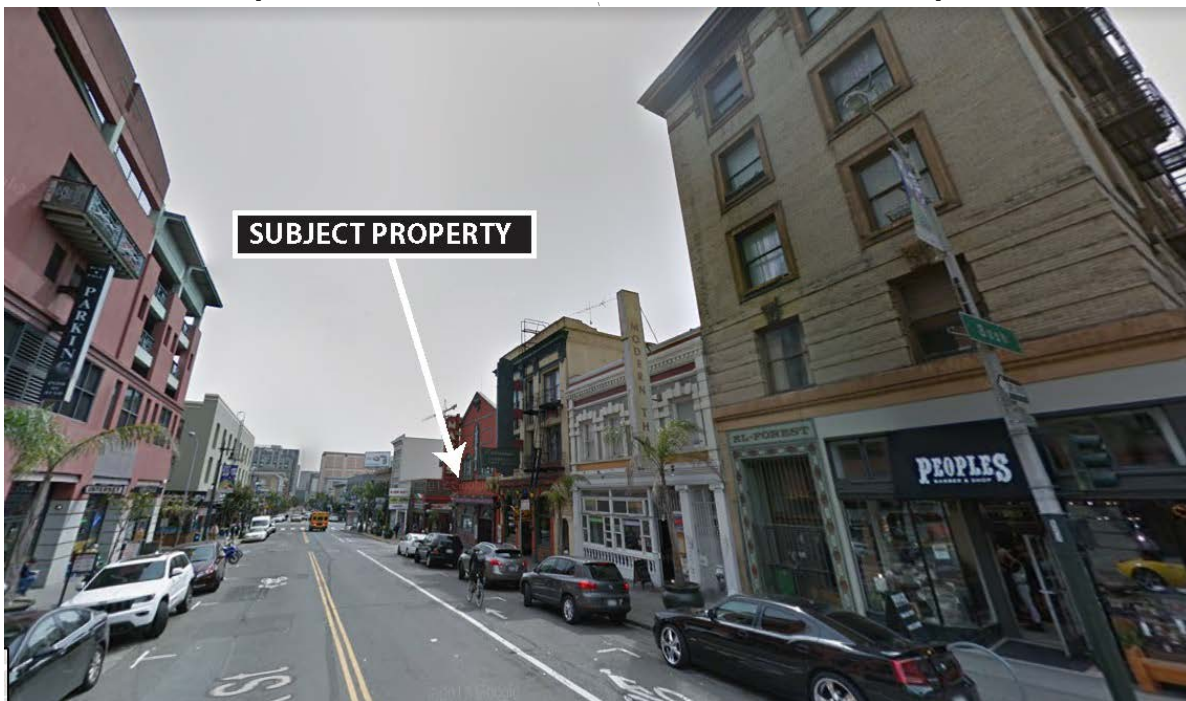


Context Photos

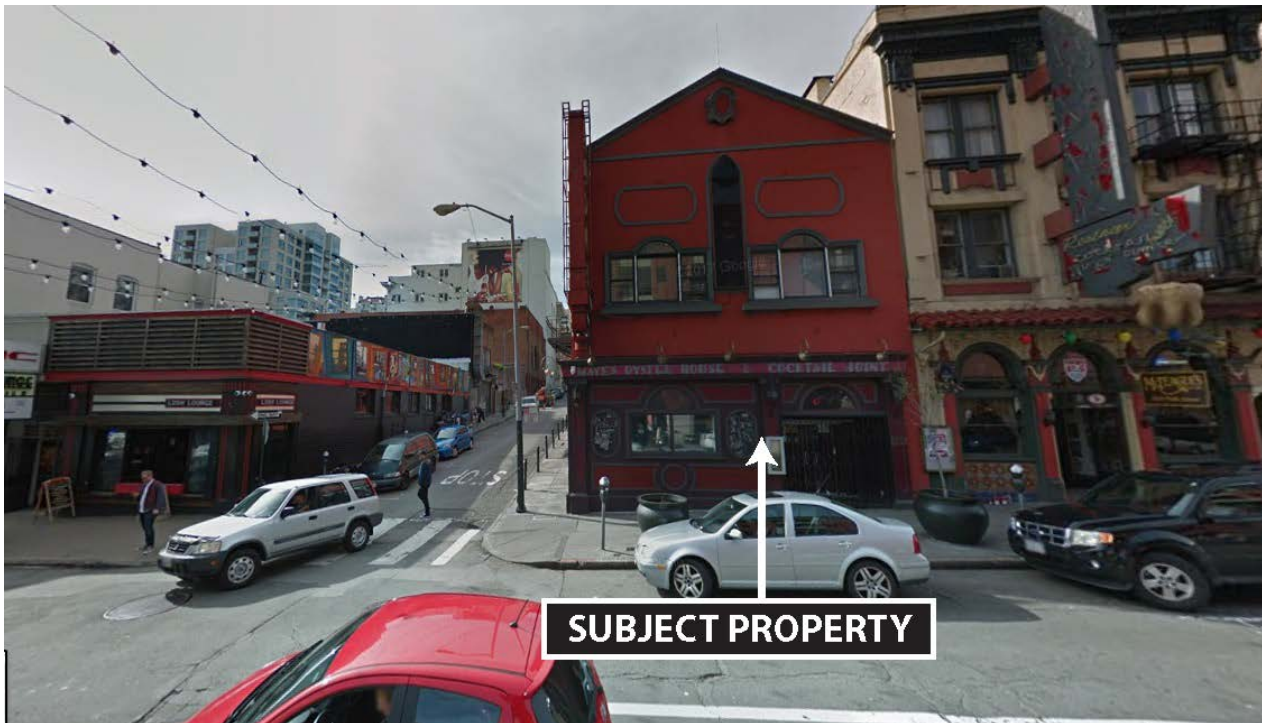
(Oriented north, up Polk Street)



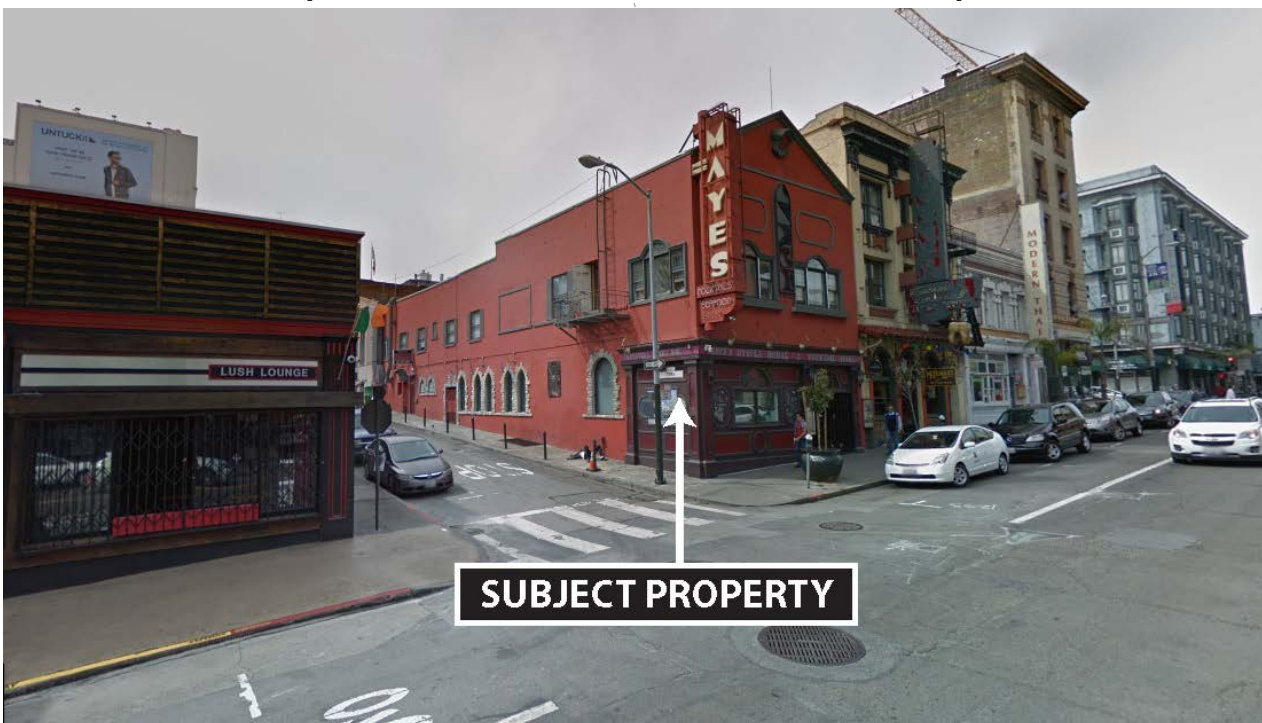
(Oriented south, down Polk Street)



(Across street, oriented west)



(Corner of Polk and Fern Streets)



(Along Fern Street, oriented east toward Polk Street)



**File No. 93.422C
1233 Polk Street
Lot 4 in
Assessor's Block 670**

**SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 13572**

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE
AUTHORIZATION TO ADD LIVE ENTERTAINMENT (DEFINED BY SECTION 790.38 OF THE
PLANNING CODE AS OTHER ENTERTAINMENT) WITHIN AN EXISTING FULL SERVICE
RESTAURANT AND BAR IN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

Preamble

On July 10 1993, James Han, (hereinafter "Applicant") made application (hereinafter "Application") for Conditional Use on the property at 1233 Polk Street; Lot 4 in Assessor's Block 670, (hereinafter "Subject Property") to add a piano and amplified Karaoke entertainment within an existing restaurant and bar in general conformity with plans filed with the Application and labeled "Exhibit B" (hereinafter "Project") within the Polk Street Neighborhood Commercial District.

On September 9, 1993, the San Francisco City Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at a regularly scheduled meeting on Conditional Use Application No. 93.422C.

The proposed Conditional Use application was determined by the San Francisco Department of City Planning (hereinafter "Department") to be categorically exempt from the environmental review process pursuant to Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

Findings

Having reviewed all the materials identified in the recitals above, and having heard oral testimony and arguments, this Commission finds, concludes and determines as follows:

1. The Polk Street District provides convenience goods and services to the residential communities in the Polk Gulch neighborhood and to residents on the west slopes of Nob and Russian Hills. The Polk Street District controls are designed to encourage and promote development which is compatible with the surrounding neighborhood. Consistent with Polk Street's existing mixed-use character, new buildings may contain commercial uses at the first two stories. The controls encourage neighborhood-serving businesses, but limit new eating, drinking, other entertainment, and financial services which can produce parking congestion, noise and other nuisances or displace other types of convenience goods and services.
2. The Commerce and Industry Element of the Master Plan calls for promoting the multiple uses of neighborhood commercial areas with priority given to neighborhood serving retail and service activity.
3. Existing businesses should be retained wherever feasible and shall remain in conformity with the Planning Code. Guidelines for neighborhood commercial districts encourage uses which primarily serve the local community.
4. Other Entertainment, as defined in Section 790.38 is a use, other than adult entertainment, which provides live entertainment, including dramatic and musical performances, dancing, bowling or a billiard parlor. Other Entertainment is allowed on the ground story in the Polk Street Neighborhood Commercial District with conditional use authorization by the Planning Commission.
5. The Applicant proposes to add a piano and amplified Karaoke entertainment to a full service restaurant and bar which has existed in the neighborhood for more than 100 years.
6. An application for conditional use authorization for Other Entertainment shall comply with the criteria of Section 303(c)(5)(A). The proposal complies with the criteria in that:
 - a. The proposed entertainment activities are not defined as Adult Entertainment by the Planning Code.
 - b. The subject establishment is not open for business after 2:00 a.m.

- c. The proposed piano will not require electronic amplification. The project sponsor proposes to add Karaoke entertainment on Friday and Saturday which will require an amplified sound system for vocalists and background music. Karaoke entertainment is prohibited after midnight. See Exhibit A.
 - d. The piano (without electronic amplification) which is proposed for Tuesday through Saturday from 6:30 to 9:30 p.m. will not generally impact nearby residents. Installation of amplified Karaoke entertainment is likely to result in excessive noise to adjacent residents without adequate soundproofing of the structure. The San Francisco Noise Control Ordinance will require soundproofing prior to approval of a police permit for amplified live entertainment. The Department has received one telephone call from an adjacent resident who supports adding a piano, but opposes the proposal for amplified entertainment.
7. City Planning Code Section 101.1 establishes eight priority planning policies and requires review of permits for consistency with said policies. The project complies with said policies in that:
- a. The proposed entertainment will enhance the existing business by providing an additional recreational activity for patrons of the establishment. Opportunities for resident employment would be preserved.
 - b. The proposal will preserve and enhance the character of the neighborhood because the proposed neighborhood-serving activity may attract nearby residents and other businesses to an area with several vacant commercial sites.
 - c. The project has no effect on the supply of affordable housing in the district.
 - d. Municipal traffic will not be impeded and neighborhood parking would not be overburdened as the existing establishment will continue to draw customers from the surrounding neighborhood. Valet parking is available to patrons of the establishment and the project sponsor also provides validated parking at the three-story public garage directly across the street.
 - e. No service industry establishment is to be displaced by the project.
 - f. Earthquake safety requirements would be considered during review of applications for interior tenant improvements.
 - g. The subject property does not contain a historic building.
 - h. This project has no impact open space or parks.

8. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101 in that, as designed, the project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
9. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application No. 93.422C subject to the following conditions attached hereto as EXHIBIT A which is incorporated herein by reference as though fully set forth.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission at its regular meeting of September 9, 1993.

Sharon Rogers
Acting Secretary

AYES: Commissioners Boldridge, Fung, Levine and Lowenberg
NOES: None
ABSENT: Commissioners Martin, Prowler and Unobskey
ADOPTED: September 9, 1993

EXHIBIT A

CONDITIONS OF APPROVAL

1. This authorization is to add a Piano and Amplified Karaoke Entertainment (defined by Planning Code Section 790.38 as Other Entertainment) within an existing Full Service Restaurant and Bar in conformity with plans submitted with the application and labelled as Exhibit B.
2. Amplified Karaoke Entertainment shall be permitted only on Friday and Saturday until Midnight. Electronic amplification shall not be permitted after 12 Midnight.
3. The establishment shall not be open between 2:00 a.m. and 6:00 a.m.
4. The operator shall complete soundproofing and insulation for noise prior to issuance of a Police Permit for amplified Karaoke Entertainment. The use shall be operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.
5. The operator shall be responsible for cleaning the sidewalk along the Polk and Fern Streets frontage daily to keep the sidewalk free of paper and other litter during business hours.
6. All garbage and waste containers shall be stored within the building except during collection periods.
7. The establishment shall implement other conditions and/or management practices as determined by the Zoning Administrator, in consultation with the Police Department to be necessary to ensure that management and patrons of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use, and do not block the driveways of neighboring residents or businesses.
8. Should implementation of this Project result in complaints from neighborhood residents, which are not resolved by the Project Sponsor (and/or the appointed Community Liaison for the Project) and are subsequently reported to the Zoning Administrator and found to be in violation of the City Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this motion, the Zoning Administrator shall report such complaints to the City Planning Commission which may thereafter hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Section 174, 306.3 and 306.4 of the Code to consider revocation of this Conditional Use Authorization.
9. The Applicant shall record a copy of these conditions with the Office of the Recorder for the City and County of San Francisco as part of the property records.

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Entertainment Commission Permit

City and County of San Francisco; State of California

Place of Entertainment

Permit Number: EC – 988 POE

Grant Date: November 20, 2009,
amended 11/21/14
amended 4/29/2015

Permit is hereby granted to: Matthew Corvi, Nicholas Pigott
1233 Polk Street, LLC

Location: 1233 Polk Street

MAYES

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

This permit must be displayed at the above address in a conspicuous place. You are required to allow any Commission Permit Administrator or San Francisco Police Officer to inspect your premises (Municipal Code, Sec. 81). You shall not transfer this permit to another person or conduct a separate business at a different location other than that described on this permit (Municipal Code, Sec. 77).

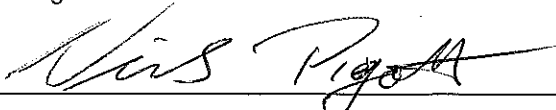
ANY CHANGE IN OWNERSHIP OF THIS PERMITTED BUSINESS REQUIRES A NEW APPLICATION BE FILED WITHIN TEN DAYS OF THE DATE OF THE CHANGE. IF A PERMIT IS CONDITIONALLY GRANTED AND AN APPEAL IS FILED BY ANY PERSON WITHIN 10 DAYS OF THE ISSUANCE, THE PERMIT IS NOT VALID UNTIL THE APPEALS PROCESS IS CONCLUDED AND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

Pertinent information regarding this permit:

- Permit holder shall conform to attached Entertainment Commission "Good Neighbor Policy.
- There shall be no noise audible outside the establishment during the daytime or nighttime hours that violates San Francisco Municipal Police Code sections 49 or 2900 et seq. Further, absolutely no sound from the establishment shall be audible inside any surrounding residence or business that violates section 2900. All doors and windows shall remain closed during the hours of entertainment. Amplified sound levels inside the venue must not exceed 76 dBA.
- Permittee shall ensure that at least two trained and identifiable security guard is present whenever entertainment is provided.
- The primary business shall be a restaurant serving food daily.
- Entertainment shall cease at 1:30am

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

Signature of Permittee:



Issued by:

Jocelyn Kane

Executive Director, Entertainment Commission



Permit is not valid without current tax license.

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SAN FRANCISCO PLANNING DEPARTMENT

ENFORCEMENT NOTIFICATION

April 20, 2016

Property Owner
Sunjin & Polk INC.
926 Pleasant Hill Road
Redwood City, CA 94061

Site Address: 1233 Polk Street
Assessor's Block/Lot: 0670/004
Zoning District: Polk Street Neighborhood Commercial
Complaint Number: 2016-000434ENF
Code Violation: 174(a), Compliance with Conditions, Stipulations and Special Restrictions;
303(c)(5)(A), Conditional Uses, Determination
Administrative Penalty: Up to \$250 Each Day of Violation
Respond By: Within 15 days from the Date of this Notice
Staff Contact: Dario Jones, (415) 558-6477 or dario.jones@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

The Planning Department has received a complaint that a Planning Code violation exists on the above referenced property that needs to be resolved. As the owner of the subject property, you are the 'responsible party'. The purpose of this notice is to inform you about the Planning Code Enforcement process so you can take appropriate action to bring your property into compliance with the Planning Code. Details of the violation are discussed below:

DESCRIPTION OF VIOLATION

The Planning Department has received a complaint alleging that the full-service restaurant, known as Mayes Restaurant, is operating primarily as a nightclub and bar throughout the week and weekends.

Please note that on July 10, 1993, Mayes restaurant was authorized via a Conditional Use Authorization (Case No. 93.422C) to include "Other Entertainment" per Motion No. 13572 (attached). The conditions of approval included piano and amplified Karaoke music to be included within the already existing full-service restaurant use. However, amplified music is limited to Friday and Saturday nights until 12 midnight only. Please see attached Exhibit A, Conditions of Approval # 2.

In addition, the complaint alleges that the storage of garbage and waste containers are not being stored within the building. Please note that per condition # 6, garbage and waste is to be stored within the building, except during collection times.

Because the complaint alleges that amplified music is being played throughout the week, further research of the permit history for the building was done in order to confirm if required soundproofing was completed, however, no building permit could be located. Please note that as a means to mitigate noise pollution resulting from amplified music, soundproofing was required as part of the conditions of approval to allow for amplified music. Condition # 4 states "The operator shall complete soundproofing

and insulation for noise prior to issuance of a Police Permit for amplified Karaoke Entertainment. The use shall be operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance." Please provide evidence that soundproofing was installed.

Finally, please note that the approval for other entertainment for the full-service restaurant was granted based on the adherence to the conditions listed above. Failing to operate within the conditions of approval may result in the revocation of the authorization to include other entertainment.

Condition # 8 states "Should implementation of this Project result in complaints from neighborhood residents, which are not resolved by the Project Sponsor (and/or the appointed Community Liaison for the Project) and are subsequently reported to the Zoning Administrator and found to be in violation of the City Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this motion, the Zoning Administrator shall report such complaints to the City Planning Commission which may thereafter hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Section 174, 306.3 and 306.4 of the Code to consider revocation of this Conditional Use Authorization."

Pursuant to Planning Code Section 171, except as otherwise provided in the Code, structures and land in any district shall be used only for the purposes listed as permitted in that district, and in accordance with the regulations established for that district. Failure to comply with any of these provisions constitutes a violation of Planning Code and is subject to enforcement process under Code Section 176.

HOW TO CORRECT THE VIOLATION

1. Limit the hours of amplified music to only Friday and Saturday until 12 midnight as required per the Condition No. 2.
2. Store garbage and waste containers within the building until collection times as required per the Condition No. 8.
3. Provide evidence that the required soundproofing was installed in order to meet the requirements of the Condition No. 4. You may submit evidence such as a previously approved building permit that demonstrates soundproofing was installed. If sound proofing was not installed, then all amplified and non-amplified music must cease immediately regardless if it is played on the conditioned days.
4. If you wish to modify the existing conditions/entitlements for Mayes Oyster House in order to play amplified music in addition to the hours/days already authorized, you must file for a new Conditional Use Authorization (per Planning Code Section 723.48). Please note, until a new Conditional Use Authorization is approved, you may not have amplified music outside the condition time/days.
5. To prevent further enforcement action and avoid accrual of penalties, the responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation(s) has been abated.

TIMELINE TO RESPOND

The responsible party has fifteen (15) days from the date of this notice to contact the staff planner noted at the top of this notice and submit evidence to demonstrate that the corrective actions have been taken to bring the subject property in compliance with the Planning Code. The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation may result in further enforcement action by the Planning Department.

PENALTIES AND APPEAL RIGHTS

Failure to respond to this notice by abating the violation or demonstrating compliance with the Planning Code within fifteen (15) days from the date of this notice will result in issuance of a **Notice of Violation** by the Zoning Administrator. Administrative penalties of up to \$250 per day will also be assessed to the responsible party for each day the violation continues thereafter. The Notice of Violation provides appeals processes noted below.

- 1) Request for Zoning Administrator Hearing. The Zoning Administrator's decision is appealable to the Board of Appeals.
- 2) Appeal of the Notice of Violation to the Board of Appeals. The Board of Appeals may not reduce the amount of penalty below \$100 per day for each day the violation exists, excluding the period of time the matter has been pending either before the Zoning Administrator or before the Board of Appeals.
- 3) Request for alternative review by the Planning Director under the process set forth in Planning Code Section 176.1.

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(c) (1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible party may be subject to an amount of \$1271.00 plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties as noted above and is not appealable.

OTHER APPLICATIONS UNDER CONSIDERATION

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any new applications that you may wish to pursue in the future. Therefore, any applications not related to the abatement of violation on the subject property will be placed on hold until further notice. We want to assist you in ensuring that the subject property is in full compliance with the Planning Code. You may contact the enforcement planner as noted above for any questions.

Enc: Motion No. 13572

cc: Mayes Oyster House, 1233 Polk Street, San Francisco, CA 94109-5543

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SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

NOTICE OF PUBLIC HEARING

Hearing Date: **Thursday, December 14, 2017**

Time: **Not before 1:00 PM**

Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**

Case Type: **Conditional Use**

Hearing Body: **Planning Commission**

PROPERTY INFORMATION		APPLICATION INFORMATION	
Project Address:	1233 Polk Street	Case No.:	2016-010348CUA
Cross Street(s):	Fern Street	Building Permit:	N/A
Block /Lot No.:	0670 / 004	Applicant:	Jeremy Paul
Zoning District(s):	Polk St. NCD / 65-A	Telephone:	(415) 552-1888
Area Plan:	N/A	E-Mail:	jeremy@quickdrawsf.com

PROJECT DESCRIPTION

The proposal is for Conditional Use authorization pursuant to Planning Code Sections 303 and 723 to permit the operation of a Nighttime Entertainment use with electronic amplification seven days per week until 2 a.m. The subject property is currently authorized for Restaurant and Other Entertainment use, with electronic amplification permitted until midnight on Fridays and Saturdays only, per Motion No. 13572. The subject application thus seeks to modify these prior conditions of approval, and also seeks to abate Planning Enforcement Case No. 2016-000434ENF.

Per CEQA Section 21065 and CEQA Guidelines Section 15378, the proposed legalization of the existing use is not a "project" under CEQA, as it would not result in a direct physical change, or a reasonably foreseeable indirect physical change in the environment.

ADDITIONAL INFORMATION

ARCHITECTURAL PLANS: If you are interested in viewing the plans for the proposed project please contact the planner listed below. The plans and Department recommendation of the proposed project will be available prior to the hearing through the Planning Commission agenda at: <http://www.sf-planning.org> or by request at the Planning Department office located at 1650 Mission Street, 4th Floor.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:

Planner: **Andrew Perry** Telephone: **(415) 575-9017** E-Mail: andrew.perry@sfgov.org

GENERAL INFORMATION ABOUT PROCEDURES

HEARING INFORMATION

You are receiving this notice because you are either a property owner or resident that is adjacent to the proposed project or are an interested party on record with the Planning Department. **You are not required to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant or Planner listed on this notice as soon as possible.** Additionally, you may wish to discuss the project with your neighbors and/or neighborhood association as they may already be aware of the project.

Persons who are unable to attend the public hearing may submit written comments regarding this application to the Planner listed on the front of this notice, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, by 5:00 pm the day before the hearing. These comments will be made a part of the official public record and will be brought to the attention of the person or persons conducting the public hearing.

Comments that cannot be delivered by 5:00 pm the day before the hearing may be taken directly to the hearing at the location listed on the front of this notice. Comments received at 1650 Mission Street after the deadline will be placed in the project file, but may not be brought to the attention of the Planning Commission at the public hearing.

BUILDING PERMIT APPLICATION INFORMATION

Pursuant to Planning Code Section 311 or 312, the Building Permit Application for this proposal may also be subject to a 30-day notification of property owners and residents within 150-feet of the subject property. **This notice covers the Section 311 or 312 notification requirements, if required.**

APPEAL INFORMATION

An appeal of the approval (or denial) of a **Conditional Use application** and/or building permit application associated with the Conditional Use application may be made to the **Board of Supervisors within 30 calendar days** after the date of action by the Planning Commission pursuant to the provisions of Section 308.1(b). Appeals must be submitted in person at the Board's office at 1 Dr. Carlton B. Goodlett Place, Room 244. For further information about appeals to the Board of Supervisors, including current fees, contact the Clerk of the Board of Supervisors at (415) 554-5184.

An appeal of the approval (or denial) of a **building permit application** by the Planning Commission may be made to the **Board of Appeals within 15 calendar days** after the building permit is issued (or denied) by the Director of the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

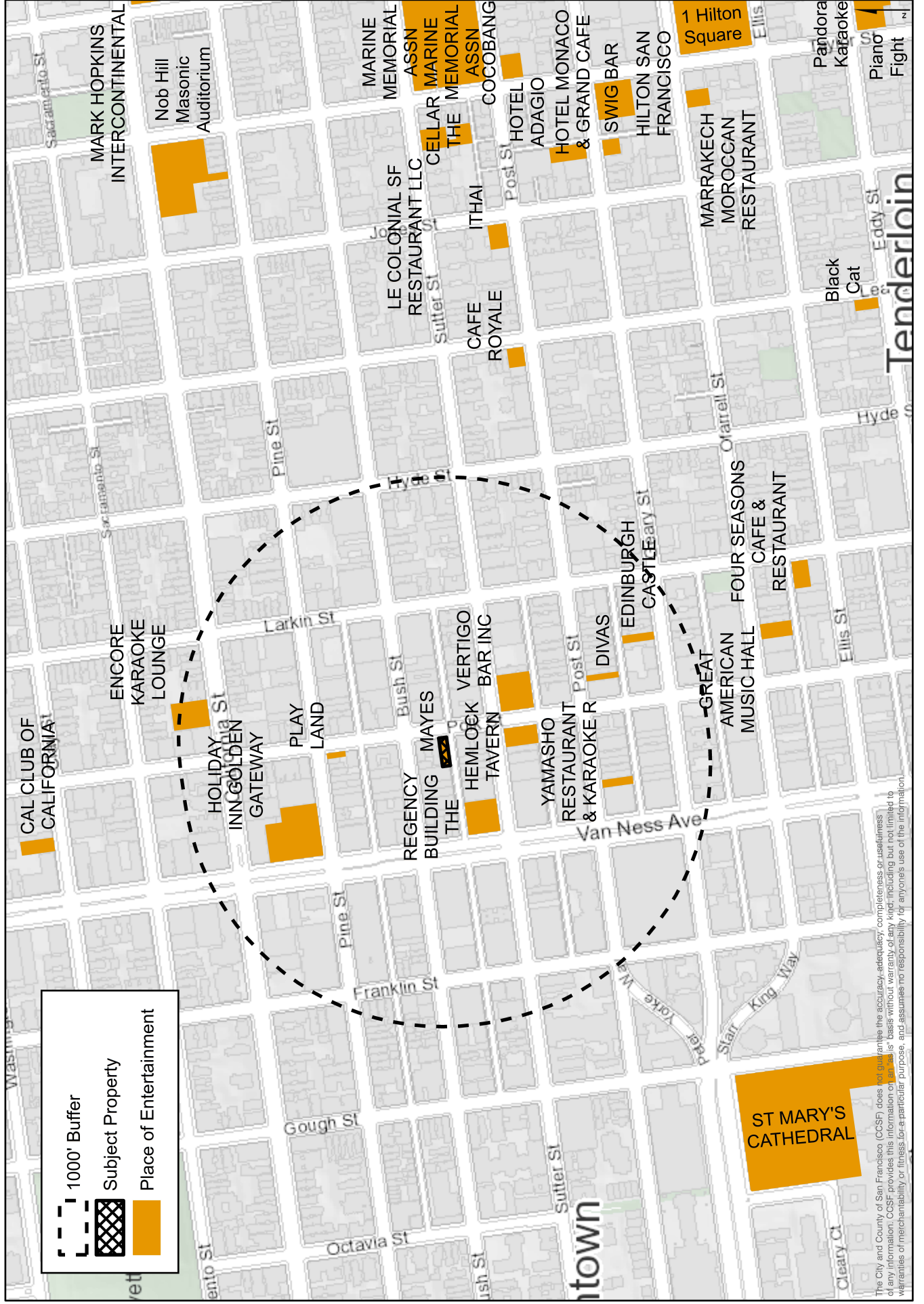
Pursuant to California Government Code Section 65009, if you challenge, in court, the decision of an entitlement or permit, the issues raised shall be limited to those raised in the public hearing or in written correspondence delivered to the Planning Commission prior to, or at, the public hearing.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at www.sfplanning.org. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

Places of Entertainment in Proximity to 1233 Polk (Mayes Oyster House)



The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

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11/24/2017

Re: Case No. 2016-010348CUA
1233 Polk Street
San Francisco, CA. 94109
DBA: Mayes Oyster Bar

Dear San Francisco Planning Department/Commission,

Our merchant association doing business as the Lower Polk Business Collaborative is in receipt of subject CUA Public Hearing Notice. Please have this letter serve as our association's formal protest/opposition regarding the subject CUA. This business has a well-known reputation of violating the city's good neighbor policy regarding noise, crowd control, and public safety.

The subject place of business currently is permitted to feature Entertainment with electronic amplification on Fridays and Saturdays until midnight, and that has already proven problematic. Therefore, and with sufficient reason we request that this CUA be denied.

If you should have any questions regarding this letter please do not hesitate in contacting us.

Sincerely

David J. Villa-Lobos, President
Lower Polk Business Collaborative
P.O. Box 642201-San Francisco-CA.-94164
415.921.4192

Cc: A.V. , Vice President

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From: Rob Lescoe
To: [Perry, Andrew \(CPC\)](#)
Subject: Noise Permit For Mayes
Date: Sunday, November 26, 2017 6:16:32 PM

Andrew,

I'm writing to express my deep regret that the city is even considering giving a 7 days, 2:00am finish, to Mayes Bar. This is outrageous! I had the city come out years ago to stop the noise Mayes let flow freely from their building. They were not in compliance. They had windows open blaring music into the night. Mayes was VERY unhelpful when it came to controlling their noise. They should not be given a second chance. We have gone through a wonderful period where their music is not coming into my bedroom from Fern Alley.

I have been a resident of the Lower Polk since 1996. My departed husband, Robert Hutchinson bought 1228-32 Sutter building in 1961. The facade of the building still generates lots of interests from locals and tourists alike. In 2010 I undertook a massive retrofit and remodel of the building. I love this neighborhood. It has an edge, it is centrally located and it is diverse. I think it is really short sighted to give a free noise pass in a neighborhood that seems to be morphing into something great

The city is giving out building permits every which way in this neighborhood. I am currently living through the 1238 building project adjacent to my building. There are plans to demolish the old rental car place and to erect a 9 story building right behind my building. Now there is a new six story build being considered on Polk between Sutter and Hemlock. Do you have any idea how noisy it has been to have a nine story building constructed next to your home? I have not, and will not protest these projects. I realize I live in a growth area, close to downtown and I support high density growth. What I don't support is one bar ruining the sleep of dozens and dozens of people.

There are tents now in Fern alley behind my building, yet the building goes on. Perhaps the planning Dept. and the city should figure out how to handle the homeless population as opposed to giving Mayes free reign to have a party until 2:00 every night. Do the people who live above Mayes want to be kept up every night. Well I sure don't. I get up at 6:00 am everyday to get ready to teach the future of this country. I need my sleep. The new residents of this booming neighborhood will also need theirs. Your'e trying to have it both ways, high end apartments and blaring music. This doesn't make any sense.

Robert Lescoe
1228-1232 Sutter
San Francisco, CA 94109
415.710.5131

From: Jeanine Brogan
To: [Perry, Andrew \(CPC\)](#)
Subject: My 2nd home-San Francisco
Date: Tuesday, November 28, 2017 6:49:13 PM

Hi there-

I am writing about the Mayes bar situation in my fave area of Your city. I think a party on Saturday... and Friday for that matter, is a lovely thing.

Sometimes til 1 or 2 in the am. I am guilty.

But the residents of this area (and their guests from NY!) want to sleep on those other nights. Come on. Let's be civilized...while the rest of the country...well, not so. Do the right thing, Andrew.

♥ from NY

Jeanine

Sent from my iPhone

From: Megan Harvey
To: [Perry, Andrew \(CPC\)](#)
Subject: Opposition to Mayes Bar extended party permit
Date: Tuesday, November 28, 2017 9:18:13 PM

Dear Mr.Perry,

I am writing to oppose allowing Mayes bar to procure an extended party permit. Parties are for weekends not 7 nights a week. This will negatively impact the residents of the lower Polk neighborhood. It's important for the city to hold on the their residents and the integrity of its neighborhoods.

Regards,
Megan Harvey

--

Megan Gilardi Harvey
415-847-3977

From: Brian Kirschner
To: [Perry, Andrew \(CPC\)](#)
Subject: Mayes Bar
Date: Tuesday, November 28, 2017 10:56:27 PM

Dear Mr. Perry,

The idea of letting Mayes Bar play loud music untill the late hours of the night 7 days a week is extremely unfair to the residents of the lower Polk neighborhood and especially to the residents of the new apartment buildings. I hope you consider not granting this permit for the sake of the neighborhood. Thank you for your consideration.

From: Chef Steve Benne
To: [Perry, Andrew \(CPC\)](#)
Subject: Mayes Bar on Polk St. & Fern St.
Date: Wednesday, November 29, 2017 8:38:08 AM

Dear Andrew,

I just received news that Mays Bar on Polk St. & my alley, Fern St., is attempting to extend its party permit for 7 days a week. I live at 1232 Sutter Street & 133 Fern St. (my back entrance) and have been continually disturbed by the noise from Mays Bar over the years. Not only do patrons park in my driveway and block my garage, they disrupt the alley with noise and trash.

Please refrain from extending any permit they may be requesting from your department. It truly is not fair that we suffer from the noise and problems that this bar continues to have on our neighborhood and community.

I would greatly appreciate an acknowledgement of this email to you & your Department.

Sincerely yours,

Steve Benne

From: michael maloney
To: [Perry, Andrew \(CPC\)](#); [Robert Lescoe](#)
Subject: Mayes Bar
Date: Wednesday, November 29, 2017 11:44:14 AM

Mr. Perry,

I would like to voice my opposition to the expended hours of live music proposed by Mayes Bar.

Although live music is a wonderful component to living in the Lower Polk Neighborhood and a natural part of lively weekend entertainment, a 7-night musical program is a disruption to the quality of life we enjoy.

Please oppose the proposed expansion of hours at Mayes Bar.

Michael Maloney

From: Jennifer Weltzien
To: [Perry, Andrew \(CPC\)](#)
Subject: NO MAYES late night!
Date: Wednesday, November 29, 2017 6:07:31 PM

Hi Mr. Perry,

Please do not grant permission for Mayes to play music 7 days a week until 2:00 a.m. As you know, many of us have jobs that require us to be at work and well rested by 8 a.m at the latest. As teachers, we especially need to be on our game. The music from the bar permeates the neighborhood and makes it quite difficult to sleep. While many put up with it on the weekends, because that is part of living in a city, I do not feel anyone needs to stay up beyond 10 pm during the week.

Thank you for considering the educators/early risers.

Jen Weltzien

From: Suman Vyas
To: [Perry, Andrew \(CPC\)](#)
Subject: Respect for Neighbors
Date: Wednesday, November 29, 2017 7:09:02 PM

Dear Mr. Perry,

I am writing you regarding The Mayes Bar in San Francisco that already plays music until 2 am on the weekends.

While I'm a big supporter of music, seven nights of music until 2 am is too much. Please do not extend/change Mayes current permit for music.

Please let bars and places of business show respect to their neighbors by stopping their music at a decent time (at least during weekdays). Their neighbors need to get their sleep to be able to function the next day at work.

Sincerely,
Suman Vyas
(Friend and coworker of some of the bar's neighbors)

From: Amanda Estes
To: [Perry, Andrew \(CPC\)](#)
Subject: Mayes
Date: Wednesday, November 29, 2017 8:26:03 PM

Mr. Perry,

While I'm a big supporter of music, seven nights of music is too much. Please do not extend/change Mayes current permit for music.

Thank you,
Amanda Estes

From: Jackie Shapiro
To: [Perry, Andrew \(CPC\)](#)
Subject: Mayes in San Francisco, CA
Date: Thursday, November 30, 2017 7:01:50 AM

Dear Mr. Perry,

I am writing in regards to the bar called Mayes in SF. I am hoping that the permit that exists for Mayes remains in tact, allowing music only to be played on the weekends. Extending their permit to include every night of the week for music will be too disruptive to Mayes' neighbors and its immediate community. Keep things calm in that neighborhood and keep the permit to only allow music on the weekends.

Thank you,

Jacqueline Shapiro
Concerned Community Builder

From: Sue Duryee
To: [Perry, Andrew \(CPC\)](#)
Subject: Mayes expansion
Date: Thursday, November 30, 2017 7:07:39 AM

Dear All:

I am against the expansion of live music hours at Mayes. Please give full consideration to the working people who live right next door!

Sincerely,
Sue Duryee

From: Alice Franco
To: [Perry, Andrew \(CPC\)](#)
Subject: Mayes permit for music
Date: Thursday, November 30, 2017 7:15:32 AM

Please do not extend Mayes music permit. People who live in the area enjoy music, but 7 day a week is excessive and interferes with their sleep!

From: Christina Harman
To: [Perry, Andrew \(CPC\)](#)
Subject: Mayes permit for music
Date: Thursday, November 30, 2017 2:40:16 PM

**While I'm a big supporter of music, seven nights of music is too much.
Please do not extend/change Mayes current permit for music.**

**Thank you,
Christina Harman**

From: Rachael Rosen
To: [Perry, Andrew \(CPC\)](#)
Date: Friday, December 01, 2017 6:06:25 AM

Dear Mr. Perry,

I am writing to you to state my opposition to the approval of a music permit for Mayes Bar on Polk Street, to playing music seven days a week. I work early hours and go to sleep routinely before 10 pm to get enough rest to be 100% for each work day. The bar already allows music to 2 am on the weekends, and I strongly feel it is disrespectful to have music playing till 2 am on week days. As a patron of the community, I feel that the needs of the residents need to be taken into consideration first.

Regards,

Rachael Rosen

--

Rachael Rosen

Second Grade Teacher

The Cove School

[\(415\) 945-9046](#)

From: brett lewis
To: [Perry, Andrew \(CPC\)](#)
Cc: [Robert Lescoe](#)
Subject: Mayes bar extended party permit
Date: Friday, December 01, 2017 11:14:51 AM

Andrew,

I am writing you because my friend Robert Lescoe has a beautiful home quite near Mayes bar in the Lower Polk. Mayes is seeking an extended party permit. If granted Mayes would be allowed to play music seven nights a week until 2:00 am. Weekends may be cool for music, but not seven nights a week.

Many people are moving into this neighborhood, new residential units are going up quickly. And everyone needs quality of life concerns addressed by those in city government in a way that results in livable neighborhoods.

I have lived happily in San Francisco for more than forty years and vote in every election.

Please do everything you can to block Mays bar's application for an extended party permit.

Thanks for your help.

Brett Lewis

From: Katie Smith
To: [Perry, Andrew \(CPC\)](#)
Subject: Mayes Permit
Date: Friday, December 01, 2017 5:01:22 PM

Dear Mr Perry,

While I'm a big supporter of music, seven nights of music is too much. Please do not extend/change Mayes current permit for music.

Thank you!

Katie Smith

Sent from my iPhone

From: JEFFREY RUDA
To: [Perry, Andrew \(CPC\)](#)
Subject: Mayes Bar entertainment permit request
Date: Sunday, December 03, 2017 4:00:36 PM

Please do not extend the Mayes Bar entertainment permit to seven nights a week! It's understandable to have a long-standing music permit for weekend nights. It is not acceptable to have music till 2 a.m. all week long where people live. The extended permit would be bad for the Mayes Bar neighbors, and it would be a bad precedent for neighborhoods all over the city.

Thank you,

Howard Jeffrey Ruda
30 Amethyst Way
San Francisco, CA 94131-1632.

From: Melanie Tomasetto
To: [Perry, Andrew \(CPC\)](#)
Subject: Mayes
Date: Sunday, December 03, 2017 4:17:20 PM

Good evening Mr. Perry,

It has come to my attention that Mayes Bar is trying to extend their party permit. I ask that you please consider the working class here in the neighborhood, and not allow for this to happen.

Thank you.

From: gordon@glasskeyphoto.com
To: [Perry, Andrew \(CPC\)](#)
Subject: Permit for Mayes Bar
Date: Sunday, December 03, 2017 10:39:58 PM

Hi Andrew,

I am writing to express my opposition to granting the Mayes Bar a noise permit that ends at 2:00am. There are residential units in the area and I dont feel it's fair that permits are given to establishments like Mayes Bars. Everyone has the right to have peace and quiet at a reasonable hour of the night.

Thank you for listening.

Gordon

--

Gordon
Glass Key Photo
glasskeyphoto.com
415-829-9946

From: Kelly Barnett
To: [Perry, Andrew \(CPC\)](#)
Subject: Mayes Bar
Date: Sunday, December 03, 2017 11:30:37 PM

Mr. Perry-

Please think of the residents of the Lower Polk neighborhood when you consider extending Mayes Bar's request to extend their weekend music permit to 7 days a week.

The ownership knew when they moved in they were choosing a living, working neighborhood, not a nightclub district.

Weekends are tolerable, and at this point, expected, with music and patrons until 2am.

Weekdays are workdays and it will be virtually impossible to sleep with music at 2 am.

Please do not allow this extension.

Thank you-

Kelly Barnett

Lover of San Francisco, and music

From: Emma Afflerbach
To: [Perry, Andrew \(CPC\)](#)
Subject: Do NOT extend Mayes Bar Weekend Party Permit
Date: Monday, December 04, 2017 11:45:02 AM

Dear Mr. Perry,

I'm writing to you today to implore you to not extend the Mayes Bar party permit. Don't get me wrong, I enjoy a good party and have found myself in and out of bars until the early hours of the morning. However, this is always on a weekend. Lower Polk residents should not be subjected to loud and often distasteful music every night. The neighborhood needs to be able to sleep and not have blaring music until 2am on a work night. Further, they don't need drunks wandering around and trashing the neighborhood while they sleep. I urge you to consider this community's needs over the request of one bar.

Thank you for your time,
Emma

From: Henry Hauff
To: [Perry, Andrew \(CPC\)](#)
Subject: MAYES ON POLK SEVEN NIGHTS PROPOSAL
Date: Friday, December 08, 2017 8:59:19 AM

ARE YOU KIDDING?? We are already tormented to the point of insanity with the two nights' noise onslaught (Sat. and Sun. AM), which includes the puke on the sidewalk, filth and grease from the illegal food vendors, food wrappers, tinfoil, and liquor bottles all over.

NO, ABSOLUTELY AND UNEQUIVOCALLY NO to any further increase in this already-intolerable and unconscionable public nuisance and violation of all that's decent.

Henry Hauff

From: Stuart Franke
To: [Perry, Andrew \(CPC\)](#)
Subject: Mayes Protest
Date: Monday, December 11, 2017 7:08:35 PM

Hi Andrew,

I live at 1372 Pine St and walk down Polk to get to the gym and various other places in my weeknight routine. Mayes is the only establishment when open that consistently causes me anguish simply walking past it - on either side of the street. There are always drunk people outside yelling, fighting, and even puking; I've even been assaulted on the sidewalk just outside of it. Having the bar open for longer hours, more often would increase this drunken circus and increase my chances of being assaulted again. As a local resident I plead this bar only be opened for reasonable hours and days for if anything else, public health.

Thanks,
Stuart

--

Stuart Franke

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From: Robert Lescoe
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: Noise Pollution 1233 Polk Mayes Oyster Depot
Date: Saturday, December 02, 2017 5:26:07 PM

Dear Mr. Perry,

I will forward to you a string of emails that occurred between Sean Burke and me almost three years ago.

I think these emails show that Mayes had little or no interest in containing the sound coming from their bar in 2014.

Thanks,

Robert Lescoe

----- Forwarded message -----

From: **Robert Lescoe** <rdlescoe1@gmail.com>
Date: Tue, Mar 25, 2014 at 11:09 AM
Subject: Noise Pollution 1233 Polk Mayes Oyster Depot
To: sean.burke@sfgov.org

Dear Sean,

I have been in touch with Officer Vincent Etchegeer at Northern Station. He mentioned you might be able to help me. The Club and Restaurant, Mayes Oyster Depot, blares loud music into Fern Alley, sometimes seven nights a week.

My name is Robert Lescoe and I own 1228-1232 Sutter. My building and my bedroom backs up to Fern Alley. I wake up very early everyday to get to my public school teaching position. I was under the impression that noise must be kept within the confines of a building. Mayes Oyster Depot blares dance music every night until the wee hours of the morning. As a result my sleep has been impacted.

Any assistance you could provide in this matter would be appreciated. I would be glad to have you come to my home to hear the noise for yourself.

Sincerely,

Robert Lescoe
710.5131

From: Robert Lescoe
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: Noise Pollution 1233 Polk Mayes Oyster Depot
Date: Saturday, December 02, 2017 5:26:58 PM

----- Forwarded message -----

From: **Burke, Sean** <sean.burke@sfgov.org>
Date: Tue, Mar 25, 2014 at 12:36 PM
Subject: RE: Noise Pollution 1233 Polk Mayes Oyster Depot
To: Robert Lescoe <rdlescoe1@gmail.com>

Hello Mr. Lescoe,

How long have you been at this location? How long has Mayes been a problem for you? Has the situation gotten worse recently? If so, approximately when? Do you notice that certain times of the evening are worse than others? I will stop by this weekend and speak with them. If we are not able to abate the situation in that manner, I will begin sound testing and bring them into compliance with City ordinances. Thanks for your time.

Cheers,

Sean dB

Sean D. Burke, Inspector

S.F. Entertainment Commission

www.sfgov.org/entertainment

sean.burke@sfgov.org

[\(415\) 554-6268](tel:(415)554-6268) - Desk

[\(415\) 554-7934](tel:(415)554-7934) - Fax

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]
Sent: Tuesday, March 25, 2014 11:09 AM
To: Burke, Sean
Subject: Noise Pollution 1233 Polk Mayes Oyster Depot

Dear Sean,

I have been in touch with Officer Vincent Etchegeer at Northern Station. He mentioned you might be able to help me. The Club and Restaurant, Mayes Oyster Depot, blares loud music into Fern Alley, sometimes seven nights a week.

My name is Robert Lescoe and I own 1228-1232 Sutter. My building and my bedroom backs up to Fern Alley. I wake up very early everyday to get to my public school teaching position. I was under the impression that noise must be kept within the confines of a building. Mayes Oyster Depot blares dance music every night until the wee hours of the morning. As a result my sleep has been impacted.

Any assistance you could provide in this matter would be appreciated. I would be glad to have you come to my home to hear the noise for yourself.

Sincerely,

Robert Lescoe

710.5131

From: Robert Lescoe
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: Noise Pollution 1233 Polk Mayes Oyster Depot
Date: Saturday, December 02, 2017 5:27:21 PM

----- Forwarded message -----

From: Robert Lescoe <rdlescoe1@gmail.com>
Date: Tue, Mar 25, 2014 at 2:35 PM
Subject: Re: Noise Pollution 1233 Polk Mayes Oyster Depot
To: "Burke, Sean" <sean.burke@sfgov.org>

Sean,

I have been living in this building since 1996. Robert Hutchinson, my husband bought the building in 1961. He and I battled the Regency Ballroom for excessive noise about 7 or 8 years ago. Mr. Hutchinson will the building to me upon his death in 2008. In 2010 and 2011 I completely retrofitted the building for earthquakes, and ADA upgrades. I completed gutted the entire building creating state of the art stores. I also completed renovated the second story flat and added a garage.

Thanks for for speedy reply. They have been operating a "Dance Club" seven days a week for the last year. I would swing by on a Friday or a Saturday at around 11 or 12 to get a full dose of the noise. I sincerely appreciate your help in this matter.

Robert Lescoe
710-5131

On Tue, Mar 25, 2014 at 12:36 PM, Burke, Sean <sean.burke@sfgov.org> wrote:

Hello Mr. Lescoe,

How long have you been at this location? How long has Mayes been a problem for you? Has the situation gotten worse recently? If so, approximately when? Do you notice that certain times of the evening are worse than others? I will stop by this weekend and speak with them. If we are not able to abate the situation in that manner, I will begin sound testing and bring them into compliance with City ordinances. Thanks for your time.

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Sean D. Burke, Inspector

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sean.burke@sfgov.org

[\(415\) 554-6268](tel:(415)554-6268) - Desk

[\(415\) 554-7934](tel:(415)554-7934) - Fax

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]
Sent: Tuesday, March 25, 2014 11:09 AM
To: Burke, Sean
Subject: Noise Pollution 1233 Polk Mayes Oyster Depot

Dear Sean,

I have been in touch with Officer Vincent Etcheher at Northern Station. He mentioned you might be able to help me. The Club and Restaurant, Mayes Oyster Depot, blares loud music into Fern Alley, sometimes seven nights a week.

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Any assistance you could provide in this matter would be appreciated. I would be glad to have you come to my home to hear the noise for yourself.

Sincerely,

Robert Lescoe

710.5131

From: Robert Lescoe
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: OMG
Date: Saturday, December 02, 2017 5:31:40 PM

----- Forwarded message -----

From: **Burke, Sean (ADM)** <sean.burke@sfgov.org>
Date: Fri, Oct 31, 2014 at 5:00 PM
Subject: RE: OMG
To: Robert Lescoe <rdlescoe1@gmail.com>

Robert,

Thanks for keeping me posted. Very sorry to hear that this has cropped up again. Was there a particular night/nights that you noticed things had gotten louder, or have things gradually increased since we last met? Sound definitely must be contained. We haven't received any other complaints as of yet. I'll stop by this weekend and speak with them. Please feel free to text me if the volume continues this weekend... [415.683.0695](tel:415.683.0695)

-Sean dB

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]
Sent: Friday, October 31, 2014 11:36 AM
To: Burke, Sean (ADM)
Subject: OMG

Maybe we can do another sound check next weekend. Seems like Mayes is LOUDER than ever. Isn't it city law that sound must be CONTAINED in a building?

Robert

From: Robert Lescoe
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: OMG
Date: Saturday, December 02, 2017 5:32:28 PM

----- Forwarded message -----

From: **Robert Lescoe** <rdlescoe1@gmail.com>
Date: Fri, Oct 31, 2014 at 7:02 PM
Subject: Re: OMG
To: "Burke, Sean (ADM)" <sean.burke@sfgov.org>

Honestly I have been staying at Steve's house. Was hoping it might have been a Giants pre parade party last night. I just don't want them to keep their noise in their building each and everyday. There are more residences cropping up everyday and no one should be subject to this onslaught. I can plan to be in town next weekend if you like to come by. Any night after 10 is when it is loud. As I have said I can tolerate noise on a Friday/Saturday. I can't deal with it on Sunday through Thursday. Please let me know a good day for you.

RL

On Friday, October 31, 2014, Burke, Sean (ADM) <sean.burke@sfgov.org> wrote:

Robert,

Thanks for keeping me posted. Very sorry to hear that this has cropped up again. Was there a particular night/nights that you noticed things had gotten louder, or have things gradually increased since we last met? Sound definitely must be contained. We haven't received any other complaints as of yet. I'll stop by this weekend and speak with them. Please feel free to text me if the volume continues this weekend... [415.683.0695](tel:415.683.0695)

-Sean dB

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]
Sent: Friday, October 31, 2014 11:36 AM
To: Burke, Sean (ADM)
Subject: OMG

Maybe we can do another sound check next weekend. Seems like ayes is LOUDER than ever. Isn't it city law that sound must be CONTAINED in a building. Am I the only person being driven crazy by that bar? I just can't take it!

From: Robert Lescoe
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: OMG
Date: Saturday, December 02, 2017 5:32:46 PM

----- Forwarded message -----

From: **Burke, Sean (ADM)** <sean.burke@sfgov.org>
Date: Fri, Nov 14, 2014 at 8:15 PM
Subject: RE: OMG
To: Robert Lescoe <rdlescoe1@gmail.com>

I spoke with the owner last weekend, and was told that they were having some issues with their normal system and had been renting a new system for the past 2 weeks, which seems to align with the timeline you provided. I had them turn down last weekend, and will be working with them moving forward to reestablish the levels we set when everything had calmed down.

-SdB

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]
Sent: Friday, October 31, 2014 7:03 PM
To: Burke, Sean (ADM)
Subject: Re: OMG

Honestly I have been staying at Steve's house. Was hoping it might have been a Giants pre parade party last night. I just don't want them to keep their noise in their building each and everyday. There are more residences cropping up everyday and no one should be subject to this onslaught. I can plan to be in town next weekend if you like to come by. Any night after 10 is when it is loud. As I have said I can tolerate noise on a Friday/Saturday. I can't deal with it on Sunday through Thursday. Please let me know a good day for you.

RL

On Friday, October 31, 2014, Burke, Sean (ADM) <sean.burke@sfgov.org> wrote:

Robert,

Thanks for keeping me posted. Very sorry to hear that this has cropped up again. Was there a particular night/nights that you noticed things had gotten louder, or have things gradually increased since we last met? Sound definitely must be contained. We haven't received any other complaints as

of yet. I'll stop by this weekend and speak with them. Please feel free to text me if the volume continues this weekend... [415.683.0695](tel:415.683.0695)

-Sean dB

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]
Sent: Friday, October 31, 2014 11:36 AM
To: Burke, Sean (ADM)
Subject: OMG

Maybe we can do another sound check next weekend. Seems like ayes is LOUDER than ever. Isn't it city law that sound must be CONTAINED in a building. Am I the only person being driven crazy by that bar? I just can't take it!

Robert

From: Robert Lescoe
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: OMG
Date: Saturday, December 02, 2017 5:33:14 PM

----- Forwarded message -----

From: **Burke, Sean (ADM)** <sean.burke@sfgov.org>
Date: Tue, Dec 9, 2014 at 12:25 PM
Subject: RE: OMG
To: Robert Lescoe <rdlescoe1@gmail.com>

Robert,

I just got off the phone with Matt Corvi, owner of Mayes. He admitted to some difficulty controlling the levels on Tuesday, and he will be calling his DJ now to discuss. You have been very patient. I have been patient with them, but it's time to start citing for lack of compliance. He assured me that tonight will not be a problem, and was curious if you're experiencing trouble on Thursday, Friday, or Saturday. He thinks things are under control on those nights, and for the most part, when I drive by, I'm hearing the same. They should have their standard sound system back shortly. When they do, I will put a hard limit in place that they must stay under. If they do not, fines will be issued. He has assured me that he will take a harder stance with the Tuesday DJ to ensure that you are not disturbed. Please call or text me tonight if you experience trouble and I will call him immediately.

-Sean dB

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]
Sent: Wednesday, December 03, 2014 5:23 PM
To: Burke, Sean (ADM)
Subject: Re: OMG

Evening Sean,

I have been very patient in this process with Mayes.

You have been helpful, but honestly I need this problem solved.

Loud music on a Tuesday at 1:30 a.m. is unacceptable. (12.02.14)

I want something done to solve this problem.

Robert Lescoe

[415.710.5131](tel:415.710.5131)

On Fri, Oct 31, 2014 at 5:00 PM, Burke, Sean (ADM) <sean.burke@sfgov.org> wrote:

Robert,

Thanks for keeping me posted. Very sorry to hear that this has cropped up again. Was there a particular night/nights that you noticed things had gotten louder, or have things gradually increased since we last met? Sound definitely must be contained. We haven't received any other complaints as of yet. I'll stop by this weekend and speak with them. Please feel free to text me if the volume continues this weekend... [415.683.0695](tel:415.683.0695)

-Sean dB

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]

Sent: Friday, October 31, 2014 11:36 AM

To: Burke, Sean (ADM)

Subject: OMG

Maybe we can do another sound check next weekend. Seems like ayes is LOUDER than ever. Isn't it city law that sound must be CONTAINED in a building. Am I the only person being driven crazy by that bar? I just can't take it!

Robert

From: Robert Lescoe
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: Music from Mayes
Date: Saturday, December 02, 2017 5:35:06 PM

----- Forwarded message -----

From: **Burke, Sean (ADM)** <sean.burke@sfgov.org>
Date: Wed, Apr 30, 2014 at 2:05 PM
Subject: RE: Music from Mayes
To: Robert Lescoe <rdlescoe1@gmail.com>

Mr. Lescoe,

Thanks for keeping me in the loop. Would this weekend be convenient for me to visit your residence and take some sound measurements? Would you like me to try and get a cell phone # of a manager at Mayes so that you can have direct access to them at all times or would you prefer I interface with them? Please let me know. I will be visiting them on Friday to get a better feel for their system and what we can do to contain some of their sound.

Cheers,

Sean dB

Sean D. Burke, Inspector

S.F. Entertainment Commission

www.sfgov.org/entertainment

sean.burke@sfgov.org

[\(415\) 554-6268](tel:(415)554-6268) - Desk

[\(415\) 554-7934](tel:(415)554-7934) - Fax

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]

Sent: Tuesday, April 29, 2014 11:16 PM
To: Burke, Sean (ADM)
Subject: Music from Mayes

Sean,

It is 11:11 on a Tuesday night and I hear music from Mayes even with the my new double paned windows closed. I am not happy. This should not be happening at all. Perhaps on Friday and Saturday, never on a Tuesday. Please let me know next steps.

Robert Lescoe

From: Robert Lescoe
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: Music from Mayes
Date: Saturday, December 02, 2017 5:35:58 PM

----- Forwarded message -----

From: **Robert Lescoe** <rdlescoe1@gmail.com>
Date: Thu, Sep 4, 2014 at 11:15 PM
Subject: Re: Music from Mayes
To: "Burke, Sean (ADM)" <sean.burke@sfgov.org>

Dear Sean Burke,

I hope you are well.

I am still being bothered by the music noise coming from Mayes Bar into my home.

As I have said before I can handle a bit of noise on the weekend.

However this Mayes place is going seven days a week.

I travel to Marin everyday for my teaching position at 6:30 a.m.

My student's lives are being affected by my not sleeping soundly.

My building was retrofitted according to city laws at a great expense.

I am unsure as to why you and the city of San Francisco can demand so much of me and I get so little support in return. My peace of mind is being destroyed by a loud dance bar.

Please come to my home to access the noise yourself.

I will be in town the weekend of September 12/13/14.

Robert Lescoe
[415.710.5131](tel:415.710.5131)

On Wed, Apr 30, 2014 at 2:05 PM, Burke, Sean (ADM) <sean.burke@sfgov.org> wrote:

Mr. Lescoe,

Thanks for keeping me in the loop. Would this weekend be convenient for me to visit your residence and take some sound measurements? Would you like me to try and get a cell phone # of a manager at Mayes so that you can have direct access to them at all times or would you prefer I interface with them? Please let me know. I will be visiting them on Friday to get a better feel for their system and what we can do to contain some of their sound.

Cheers,

Sean dB

Sean D. Burke, Inspector

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Sent: Tuesday, April 29, 2014 11:16 PM

To: Burke, Sean (ADM)

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Robert Lescoe

From: Robert Lescoe
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: Music from Mayes
Date: Saturday, December 02, 2017 5:36:17 PM

----- Forwarded message -----

From: **Burke, Sean (ADM)** <sean.burke@sfgov.org>
Date: Fri, Sep 5, 2014 at 5:01 PM
Subject: RE: Music from Mayes
To: Robert Lescoe <rdlescoe1@gmail.com>

Mr. Lescoe,

My apologies for your continued discomfort. I know that an extensive soundproofing job has been completed at Mayes. I have been in constant communication with them since we first spoke, and have noticed an improvement. It sounds like there is still work to be done. Shall we plan on meeting September 13 in your residence to take a measurement? What time is best for you? It will be advantageous to take a reading when there is no sound coming from Mayes, and then at it's peak. Please let me know what times would be best.

Thanks,

Sean dB

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]
Sent: Thursday, September 04, 2014 11:15 PM
To: Burke, Sean (ADM)
Subject: Re: Music from Mayes

Dear Sean Burke,

I hope you are well.

I am still being bothered by the music noise coming from Mayes Bar into my home.

As I have said before I can handle a bit of noise on the weekend.

However this Mayes place is going seven days a week.

I travel to Marin everyday for my teaching position at 6:30 a.m.

My student's lives are being affected by my not sleeping soundly.

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I am unsure as to why you and the city of San Francisco can demand so much of me and I get so little support in return. My peace of mind is being destroyed by a loud dance bar.

Please come to my home to access the noise yourself.

I will be in town the weekend of September 12/13/14.

Robert Lescoe

[415.710.5131](tel:415.710.5131)

On Wed, Apr 30, 2014 at 2:05 PM, Burke, Sean (ADM) <sean.burke@sfgov.org> wrote:

Mr. Lescoe,

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(415) 554-6268 - Desk

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Robert Lescoe

From: Robert Lescoe
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: Music from Mayes
Date: Saturday, December 02, 2017 5:37:17 PM

----- Forwarded message -----

From: **Burke, Sean (ADM)** <sean.burke@sfgov.org>
Date: Tue, Sep 9, 2014 at 2:40 PM
Subject: RE: Music from Mayes
To: Robert Lescoe <rdlescoe1@gmail.com>

I'll see you at 8 on Friday.

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]
Sent: Friday, September 05, 2014 8:53 PM
To: Burke, Sean (ADM)
Subject: Re: Music from Mayes

Hey Sean,

I think Friday, September 12th would work better for me. Neutral time could be 8:00pm and party time could be 11th. I live at 1232 Sutter and there is a bell. My phone is [415.710.5131](tel:415.710.5131). The 20th of September works for me at the same times.

Please let me know which day works better.

Robert Lescoe

On Wednesday, April 30, 2014, Burke, Sean (ADM) <sean.burke@sfgov.org> wrote:

Mr. Lescoe,

Thanks for keeping me in the loop. Would this weekend be convenient for me to visit your residence and take some sound measurements? Would you like me to try and get a cell phone # of a manager at Mayes so that you can have direct access to them at all times or would you prefer I interface with them? Please let me know. I will be visiting them on Friday to get a better feel for their system and what we can do to contain some of their sound.

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Sean D. Burke, Inspector

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[\(415\) 554-7934](tel:(415)554-7934) - Fax

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]

Sent: Tuesday, April 29, 2014 11:16 PM

To: Burke, Sean (ADM)

Subject: Music from Mayes

Sean,

It is 11:11 on a Tuesday night and I hear music from Mayes even with the my new double paned windows closed. I am not happy. This should not be happening at all. Perhaps on Friday and Saturday, never on a Tuesday. Please let me know next steps.

Robert Lescoe

From: Robert Lescoe
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: Tonight, 9.12, see you at 8, 1232 Sutter, RL
Date: Saturday, December 02, 2017 5:38:47 PM

----- Forwarded message -----

From: **Robert Lescoe** <rdlescoe1@gmail.com>
Date: Sun, Sep 14, 2014 at 3:53 PM
Subject: Re: Tonight, 9.12, see you at 8, 1232 Sutter, RL
To: "Burke, Sean (ADM)" <sean.burke@sfgov.org>

Dear Sean,

I can't tell you how grateful I am for your help with reducing/eliminating the DJ noise in my flat. I had no problems the rest of the weekend and feel so relieved.

Thank You!

Robert Lescoe

On Friday, September 12, 2014, Burke, Sean (ADM) <sean.burke@sfgov.org> wrote:

See you then.

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]
Sent: Friday, September 12, 2014 9:59 AM
To: Burke, Sean (ADM)
Subject: Tonight, 9.12, see you at 8, 1232 Sutter, RL

From: Robert Lescoe
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: Tonight, 9.12, see you at 8, 1232 Sutter, RL
Date: Saturday, December 02, 2017 5:39:53 PM

----- Forwarded message -----

From: Robert Lescoe <rdlescoe1@gmail.com>
Date: Mon, Sep 15, 2014 at 8:26 PM
Subject: Re: Tonight, 9.12, see you at 8, 1232 Sutter, RL
To: "Burke, Sean (ADM)" <sean.burke@sfgov.org>

Yes of course please include my compliments in your annual report Sean. I would be glad to write a more extensive response if needed. Have a great week.

Robert Lescoe

On Mon, Sep 15, 2014 at 9:59 AM, Burke, Sean (ADM) <sean.burke@sfgov.org> wrote:

Mr. Lescoe,

Great news. We'll stay on them, there are still a few more tweaks that can be done if volume starts to rise again. Please keep me posted, and don't hesitate to reach out if things take a turn. I'm so glad we've found resolution. My boss asked if I could include your note below in our annual report. We like to highlight victories whenever possible. Please let me know, and feel free to elaborate if there's anything else you'd like to include. We'd love to include your name, but if you'd rather not, that's fine too.

Thanks,

Sean dB

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]
Sent: Sunday, September 14, 2014 3:54 PM
To: Burke, Sean (ADM)
Subject: Re: Tonight, 9.12, see you at 8, 1232 Sutter, RL

Dear Sean,

I can't tell you how grateful I am for your help with reducing/eliminating the DJ noise in my

flat. I had no problems the rest of the weekend and feel so relieved.

Thank You!

Robert Lescoe

On Friday, September 12, 2014, Burke, Sean (ADM) <sean.burke@sfgov.org> wrote:

See you then.

From: Robert Lescoe [mailto:rdlescoe1@gmail.com]
Sent: Friday, September 12, 2014 9:59 AM
To: Burke, Sean (ADM)
Subject: Tonight, 9.12, see you at 8, 1232 Sutter, RL

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From: T Rom
To: jeremy@quickdrawsf.com; [Perry, Andrew \(CPC\)](#)
Subject: Mayes
Date: Sunday, December 03, 2017 1:54:49 PM

Dear President Hillis,

I am a student in San Francisco at Pyramind. I feel very fortunate to be able to live in the city I love that's close to everything I need. After finishing my time in the Marine Corps I was fortunate enough to find a place to live within walking distance of my school above Mayes Oyster House. I have found Mayes to be an excellent and responsible neighbor. I live above a nightclub, so I don't expect it to be quiet, calm, or peaceful. But I do appreciate that Mayes cleans up the block after every busy night and keeps noisy patrons away. Lower Polk is a great neighborhood and I'm glad I get to be part of it.

Respectfully,
Tyler Romanishin

From: Jeremy Paul
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: Letter
Date: Sunday, December 03, 2017 7:05:54 PM

Support letter from immediate neighbor to Mayes

----- Forwarded Message -----

Subject:Letter

Date:Sun, 03 Dec 2017 16:12:11 -0800

From:Lee Zug <leezug@icloud.com>

To:jeremy@quickdrawsf.com

To:
Mr.Rich Hillis
Planning Department

Dear Sir,
I have lived at 106 Fern Street , SF, above Mayes Oyster House since 2/13 and am writing to support their petition for extended hours of entertainment and operations. I have witnessed their concern for the impact their club has on the community and seen the improvements to noise abatement installations first hand . I believe they are good neighbors and trying their best to offer a place for food and entertainment for the enjoyment of all without causing harm to any. Thank you for your consideration.
Respectfully,
Lee Zug

Sent from my iPhone

Dear Rich Millis

San Francisco planning Commission

I've lived above Mayes Oyster House since 12-1-09 and I fully support the application for extending Music and entertainment hours.

The current management of Mayes have done everything possible to make sure Fern Alley is clean and without incident, night's of operation.

There is little disruption and noise on the street.

They streamclean the sidewalks at the end of night's.

THE Noise trouble and Filth Arrive when the Crack Meads ARE THERE. THEY ARE Removed when Mayes is in operation.

Any Question's
please call 415 489 8645

Yours Sincerely

Stephen Duke

Larry Mazzola

December 5, 2017

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Honorable Planning Commissioners,

As a born and raised San Franciscan, I recognize the important contributions made by the nightlife and entertainment community to San Francisco's economy.

I am familiar with Mayes Oyster House and I know the management staff to be responsible and hard-working business people and employers. Please help keep S.F. the vibrant and lively city that draws millions of visitors from around the world.

Please grant this conditional use permit and support the work that Mayes has done to improve the lower Polk district.

Respectfully,



LARRY MAZZOLA, JR.

From: Marvis Phillips
To: [Perry, Andrew \(CPC\)](#)
Subject: Case No. 2016-010348CUA
Date: Friday, December 08, 2017 11:02:17 PM

Dear Andrew,

I learning how to use my e-mail, and I haven't learned how to do (cc's) yet.
So please forward this to Jeremy, thank you.

I am in support of this venue recieving his Conditional Use Authorization for Nighttime Entertainment use with electronic amplification 7 days a week. With the intense competition on Polk Street business owners need all the assistance they can get in order to keep their employees and contribute meaningfulness with the community.

I have no comment on the request to abate Planning Enforcement Case No. 2016-000434ENF, as I wasn't aware of it, until reading this "Notice of Public Hearing. And I not sure exactly how to access the Department 's Web Site to get it, I haven't had that lesson yet.

While I have some concerns (as usual) around enforcement issues with proper abatement this project should be allowed.

Sincerely,

Marvis J. Phillips
District 6 Community Activist

--

Thank you for your time and consideration. Please contact me if you have any questions or concerns.

Sincerely,
Marvis J. Phillips
President, ABD6
<http://abd6.cfsites.org/>

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December 11, 2018

Honorable Rich Hillis
San Francisco Planning Commission
1650 Mission Street Suite 400
San Francisco, Ca 94109

President Hillis,

On behalf of Lower Polk Neighbors (LPN,) we kindly submit a request for continuance, with feedback, for the case number 2016-010348CUA, Mayes Oyster House, 1233 Polk, Other Entertainment use legalization.

LPN has been engaged with Mayes for over a year regarding their legalization. LPN, with feedback from residents and neighboring businesses identified concerns over their operating practices and location conditions. LPN and Mayes ownership/management have met several times and continued a dialogue on the matter. Areas of focus during discussions included:

- Excessive noise from sound systems within the premises. Doors opened during entertainment uses which cause significant disruption from neighbors
- Violence and harassment by Security staff
- Poor crowd control outside the business.
- Excessive Police and Medical calls to the premises

Lower Polk Neighbors acknowledges that the proprietors have actively worked to remedy the above concerns and have taken several steps to improve conditions referenced above, including hiring a new security company, performing noise mitigation measures, and improvements to operating procedures. However, some of the improvements are still in progress and LPN has not had adequate time or notice to review the success of these changes, meet with residential and business stakeholders and schedule as an agenda item at a general membership meeting to take a formal position. Absent of direct and antidotal evidence that improvements have mitigated concerns, LPN is not in a position to support the legalization. If LPN ultimately supports the project, it is likely the organization will request conditions on the CUA, and/or a follow up hearing in 6 to 12 months.

Since this is only a request for continuance, and the Commission may very well hear this item and make a decision on the currently scheduled December 14 date, LPN is compelled to submit the following documents as evidence to the above issues. We submit these documents with the understanding that they reflect conditions prior to our engagement with the proprietor on the requested legalization CUA, and we hope that when we receive updated reports from the agencies included below that they will reflect an improvement.

LPN Submits the following documentation for the Commissions review:

- Department of Emergency Services 911 and non emergency call logs, demonstrating a significant level of calls for services for 1233 Polk Street through December 2016.



- Letter from LPN to Supervisor Chiu dated March 28, 2011 outlining similar issues. Note: prior ownership at the time letter submitted. A complaint was made to Planning in May of 2011 but was closed for unknown reasons without action.
- Various documents from an Entertainment Commission sunshine request that describe various complaints, notices, of violations, and other substantive files.
- A copy of Mayes Entertainment permit. Note that the diagram submitted upon issuance shows a small dance floor and considerable seating for food. Since 2009 most tables have been removed and the dance area on entertainment nights extends to include a majority of the premises.

LPN intends to continue to work in good faith with Mayes management and ownership. We fully understand that a denial of the CUA may cause business closure or significant modification to business model. We do not take this lightly. Our organization is taking a careful approach to this matter, and with a several months continuance we will be able to evaluate the effectiveness of their physical and operational improvements and come to the Commission with a formal position or support, support with conditions, or oppose.

Should the Commission continue this matter, we request that the Commission direct staff to either invite or request a report from the Entertainment Commission and San Francisco Police Department on their observations of the business conditions and operating practices. These agencies have significant interaction with this business and their feedback is necessary to ensuring that the Commission is fully informed of current conditions.

Thank you for your consideration,

Regards,

Chris Schulman
Board Member
Lower Polk Neighbors

SFD



SAN FRANCISCO DEPARTMENT OF EMERGENCY MANAGEMENT

Department of Emergency Management
Division of Emergency Communications - Custodian of Records
1011 Turk Street
San Francisco, CA 94102
(415) 558-3826

CAD NO.	REPORT NO.	ENTRY DATE	ENTRY TIME	CLOSE TIME	PRIORITY	CALL TYPE	1ST UNIT	DISPOSITION	LOCATION	APT
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141112126		4/21/2014	16:15:55	16:32:01	B	910	3E13D	GOA	106 FERN ST	10
141122609		4/22/2014	18:21:32	18:35:50	B	910	3E13D	ND	106 FERN ST	3
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143303069		11/26/2014	18:56:25	19:13:16	C	909		CAN	106 FERN ST, SF	3
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161221884	PD160356252	5/1/2016	12:55:25	12:55:25	C	488		REP	1233 POLK ST, SF

161222823	PD160356901	5/4/2016	17:11:19	17:11:19	A	212	REP	1233 POLK ST, SF
161420700	PD160414565	5/21/2016	07:30:35	09:49:49	C	917	ARR	1233 POLK ST, SF
161603492	PD160467990	6/8/2016	19:10:03	19:10:03	A	245	REP	1233 POLK ST, SF
161834014		7/1/2016	23:56:35	00:11:48	A	240	GOA	1233 POLK ST, SF
161890166		7/7/2016	01:40:19	03:06:14	C	601	GOA	1233 POLK ST, SF
162043931		7/22/2016	23:37:12	07:06:48	C	415	HAN	1233 POLK ST, SF
162170095		8/4/2016	00:53:18	02:45:07	B	418	ARR	1233 POLK ST, SF
162200119		8/7/2016	00:48:59	01:33:22	A	601	NOM	1233 POLK ST, SF
162314187		8/18/2016	23:47:40	01:14:47	C	415	GOA	1233 POLK ST, SF
162324076		8/19/2016	22:47:41	03:07:48	C	415	GOA	1233 POLK ST, SF
162334084		8/20/2016	23:45:51	00:10:32	C	415	HAN	1233 POLK ST, SF
162530126		9/9/2016	01:10:56	01:41:37	B	418	GOA	1233 POLK ST, SF
162552062	PD160738058	9/11/2016	14:40:06	14:40:06	C	488	REP	1233 POLK ST, SF

LOWER POLK NEIGHBORS

1033 POLK STREET • SAN FRANCISCO, CA 94109
415.351.3900 • FAX 415.351.3909
WWW.LOWERPOLKNEIGHBORS.ORG



March 28, 2011

Mr. David Chiu, 3rd. District Supervisor
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
City and County of San Francisco
San Francisco, CA 94102-4689

RE: **Mayes Restaurant**
1233 Polk Street

Dear Supervisor Chiu:

I am writing on behalf of Lower Polk Neighbors, a community association made up of residents and merchants. Our association boundaries are California Street on the North, Ellis Street on the South, Larkin on the East and the West Side of Van Ness.

For the past year we have witnessed a huge increase of businesses blatantly operating outside of their permitted conditions with little or no regard to the effects on our community. We have talked with the owners/operators of some of the offending establishments without success. On one occasion we were met with threats if we carried our complaints further. This particular business is the subject of this letter.

A few years ago Myles O'Reilly, the former owner, closed Mayes Restaurant. After an attempt or two by others to reopen Mayes Restaurant, it was reopened in 2010 by its present Operator. The conditions placed on Mayes were never changed and remain enforce.

However, Mayes Restaurant has now evolved into a night club which does not conform to the Planning Commission conditions of approval nor the ABC #47 liquor licenses. Below I have identified the issues the neighborhood finds intolerable [please refer to the enclosed copy of the Planning Commission conditions for approval. The numbers below reference sections in the Conditional Approval letter.]

1. The establishment is a nuisance for our neighborhood. There is loud amplified music [DJ's] plus club patrons' noise on the sidewalks, which is not allowed in Mayes' operating conditions.
2. Approval was given to add a piano and amplified karaoke entertainment, NOT amplified DJ music for dancing [no permit has been issued for this either]. Also, Mayes is not functioning as a full service restaurant. They currently have only a short order cook.
3. As per "Conditions," entertainment is to end at midnight. The amplified music Typically continues to 2 AM.
4. This is NOT behaving as a neighborhood establishment. It is a night club, acting Similarly to the "trouble spots" on Broadway. We are beginning to inherit the same problems as Broadway. Residents are becoming afraid to walk by Mayes' late on weekends and step into the street to pass crowded sidewalks.

LOWER POLK NEIGHBORS

1033 POLK STREET • SAN FRANCISCO, CA 94109
415.351.3900 • FAX 415.351.3909
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5. Entertainment offered at Mayes' is NOT a piano and karaoke. It is a DJ with unapproved amplified sound with large speakers. Tables and chairs are moved for drinking and dancing [no permit has been issued for dancing either].
6. All garbage and waste containers are kept permanently outside, on the Fern Alley sidewalk. This is not permitted by health codes. All businesses, including bars, are required to keep trash and garbage containers within their buildings.
Mayes does not.

It is becoming more evident that the word out on the street is "come to lower Polk - you can open a business and do anything and no one will stop you". More and more Bars, restaurants and smoke shops are pushing and exceeding their conditions. We feel if we can contain Mayes' business operations, we have a chance to bring others into compliance. Mayes is the first of many we need to address along Polk.

We need your help. Mayes will not change on its own. I will be glad to meet with anyone at anytime to resolve issues with Mayes. Please keep us informed on any progress holding Mayes to its permitted conditions. It seems I get asked daily about what we are doing to bring Polk Street back to being a community and neighborhood Street, one we all enjoy walking on, night or day.

We are growing impatient with the neighborhood's quality of life being at the hands of a few such as Mayes. We want to bring a little more order and livability to our neighborhood before we have lost all control.

David, we want to thank you for your offer of help. Together we can keep our neighborhood safe - and a lot less noisy.

With regards,

Ron Case, Chairman
Lower Polk Neighbors

Burke, Sean (ADM)

From: Robert Lescoe <
Sent: Friday, September 05, 2014 8:53 PM
To: Burke, Sean (ADM)
Subject: Re: Music from Mayes

Hey Sean,

I think Friday, September 12th would work better for me. Neutral time could be 8:00pm and party time could be 11th. I live at 1232 Sutter and there is a bell. My phone is 415.710.5131. The 20th of September works for me at the same times.

Please let me know which day works better.

Robert Lescoe

On Wednesday, April 30, 2014, Burke, Sean (ADM) <sean.burke@sfgov.org> wrote:

Mr. Lescoe,

Thanks for keeping me in the loop. Would this weekend be convenient for me to visit your residence and take some sound measurements? Would you like me to try and get a cell phone # of a manager at Mayes so that you can have direct access to them at all times or would you prefer I interface with them? Please let me know. I will be visiting them on Friday to get a better feel for their system and what we can do to contain some of their sound.

Cheers,

Sean dB

Sean D. Burke, Inspector

S.F. Entertainment Commission

www.sfgov.org/entertainment

sean.burke@sfgov.org

(415) 554-6268 - Desk

(415) 554-7934 - Fax

From: Robert Lescoe
Sent: Tuesday, April 29, 2014 11:16 PM
To: Burke, Sean (ADM)
Subject: Music from Mayes

Sean,

It is 11:11 on a Tuesday night and I hear music from Mayes even with the my new double paned windows closed. I am not happy. This should not be happening at all. Perhaps on Friday and Saturday, never on a Tuesday. Please let me know next steps.

Robert Lescoe

Burke, Sean (ADM)

From: Burke, Sean
Sent: Friday, April 04, 2014 6:34 PM
To: Robert Lescoe
Subject: RE: Noise Pollution 1233 Polk Mayes Oyster Depot

Mr. Lescoe,

I just left you a voicemail. I'll be stopping by tonight or tomorrow to check out Mayes and take some sound readings in the Alley. If things get unusually noisy tonight, please feel free to send me a text or email and I'll stop by to speak with them. My cell is 415.531.8990

Cheers,
Sean dB

From: Robert Lescoe
Sent: Tuesday, March 25, 2014 2:35 PM
To: Burke, Sean
Subject: Re: Noise Pollution 1233 Polk Mayes Oyster Depot

Sean,

I have been living in this building since 1996. Robert Hutchinson, my husband bought the building in 1961. He and I battled the Regency Ballroom for excessive noise about 7 or 8 years ago. Mr. Hutchinson will the building to me upon his death in 2008. In 2010 and 2011 I completely retrofitted the building for earthquakes, and ADA upgrades. I completed gutted the entire building creating state of the art stores. I also completed renovated the second story flat and added a garage.

Thanks for for speedy reply. They have been operating a "Dance Club" seven days a week for the last year. I would swing by on a Friday or a Saturday at around 11 or 12 to get a full dose of the noise. I sincerely appreciate your help in this matter.

Robert Lescoe

On Tue, Mar 25, 2014 at 12:36 PM, Burke, Sean <sean.burke@sfgov.org> wrote:

Hello Mr. Lescoe,

How long have you been at this location? How long has Mayes been a problem for you? Has the situation gotten worse recently? If so, approximately when? Do you notice that certain times of the evening are worse than others? I will stop by this weekend and speak with them. If we are not able to abate the situation in that manner, I will begin sound testing and bring them into compliance with City ordinances. Thanks for your time.

Cheers,

Sean dB

Sean D. Burke, Inspector

S.F. Entertainment Commission

www.sfgov.org/entertainment

sean.burke@sfgov.org

[\(415\) 554-6268](tel:(415)554-6268) - Desk

[\(415\) 554-7934](tel:(415)554-7934) - Fax

From: Robert Lescoe
Sent: Tuesday, March 25, 2014 11:09 AM
To: Burke, Sean
Subject: Noise Pollution 1233 Polk Mayes Oyster Depot

Dear Sean,

I have been in touch with Officer Vincent Etcheher at Northern Station. He mentioned you might be able to help me. The Club and Restaurant, Mayes Oyster Depot, blares loud music into Fern Alley, sometimes seven nights a week.

My name is Robert Lescoe and I own 1228-1232 Sutter. My building and my bedroom backs up to Fern Alley. I wake up very early everyday to get to my public school teaching position. I was under the impression that noise must be kept within the confines of a building. Mayes Oyster Depot blares dance music every night until the wee hours of the morning. As a result my sleep has been impacted.

Any assistance you could provide in this matter would be appreciated. I would be glad to have you come to my home to hear the noise for yourself.

Sincerely,

Pauley, Jordan (ADM)

From: Matt Corvi
Sent: Wednesday, September 14, 2016 10:44 AM
To: Pauley, Jordan (ADM)
Cc: matt@mayessf.com
Subject: Re: Mayes - Alley Foot Traffic

Hi Jordan

Thanks for the call yesterday. As I mentioned on the phone, we will make this situation a priority with our security. We will post no smoking/loitering signs to help mitigate the confrontation. I would also like to be in direct contact with the people who brought this to your attention. In the future please have them contact me as soon as they have a concern regarding operations. I would like to shorten any delays in response and develop the best possible relations with my neighbors.

Thank you,
Matt Corvi

Sent from my iPhone

On Sep 12, 2016, at 10:14 AM, Pauley, Jordan (ADM) <jordan.pauley@sfgov.org> wrote:

Hey Matt:

I've been receiving complaints for the last few weeks in regards to smokers and people from your establishment congregating in the alley next to your bar. After several visual inspections, it's clear that they are indeed your patrons. Nevertheless, I'd like for you to instruct your security to be more active in moving these people along. Thanks in advance.

Jordan M. Pauley, Inspector
Entertainment Commission
City & County of San Francisco
1 Dr. Carlton B. Goodlett Pl.
City Hall, Room #453
San Francisco, CA 94102
415-554-6007

Complaints RE: Mayes on record

DATE	# of Complaints	COMPLAINT	VENUE
11/19/2015, 2/3/16	2	Loud bass. Her and neighbor called non-emergency. Was told there were two other reports already called in.	Mayes
7/10/2016 @12:18am	1	Loud music. Patrons intoxicated and yelling, completely blocking sidewalk, no security control by Mayes @1233 Polk Street.	Mayes
7/21/2016 11:46:54 PM	1	Mayes oyster house. Very loud music.	Mayes
8/14/2016	1	Noise at intersection where Lush Lounge, Mayes, and McTeagues reside...	n/a
8/18/2016	1	1233 Polk street. Mayes oyster house playing very loud music again. Please address ASAP. This occurs every weekend!	Mayes
8/20/2016	1	Mayes oyster house at 1233 Polk st. Extremely loud music. Patrons completely blocking sidewalk! Yelling and screaming, urinating in alley.	Mayes
9/16/2016	1	1233 Polk street. Mayes oyster house. LOUD music and patrons completely taking over sidewalk.	Mayes
10/22/2016	1	Loud music from Mayes oyster house at 1233 Polk St again! Also Drunk patrons from establishment all over sidewalk causing nuisance. No visible security and business does NOTHING to resolve issue.	Mayes
11/24/2016 & 12/3/1016	2	#1: venue noise emanating into nearby residential units. #2 1233 Polk street. Mayes oyster house. Loud bass and drunk patrons yelling on the sidewalk.	Mayes

review complaints from 3-1-1

DATE	# of Complaints	COMPLAINT	VENUE	Fixed Place of Entertainment?	NAME	EMAIL	PHONE	POLICE DISTRICT
1/29/2017, 2/4/2017, 2/5/2017, 2/11/2017, 2/18/2017, 2/19/2017	7	1233 Polk street- Mayes oyster house. Address does not show on app. Rowdy and drunk patrons yelling, urinating in the alley. No security from business. Blocked sidewalk. Complaint #2: Loud pulsing bass from 1233 Polk street aka Mayes oyster house. Complaint #3: MAYES OYSTER HOUSE VERY LOUD MUSIC AGAIN! Complaint #4: Patrons from 1233 Polk blocking sidewalk, yelling, urinating in alley. Loud music from establishment. Complaint #5: Mayes oyster at 1233 Polk. SO many requests around noise and drunk rowdy patrons to NO AVAIL. Complaint #6: Inebriated patrons from Mayes oyster house at 1233 Polk st. Yelling, blocking sidewalk completely. Complaint #7: AGAIN. Very loud bass and music from Mayes Oyster House 1233 Polk. MULTIPLE complaints from residents. NOTHING has been done so far. There are drunk and disorderly people outside this Establishment with NO attempt at any crowd control by this business. PLEASE ADDRESS ASAP. Loud music again! Mayes oyster house @1233 Polk st. Complaint #2: Sidewalk outside Mayes oyster house 1233 Polk st blocked again! Drunk patrons screaming. Complaint #3: Sidewalk blocked by Mayes oyster house patrons again!	Mayes	POE	Anonymous	NA	NA	Northern
2/22/2017, 2/24/2017, 2/26/2017	3		Mayes	POE	Anonymous	NA	NA	Northern



Entertainment Commission
City and County of San Francisco

PERMIT INSPECTION RECOMMENDATION
Entertainment Commission

City Hall, Room 453

Fax: 554-7934

Noise Abatement

We have received the following application for **Place of Entertainment** at the indicated address.

Name: Fred Duncan and Connor Nugent

DBA: Mayes

Address: 1233 Polk st. SF CA

Hearing Date: 9-1-2009

Inspection Date: 11-6-2009

☒ Approval Recommended ☐ Disapproval Recommended

☒ Pass ☐ Fail Sound Test

☐ 59 to 66 Ambient Noise Average (dBA), Time & Date: 4:40pm 11-6-2009

☐ 55 to 74 Sound Level (dBA), Time & Date: 4:40pm 11-6-2009

There shall be no noise audible outside the establishment during daytime or nighttime hours that violates San Francisco Municipal Police Code Sections 2900 et.seq...Further absolutely no sound from the establishment shall be audible inside the surrounding residence or business that violates section 2900.

Notes:

All doors and windows must be kept closed during hours of operation.

Amplified sound levels inside the venue must not exceed 76 dBA.

There needs to be two security on during any entertainment.


Inspector / Permit Officer.
Vajra Granelli



Overall Values Report

Sand readings

Name Mayes
Time 4/4/2014 11:09:43 PM **Person**
Duration 00:10:08 **Place** **Project**
Instrument G068083, CR:1710

Calibration

Before 3/29/2014 7:14 PM **Offset** 0.40 dB **After** **Offset**

Name	Value	Units
Leq		
LAeq	66.9	dB
LCeq	85.3	dB
LZeq	86.1	dB
LAeqI	70.6	dB
C-A	18.3	dB
Lavg1	0.0	dB
Lavg2	66.9	dB
Dose		
LAE	94.7	dB
LCE	113.0	dB
LZE	113.9	dB
Dose1	0.0	%
EstDose1	0.0	%
Dose2	0.0	%
EstDose2	1.5	%
LEPd	50.2	dB
LEX8	50.2	dB
TWA1	-27.8	dB
TWA2	50.1	dB
Peak		

ReportId



LAPeak	91.2	dB
LCPeak	103.0	dB
LZPeak	103.4	dB
SPL (Max)		
LAFMax	77.8	dB
LCFMax	95.7	dB
LZFMax	96.2	dB
LASMax	74.0	dB
LCSMax	92.0	dB
LZSMax	92.8	dB
LAIMax	80.2	dB
LCIMax	97.5	dB
LZIMax	98.1	dB
SPL (Min)		
LAFMin	58.5	dB
LCFMin	69.6	dB
LZFMin	70.8	dB
LASMin	59.8	dB
LCSMin	72.5	dB
LZSMin	73.6	dB
LAIMin	60.4	dB
LCIMin	74.8	dB
LZIMin	76.0	dB
Miscellaneous		
30 Minutes	54.9	dB
1 Hour	57.9	dB
2 Hours	60.9	dB
3 Hours	62.6	dB
4 Hours	63.9	dB
5 Hours	64.9	dB
6 Hours	65.7	dB
7 Hours	66.3	dB
8 Hours	66.9	dB
10 Hours	67.9	dB
12 Hours	68.7	dB





Overall Values Report

Name Mayes
Time 4/4/2014 11:24:19 PM **Person** **Place** **Project**
Duration 00:10:19
Instrument G068083, CR:1710

Calibration

Before 3/29/2014 7:14 PM **Offset** 0.40 dB **After** **Offset**

Name	Value	Units
Leq		
LAeq	85.7	dB
LCeq	101.7	dB
LZeq	102.5	dB
LAeqI	89.7	dB
C-A	16.0	dB
Lavg1	84.3	dB
Lavg2	85.9	dB
Dose		
LAE	113.6	dB
LCE	129.6	dB
LZE	130.4	dB
Dose1	1.0	%
EstDose1	45.5	%
Dose2	2.6	%
EstDose2	121.9	%
LEPd	69.0	dB
LEX8	69.0	dB
TWA1	56.6	dB
TWA2	69.2	dB
Peak		

ReportId



LAPeak	113.4	dB
LCPeak	121.5	dB
LZPeak	122.2	dB
SPL (Max)		
LAFMax	105.0	dB
LCFMax	113.1	dB
LZFMax	113.9	dB
LASMax	102.6	dB
LCSMax	111.3	dB
LZSMax	112.0	dB
LAIMax	105.6	dB
LCIMax	114.8	dB
LZIMax	115.2	dB
SPL (Min)		
LAFMin	68.2	dB
LCFMin	77.2	dB
LZFMin	77.8	dB
LASMin	74.8	dB
LCSMin	82.1	dB
LZSMin	82.6	dB
LAIMin	74.8	dB
LCIMin	84.6	dB
LZIMin	85.1	dB
Miscellaneous		
30 Minutes	73.7	dB
1 Hour	76.7	dB
2 Hours	79.7	dB
3 Hours	81.4	dB
4 Hours	82.7	dB
5 Hours	83.7	dB
6 Hours	84.5	dB
7 Hours	85.1	dB
8 Hours	85.7	dB
10 Hours	86.7	dB
12 Hours	87.5	dB





Overall Values Report

Name Mayes from curb back door
Time 6/14/2014 1:14:04 AM **Person** **Place** **Project**
Duration 00:01:01
Instrument G068083, CR:1710

Calibration

Before 6/13/2014 10:03 PM **Offset** 0.21 dB **After** **Offset**

Name	Value	Units
Leq		
LAeq	76.8	dB
LCeq	98.2	dB
LZeq	99.1	dB
LAeqI	80.8	dB
C-A	21.4	dB
Lavg1	61.3	dB
Lavg2	77.7	dB
Dose		
LAE	94.7	dB
LCE	116.1	dB
LZE	117.0	dB
Dose1	0.0	%
EstDose1	1.9	%
Dose2	0.0	%
EstDose2	18.5	%
LEPd	50.1	dB
LEX8	50.1	dB
TWA1	16.8	dB
TWA2	50.9	dB
Peak		

ReportId


LAPeak	93.2	dB
LCPeak	111.7	dB
LZPeak	112.0	dB
SPL (Max)		
LAFMax	84.3	dB
LCFMax	106.0	dB
LZFMax	106.5	dB
LASMax	88.5	dB
LCSTMax	102.1	dB
LZSTMax	102.8	dB
LAIMax	86.1	dB
LCIMax	107.7	dB
LZIMax	108.2	dB
SPL (Min)		
LAFMin	69.4	dB
LCFMin	79.6	dB
LZFMin	80.7	dB
LASMin	73.4	dB
LCSTMin	91.4	dB
LZSTMin	92.1	dB
LAIMin	74.8	dB
LCIMin	96.1	dB
LZIMin	96.9	dB
Miscellaneous		
30 Minutes	64.8	dB
1 Hour	67.8	dB
2 Hours	70.8	dB
3 Hours	72.5	dB
4 Hours	73.8	dB
5 Hours	74.8	dB
6 Hours	75.6	dB
7 Hours	76.2	dB
8 Hours	76.8	dB
10 Hours	77.8	dB
12 Hours	78.6	dB





Overall Values Report

Name	Mayes Door to Booth			
Time	6/28/2015 1:14:40 AM	Person	Place	Project
Duration	00:01:19	Sean Burke		Citations
Instrument	G071364, CR:171B	SFEC		

Calibration

Before	Offset	After	Offset
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Name	Value	Units
Leq		
LAeq	103.1	dB
LCeq	110.3	dB
LZeq	110.8	dB
LAeqI	105.2	dB
C-A	7.2	dB
Lavg1	103.0	dB
Lavg2	103.1	dB
Dose		
LAE	122.1	dB
LCE	129.3	dB
LZE	129.8	dB
Dose1	1.7	%
EstDose1	602.9	%
Dose2	17.8	%
EstDose2	6471.4	%
LEPd	77.5	dB
LEX8	77.5	dB
TWA1	60.4	dB
TWA2	77.5	dB
Peak		

ReportId


LAPeak	122.3	dB
LCPeak	125.8	dB
LZPeak	126.3	dB
SPL (Max)		
LAFMax	108.6	dB
LCFMax	114.9	dB
LZFMax	115.5	dB
LASMax	106.6	dB
LCSMax	113.0	dB
LZSMax	113.6	dB
LAIMax	110.3	dB
LCIMax	117.7	dB
LZIMax	118.0	dB
SPL (Min)		
LAFMin	93.8	dB
LCFMin	100.4	dB
LZFMin	101.2	dB
LASMin	97.9	dB
LCSMin	105.6	dB
LZSMin	106.2	dB
LAIMin	98.4	dB
LCIMin	108.3	dB
LZIMin	108.7	dB
Miscellaneous		
30 Minutes	91.1	dB
1 Hour	94.1	dB
2 Hours	97.1	dB
3 Hours	98.8	dB
4 Hours	100.1	dB
5 Hours	101.1	dB
6 Hours	101.9	dB
7 Hours	102.5	dB
8 Hours	103.1	dB
10 Hours	104.1	dB
12 Hours	104.9	dB





Overall Values Report

Name	Mayes from Booth			
Time	6/28/2015 1:16:07 AM	Person	Place	Project
Duration	00:01:01	Sean Burke		Citations
Instrument	G071364, CR:171B	SFEC		

Calibration

Before	Offset	After	Offset
---------------	--------	--------------	--------

Name	Value	Units
Leq		
LAeq	100.0	dB
LCeq	107.8	dB
LZeq	108.3	dB
LAeqI	102.5	dB
C-A	7.8	dB
Lavg1	99.9	dB
Lavg2	100.2	dB
Dose		
LAE	117.9	dB
LCE	125.7	dB
LZE	126.1	dB
Dose1	0.8	%
EstDose1	396.1	%
Dose2	7.0	%
EstDose2	3288.5	%
LEPd	73.3	dB
LEX8	73.3	dB
TWA1	55.5	dB
TWA2	73.4	dB
Peak		

ReportId



LAPeak	117.7	dB
LCPeak	123.5	dB
LZPeak	123.9	dB
SPL (Max)		
LAFMax	107.1	dB
LCFMax	114.1	dB
LZFMax	114.6	dB
LASMax	105.1	dB
LCSMax	111.7	dB
LZSMax	112.1	dB
LAIMax	109.0	dB
LCIMax	117.1	dB
LZIMax	117.5	dB
SPL (Min)		
LAFMin	91.8	dB
LCFMin	97.6	dB
LZFMin	97.8	dB
LASMin	94.6	dB
LCSMin	102.2	dB
LZSMin	102.6	dB
LAIMin	94.8	dB
LCIMin	105.0	dB
LZIMin	105.5	dB
Miscellaneous		
30 Minutes	88.0	dB
1 Hour	91.0	dB
2 Hours	94.0	dB
3 Hours	95.7	dB
4 Hours	97.0	dB
5 Hours	98.0	dB
6 Hours	98.8	dB
7 Hours	99.4	dB
8 Hours	100.0	dB
10 Hours	101.0	dB
12 Hours	101.8	dB



Burke, Sean (ADM)

From: Burke, Sean (ADM)
Sent: Friday, July 18, 2014 4:11 PM
To: Nicholas Pigott
Cc: Matt Corvi from Mayes Oyster House
Subject: RE: Mayes

Is there something in particular you'd like to discuss? I spoke with Matt and security on multiple occasions about the side door. I will have to issue a citation if it is left ajar again. I appreciate your ongoing efforts to make soundproofing improvements, but that does not change the fact that your permit states all doors and windows must be kept closed. Let me know if there's any more information you might need. I'm happy to meet here in the office if you'd like. My hours are Mon-Wed 10-4.

-SdB

From: Nicholas Pigott
Sent: Thursday, July 17, 2014 11:23 AM
To: Burke, Sean (ADM)
Cc: Matt Corvi from Mayes Oyster House
Subject: Re: Mayes

Sean-

We are in receipt of the violation you mailed. Are you available to meet with us next week outside of our business hours?

Thanks,

Nick

Nicholas J. Pigott

This message may have been sent from a mobile device thus containing spelling and grammatical errors. Please forgive.

On May 27, 2014, at 4:37 PM, Burke, Sean (ADM) <sean.burke@sfgov.org> wrote:

Nick,

How are we looking with that quote?

-Sean

From: Nicholas Pigott
Sent: Wednesday, May 07, 2014 5:49 PM
To: Burke, Sean (ADM)
Cc: Matt Corvi from Mayes Oyster House
Subject: Re: Mayes

Sean-

I would love to meet in person. I will be fairly absent this weekend as we will be a vendor at Oysterfest. I will touch base next week and hopefully I will have a solid quote to share with you and we can nail down a meeting time. We will definitely reach a conclusion that works for us as well as our community.

Best,

Nick

Nick Pigott | Owner
Mayes Oyster House

1233 Polk St
San Francisco CA 94109

On May 7, 2014, at 4:07 PM, Burke, Sean (ADM) <sean.burke@sfgov.org> wrote:

Nick,

Thanks for reaching out. I appreciate Mayes' quick response in obtaining the meter. Your permit has a maximum decibel level of 75dB taken from inside the club. I measure that level in Fern Alley. We have received neighbor complaints. Please send over a quote as soon as you have it in hand so that I have ammunition for anyone that may reach out to me. In the meantime, please do what you can to get as close to that decibel limit as possible. I understand that you have to run your business, and part of that is having it feel like a club in there volume-wise, but there's just too much sound coming out of those doors. In addition, your security staff is using those side doors much more frequently than for emergencies only. I've witnessed that door open 8 times in 6 nights... and I've only ever been there a few minutes on any given night. When I was in the venue last Saturday, the meter was reading well over 100 on average. It simply doesn't need to be that loud in a room that size, and can't be until those doors are fixed. Thanks for working with me on this. I looking forward to speaking with you in person. Let me know if you'd like to meet up at Mayes on a weekend night before it gets busy to strategize.

Cheers,
Sean dB

Sean D. Burke, Inspector
S.F. Entertainment Commission
www.sfgov.org/entertainment
sean.burke@sfgov.org
(415) 554-6268 - Desk
(415) 554-7934 - Fax

From: Nicholas Pigott
Sent: Tuesday, May 06, 2014 4:01 PM
To: Burke, Sean (ADM)
Cc: Matt Corvi from Mayes Oyster House
Subject: Mayes

Sean-

I'm Matt Corvi's partner here at Mayes Oyster House and he's asked me to reach out with regards to an email you sent to him on April 8th. Since then we've made a substantial effort to regulate any sound that may emit from our venue. The decibel reader we've been using to monitor the noise is this one [here](#). Additionally, we have contacted several contractors who will be providing quotes to sound proof the ally doors to further alleviate any potential noise pollution in our vicinity. We will be sure to keep you in the loop as we go forward with our plans.

If you have any other questions and or concerns please do not hesitate to contact me personally.

Thank you,

Nick

Nick Pigott | Owner
Mayes Oyster House

1233 Polk St
San Francisco CA 94109

Burke, Sean (ADM)

From: Burke, Sean (ADM)
Sent: Monday, December 29, 2014 4:06 PM
To: Matt Corvi
Subject: Mayes Sound

Polk St. doors and windows closed at all times when music is on.
Sound curtain installed on the Fern Alley doors.
New (repaired) system tuned to ensure minimal sound leakage.
2 complainants. 1 on Fern Alley, and another on Polk.
Turn down bass frequencies until we can improve soundproofing.
Position subwoofers to ensure vibrations are kept to a minimum.
Research subwoofer isolation risers to lessen energy transfer.

-SdB



Sean D. Burke, Sound Technician
S.F. Entertainment Commission
www.sfgov.org/entertainment
sean.burke@sfgov.org
(415) 554-6268 - Desk
(415) 554-7934 - Fax

Burke, Sean (ADM)

From: Burke, Sean (ADM)
Sent: Friday, May 08, 2015 5:33 PM
To: Matt Corvi
Subject: FW: Citation - Open Window on 3/20/15

Matt,

Will you be appealing or paying the attached citation? We need to figure out what to do moving forward. The solutions I've suggested are not being followed. In addition to the citation that is now overdue, I have attached the official sound limit associated with your permit. I have been trying to work with you as improvements were being made to the system, and to the soundproofing materials, but we are at a point now where I feel that progress has halted. If you feel that the attached limit is too low, I can come out and make another assessment. In the meantime, I will be utilizing this limit to enforce sound at Mayes. If you are in excess of 76dBA or 90dbC measured from inside the front door, another citation will be issued. If you or your staff need assistance with taking sound measurements to ensure that these requirements are followed, please let me know.

Thanks,
Sean dB

From: Burke, Sean (ADM)
Sent: Tuesday, March 24, 2015 12:49 PM
To: 'matt@mayessf.com'
Subject: Citation - Open Window on 3/20/15

Matt,

Please see attached for a copy of the citation that I have mailed to Mayes. Just wanted you to have a copy electronically so you know what to look out for. Please don't hesitate to call if you have any questions.

-SdB



Sean D. Burke, Sound Technician
S.F. Entertainment Commission

www.sfgov.org/entertainment

sean.burke@sfgov.org

(415) 554-6268 - Desk

(415) 554-7934 - Fax



2015032412492...

Burke, Sean (ADM)

From: Burke, Sean (ADM)
Sent: Tuesday, June 23, 2015 1:13 PM
To: Nicholas Pigott
Subject: RE: Friday Night Complaint

Those all sound like great ideas. I would also consider treating the side door. Your new technician should be able to advise about that. Thanks for your continuing effort to address these issues. In the meantime, staff is aware of the limit that has been put in place to ensure complaints do not arise prior to these upgrades.

-Sean dB

From: Nicholas Pigott
Sent: Monday, June 22, 2015 8:43 PM
To: Burke, Sean (ADM)
Subject: Re: Friday Night Complaint

Hey Sean-

My apologies for not responding sooner. We would appreciate your advice and guidance as we navigate this situation but here is what we have outlined to remediate this persisting problem:

1. We are redoing our sound system with more, smaller speakers so the dj's wont feel the need to drive the larger ones to project sound. We are using a new sound technician who works with the many of the well known venues in town and has assured us some relief here. We are also hoping that you will be an active participant in our initial sound check so we can set the limiters appropriately.
2. We are replacing the front exterior window with double paned sound proof glass that should help muffle the noise significantly.
3. We are exploring installing a second set of front doors or installing a sound curtain system to help curtail escaping sound and guests enter and exit.

If you have any other suggestions we are keen to listen and work with you and our neighbors to put this issue to rest.

Best,

Nick

Sent from my iPhone

On Jun 15, 2015, at 2:22 PM, Burke, Sean (ADM) <sean.burke@sfgov.org> wrote:

Nick/Matt,

I stopped by Mayes on Friday after receiving a text complaint from your neighbor across Polk on Fern. When I spoke with security, they stated that they had a reading of 102dB, which is 7dB above where we agreed to keep the sound. After mentioning this to the director of the Entertainment Commission, we have determined that if the agreed-upon level cannot be upheld, we will need to meet with you to discuss possible action regarding your permit. Please ensure all staff members are aware of this limit,

and are using the meter(s) to ensure it is followed. Keep me posted as to any improvements you've made to the doors and/or windows of the building as well, as that can help the situation greatly.

Cheers,
Sean dB

Sean D. Burke, Sound Technician
S.F. Entertainment Commission
www.sfgov.org/entertainment
sean.burke@sfgov.org
(415) 554-6268 - Desk
(415) 554-7934 - Fax

Burke, Sean (ADM)

From: CAVS
Sent: Monday, August 17, 2015 4:13 PM
To: Burke, Sean (ADM)
Cc: Nicholas Pigott
Subject: Re: Speaker system at Mayes

Hi Sean. Yes, this is possible using the system processor which is an Ashly 3.6SP. I would like to set limiters with you on site using your meter if possible. What hours are you available to meet on site?

Best,

Don Lynch
Commercial Audio Video Solutions
CSLB Lic. No. 994846

> On Aug 17, 2015, at 3:35 PM, Burke, Sean (ADM) <sean.burke@sfgov.org> wrote:

>

> Don,

> Please give me a rundown of the equipment you installed and the limits that were placed on the gear to control sound. Basically, we're trying to ensure that the Mayes system does not exceed 100dBC. Is that possible with the gear you introduced into their system?

> Cheers,

> Sean dB

> _____

> Sean D. Burke, Sound Technician

> S.F. Entertainment Commission

> www.sfgov.org/entertainment

> sean.burke@sfgov.org

> (415) 554-6268 - Desk

> (415) 554-7934 - Fax

>

>

>

> -----Original Message-----

> From: Nicholas Pigott

> Sent: Monday, August 17, 2015 3:31 PM

> To: Burke, Sean (ADM); Don Lynch

> Subject: Speaker system at Mayes

>

> Don-

>

> Sean from the Entertainment Commission(cc'd here) has a couple questions regarding our sound system. He came in over the weekend and his reading was over our agreed upon limit. Would it be possible to schedule a time to calibrate our limiter using his sound reader to make sure we are in compliance?

>

> Best,

>

> Nick

Records of Citations issued to Mayes

Citation #	Date	Time	First name	Last name	Business	Address #	Address street	Permit #	Location	Type	Fine	Served	Date	Amount	Note
21022	3/19/12	2:00 PM	conor	nugent	mayes	1233	polk	poe 988	outside the club	GNP	\$50	By mail	3/24/2015	\$50.00	Window open.
21572	3/7/12	12:15pm	conor	nugent	mayes	1233	polk	poe 988	outside the club	GNP	\$100	By mail	6/30/2015	\$100.00	107.8 dBC
											\$100	By mail	7/21/2015	\$100.00	



Entertainment Commission
City and County of San Francisco

1 Dr. Carlton B. Goodlett Place Room 453 San Francisco CA 94102



No. 071141

NOTICE OF VIOLATION

Address 1233 Polk Date 7/11/14
Name (Person / Business) MATT CORVI / MAYES Time 11:55PM
Issued by SEAN D. BURKE Badge # 308 District NORTHERN

The address / business listed above have been inspected today by the Entertainment Commission for compliance to the San Francisco Municipal Police code, the San Francisco Fire Code and the Entertainment Commission's Good Neighbor Policy. The following citable violation(s) was observed:

☒ **Good Neighbor Policy** – violation of the Entertainment Commission's Good Neighbor Policy. SIDE DOOR OPEN AFTER MULTIPLE WARNINGS.
☐ **Permit Conditions** -- violation of the conditions on the issued POE (Place of Entertainment) permit from the Entertainment Commission.

☒ **49 MPC- Unnecessary Noises.** Between the hours 2200 – 0700 any device amplifying sound in such a manner to be plainly audible 50 feet or more from where produced (POE club/bar/venue with doors or windows open and sound is audible 50 feet from club/bar/venue.

☐ **1060.1 MPC** –Permit Required. Operating with out a POE (Place of Entertainment) from the city.

☐ **1070.1 MPC** –Extended hours. Operating 0200 - 0600 with out a permit. (Has food or beverage or entertainment) Permit Required.

☐ **22 (a) MPC / 63 (a) MPC** – (22) Substantially Obstructing the Sidewalk.(63) Obstructions on the street and sidewalks.

☐ **34 MPC** – Accumulation of litter on the sidewalk.

☐ **SFFC 2501.16.1**– Occupant load sign shall be posted. V181

☐ **SFFC 2501.16.3.** - Overcrowding. Admittance beyond the approved posted capacity. V190.

☐ **SFFC 1202.1**- Exits required. 50 to 500 people = 2 exits, 501 to 1000 people=3 exits, 1001 people = 4 exits. V283

☐ **SFFC 1203.** – Obstructions in exits and exit corridors.V681

☐ **SFFC 105.8**- Permit required for occupancies 50 or more people. V705.

☐ **25632 B&P** – To allow consumption of alcohol after 0200.

☐ **25658 (a) B&P**- Selling / Furnish to a Minor.

☐ **5665 (a) B&P**- Minor on Premises. Any person under the age of 21 allowed to enter or remain on a licensed premise.

☐ **Other** _____

Unless this condition is corrected you may be cited and fined for every violation. Your permit may be subject to suspension or in some cases revocation for continued violation. A copy of this notice will be retained by the Entertainment Commission for future reference.

If assistance is needed, you are advised to call the EC at 415-554-6678 or _____



Entertainment Commission



City and County of San Francisco

1 Dr. Carlton B. Goodlett Place Room 453 San Francisco CA 94102

No. 2015 0100102

NOTICE OF VIOLATION

Address 1283 POLK ST Date 1/9/15
Name (Person / Business) MAYES OYSTER HOUSE Time 11:30
Issued by JEAN BURKE Badge # 308 District _____

The address / business listed above have been inspected today by the Entertainment Commission for compliance to the San Francisco Municipal Police code, the San Francisco Fire Code and the Entertainment Commission's Good Neighbor Policy. The following citable violation(s) was observed:

☒ **Good Neighbor Policy** - violation of the Entertainment Commission's Good Neighbor Policy. DOOR OPEN

☒ **Permit Conditions** - violation of the conditions on the issued POE (Place of Entertainment) permit from the Entertainment Commission. IN EXCESS OF SOUND LIMIT

☒ **49 MPC**- Unnecessary Noises. Between the hours 2200 - 0700 any device amplifying sound in such a manner to be plainly audible 50 feet or more from where produced (POE club/bar/venue with doors or windows open and sound is audible 50 feet from club/bar/venue. ANDIBLE ACROSS STREET

☐ **1060.1 MPC** - Permit Required. Operating with out a POE (Place of Entertainment) from the city.

☐ **1070.1 MPC** - Extended hours. Operating 0200 - 0600 with out a permit. (Has food or beverage or entertainment) Permit Required.

☐ **22 (a) MPC / 63 (a) MPC** - (22) Substantially Obstructing the Sidewalk. (63) Obstructions on the street and sidewalks.

☐ **34 MPC** - Accumulation of litter on the sidewalk.

☐ **SFFC 2501.16.1** - Occupant load sign shall be posted. V181

☐ **SFFC 2501.16.3** - Overcrowding. Admittance beyond the approved posted capacity. V190.

☐ **SFFC 1202.1** - Exits required. 50 to 500 people = 2 exits, 501 to 1000 people = 3 exits, 1001 people = 4 exits. V283

☐ **SFFC 1203** - Obstructions in exits and exit corridors. V681

☐ **SFFC 105.8** - Permit required for occupancies 50 or more people. V705.

☐ **25632 B&P** - To allow consumption of alcohol after 0200.

☐ **25658 (a) B&P** - Selling / Furnish to a Minor.

☐ **5665 (a) B&P** - Minor on Premises. Any person under the age of 21 allowed to enter or remain on a licensed premise.

☐ **Other** _____

Unless this condition is corrected you may be cited and fined for every violation. Your permit may be subject to suspension or in some cases revocation for continued violation. A copy of this notice will be retained by the Entertainment Commission for future reference.

If assistance is needed, you are advised to call the EC at 415-554-6678 or 554-6268

San Francisco Entertainment Commission

1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102-4603
(415) 554-5793

ADMINISTRATIVE CITATION

Police Code Sections 1060.26(b) and 1070.24(b)
Administrative Code Chapter 100

Citation No.: 21990 Date Issued: 3-20-15 Time Issued: 11:00 PM
Name of Violator: MATT CORVI
Business Name: MAYES OYSTER HOUSE Permit No.: EC-988
Business Mailing Address: 1233 POLK ST
Location of Violation: ON PREMISES

By service of this CITATION, you are hereby notified that you are in violation of a permit condition under Police Code Article 1060 and 1070 as noted below:

1. Noise Abatement (MPC §§ 1060.12, 1070)	\$ _____	6. Good Neighbor Violation	\$ <u>50.00</u>
2. Signs (MPC §§ 1060.14, 1060.15)	\$ _____	7. OTHER _____	\$ _____
3. Private Club Violation (MPC §§ 1060.6, 1070.6)	\$ _____		\$ _____
4. Security Plan Violation	\$ _____		\$ _____
5. MINORS (MPC §§ 1060.13, 1070.16)	\$ _____		\$ _____

Description of Violation/Corrective Action Required: ON FRIDAY MARCH 20, 2015 AFTER RECEIVING A COMPLAINT ABOUT SOUND EXCEEDING THE VENUE, I DROVE BY AND NOTICED THE WINDOW FACING POLK STREET WAS OPEN IN VIOLATION OF THE GOOD NEIGHBOR POLICY

YOU ARE HEREBY BEING ASSESSED AN ADMINISTRATIVE PENALTY IN THE TOTAL AMOUNT OF \$ _____ FOR THE ABOVE LISTED VIOLATIONS.

THE PENALTY MUST BE PAID WITHIN 30 DAYS OF THE ISSUANCE OF THIS CITATION. All fines and late payment fees are payable by check to:

Controller's Office
City Hall, Room 316
1 Dr. Carlton Goodlett Place
San Francisco, CA 94102

Tel.: (415) 554-7500, Fax: (415) 554-7466

YOU HAVE THE RIGHT TO APPEAL THIS CITATION.

Please see reverse for the appeals form AND further information regarding the appeals process.

I acknowledge receipt of this citation:

Signature of Violator: _____ Print Name: _____

DETERMINATION OF THE AMOUNT OF FINES: The amount of the fine is determined by the following schedules under Admin Code § 100.5: 1. Up to \$100 for the first violation; 2. Up to \$200 for the second violation within one year of the date of the first violation; 3. Up to \$500 for each additional violation within one year of the date of the second or subsequent violation. In determining the amount of the fine, the charging official may take various into consideration. For more information on factors the charging official may consider, see Admin Code § 100.5(a)(4)(A)-(J).

LATE PENALTIES:

Fines that remain unpaid 30 days after the due date shall be subject to a late payment penalty of 10% plus interest at the rate of 1% percent per month on the outstanding balance, which shall be added to the penalty amount from the date that payment is due. Admin Code § 100.6(c). The City and County of San Francisco may file a civil action or pursue any other legal remedy to collect such money. Admin Code § 100.7(a). Where there is a nexus between the violation and real property located in the City as defined in S.F. Admin Code § 100.4(c), the charging official may initiate proceedings to make the payment amount due, and all additional costs and charges, including attorneys' fees, a lien on the property. Admin Code § 100.7(b).

SERVICE INFORMATION: I declare under penalty of perjury that on (Month, Day) MARCH 24 of (Year) 2015, I served (in person OR by mail) BY MAIL, (Name of Violator) MATT CORVI with this citation.
Name of Server: SEAN D. BURKE Signature: [Signature] Date Signed: 3-24-15

San Francisco Entertainment Commission

1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102-4603
(415) 554-5793

ADMINISTRATIVE CITATION

Police Code Sections 1060.26(b) and 1070.24(b)
Administrative Code Chapter 100

Citation No.: 21570 Date Issued: 6-28-15 Time Issued: 1:15 AM
Name of Violator: MATT CORVI
Business Name: MAYES OYSTER HOUSE Permit No.: EC-988
Business Mailing Address: 1233 POLK ST
Location of Violation: INSIDE VENUE


By service of this CITATION, you are hereby notified that you are in violation of a permit condition under Police Code Article 1060 and 1070 as noted below:

1. Noise Abatement (MPC §§ 1060.12, 1070)	\$ <u>100</u>	6. Good Neighbor Violation	\$ _____
2. Signs (MPC §§ 1060.14 & 1060.15)	\$ _____	7. OTHER _____	\$ _____
3. Private Club Violation (MPC §§ 1060.6, 1070.6)	\$ _____		\$ _____
4. Security Plan Violation	\$ _____		\$ _____
5. Minors (MPC §§ 1060.13, 1070.16)	\$ _____		\$ _____

Description of Violation/Corrective Action Required: IN VIOLATION OF RECOMMENDED DECIBEL LIMIT WHICH RESULTED IN COMPLAINT - 107.8 dBC

YOU ARE HEREBY BEING ASSESSED AN ADMINISTRATIVE PENALTY IN THE TOTAL AMOUNT OF \$ 100 FOR THE ABOVE LISTED VIOLATIONS.

THE PENALTY MUST BE PAID WITHIN 30 DAYS OF THE ISSUANCE OF THIS CITATION. All fines and late payment fees are payable by check to:

 Entertainment Commission
1 Dr. Carlton B. Goodlett Place #453
San Francisco, CA. 94102

YOU HAVE THE RIGHT TO APPEAL THIS CITATION.

Please see reverse for the appeals form AND further information regarding the appeals process.

I acknowledge receipt of this citation:

Signature of Violator: _____ Print Name: _____

DETERMINATION OF THE AMOUNT OF FINES: The amount of the fine is determined by the following schedules under Admin Code § 100.5: 1. Up to \$100 for the first violation; 2. Up to \$200 for the second violation within one year of the date of the first violation; 3. Up to \$500 for each additional violation within one year of the date of the second or subsequent violation. In determining the amount of the fine, the charging official may take various into consideration. For more information on factors the charging official may consider, see Admin Code § 100.5(a)(4)(A)-(J).

LATE PENALTIES:

Fines that remain unpaid 30 days after the due date shall be subject to a late payment penalty of 10% plus interest at the rate of 1% percent per month on the outstanding balance, which shall be added to the penalty amount from the date that payment is due. Admin Code § 100.6(c). The City and County of San Francisco may file a civil action or pursue any other legal remedy to collect such money. Admin Code § 100.7(a). Where there is a nexus between the violation and real property located in the City as defined in S.F. Admin Code § 100.4(c), the charging official may initiate proceedings to make the payment amount due, and all additional costs and charges, including attorneys' fees, a lien on the property. Admin Code § 100.7(b).

SERVICE INFORMATION: I declare under penalty of perjury that on (Month, Day) JUNE 30 of (Year) 2015, I served (in person OR by mail) BY MAIL (Name of Violator) MATT CORVI with this citation.
Name of Server: SEAN D. BURKE Signature: [Signature] Date Signed: 6-30-15



Measurement Summary Report

Name Mayes from Booth
 Time 6/28/2015 1:16:07 AM
 Duration 00:01:01
 Instrument G071364, CR:171B

Summary

LAeq 100.0 dB
 LCPeak 123.5 dB
 C-A 7.8 dB
 LEX8 73.2 dB
 LAFMax 107.1 dB

Projected Exposure

30 Mins 87.9 dB
 1 Hour 91.0 dB
 2 Hours 94.0 dB
 3 Hours 95.7 dB
 4 Hours 97.0 dB

Projected Exposure

5 Hours 97.9 dB
 6 Hours 98.7 dB
 7 Hours 99.4 dB
 8 Hours 100.0 dB
 10 Hours 101.0 dB
 12 Hours 101.8 dB

Calibration Information

No Calibration Found

Person

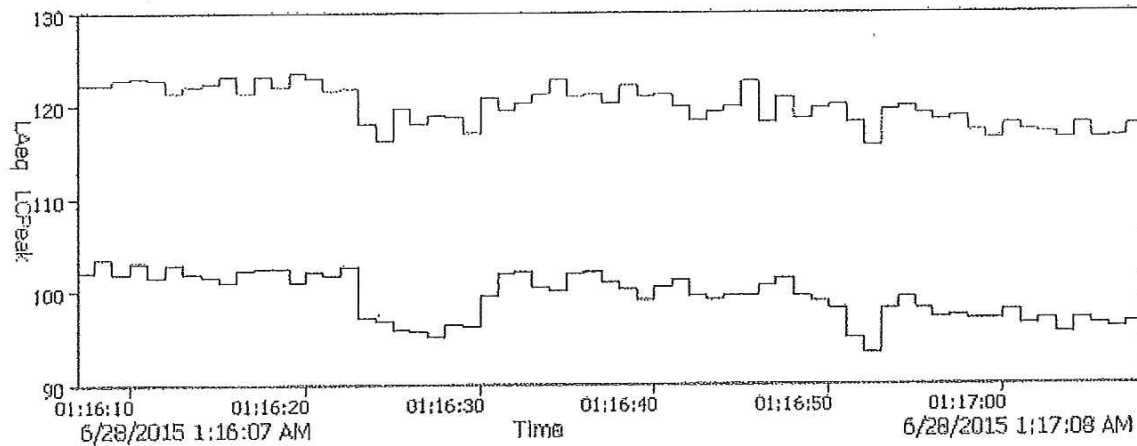
Sean Burke
 SFEC

Project

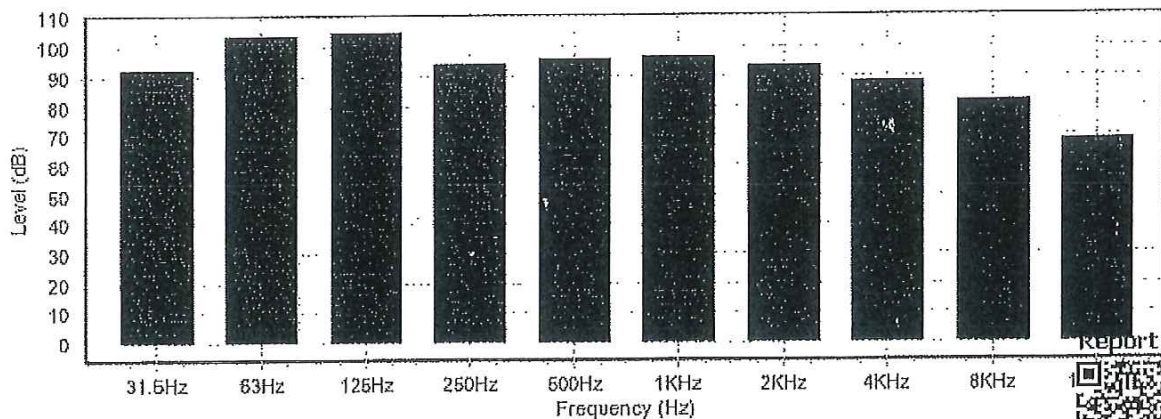
Citations

107.8 dBC
 -5dB

Time History



Frequency Bands



Report ID



San Francisco Entertainment Commission

1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102-4603
(415) 554-5793

ADMINISTRATIVE CITATION

Police Code Sections 1060.26(b) and 1070.24(b)
Administrative Code Chapter 100

Citation No.: 21989 Date Issued: 7/18/15 Time Issued: 11:34 PM
Name of Violator: MAT CORVI
Business Name: MAYES OYSTER HOUSE Permit No.: EC-988
Business Mailing Address: 1233 POLK ST
Location of Violation: POLK ST. SIDE

By service of this CITATION, you are hereby notified that you are in violation of a permit condition under Police Code Article 1060 and 1070 as noted below:

1. Noise Abatement (MPC §§ 1060.12, 1070)	\$ _____	6. Good Neighbor Violation <u>#7</u>	\$ <u>100</u>
2. Signs (MPC § 1060.14 & 1060.15)	\$ _____	7. OTHER _____	\$ _____
3. Private Club Violation (MPC §§ 1060.6, 1070.6)	\$ _____		\$ _____
4. Security Plan Violation	\$ _____		\$ _____
5. Minors (MPC §§ 1060.13, 1070.16)	\$ _____		\$ _____

Description of Violation/Corrective Action Required: ON 7/18/15 @ 11:34 PM, THE FRONT WINDOW OF MAYES OYSTER HOUSE WAS OPEN, ALLOWING SOUND TO ESCAPE, WHICH IS A VIOLATION OF GOOD NEIGHBOR POLICE NUMBER 7

YOU ARE HEREBY BEING ASSESSED AN ADMINISTRATIVE PENALTY IN THE TOTAL AMOUNT OF \$ 100 ⁰⁰ FOR THE ABOVE LISTED VIOLATIONS.

THE PENALTY MUST BE PAID WITHIN 30 DAYS OF THE ISSUANCE OF THIS CITATION. All fines and late payment fees are payable by check to:

Controller's Office
City Hall, Room 316
1 Dr. Carlton Goodlett Place
San Francisco, CA 94102
Tel.: (415) 554-7500, Fax: (415) 554-7466

YOU HAVE THE RIGHT TO APPEAL THIS CITATION.

Please see reverse for the appeals form AND further information regarding the appeals process.

I acknowledge receipt of this citation:

Signature of Violator: _____ Print Name: _____

DETERMINATION OF THE AMOUNT OF FINES: The amount of the fine is determined by the following schedules under Admin Code § 100.5: 1. Up to \$100 for the first violation; 2. Up to \$200 for the second violation within one year of the date of the first violation; 3. Up to \$500 for each additional violation within one year of the date of the second or subsequent violation. In determining the amount of the fine, the charging official may take various into consideration. For more information on factors the charging official may consider, see Admin Code § 100.5(a)(4)(A)-(J).

LATE PENALTIES:

Fines that remain unpaid 30 days after the due date shall be subject to a late payment penalty of 10% plus interest at the rate of 1% percent per month on the outstanding balance, which shall be added to the penalty amount from the date that payment is due. Admin Code § 100.6(c). The City and County of San Francisco may file a civil action or pursue any other legal remedy to collect such money. Admin Code § 100.7(a). Where there is a nexus between the violation and real property located in the City as defined in S.F. Admin Code § 100.4(c), the charging official may initiate proceedings to make the payment amount due, and all additional costs and charges, including attorneys' fees, a lien on the property. Admin Code § 100.7(b).

SERVICE INFORMATION: I declare under penalty of perjury that on (Month, Day) July 21 of (Year) 2015, I served (in person OR by mail) BY MAIL, (Name of Violator) MAYES with this citation.

Name of Server: JOHN BURKE Signature: _____ Date Signed: 7/21/15

Entertainment Commission Permit

City and County of San Francisco; State of California

Place of Entertainment

Permit Number: EC – 988 POE

Grant Date: November 20, 2009,
amended 11/21/14
amended 4/29/2015

Permit is hereby granted to: **Matthew Corvi, Nicholas Pigott**
1233 Polk Street, LLC

Location: 1233 Polk Street

MAYES

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

This permit must be displayed at the above address in a conspicuous place. You are required to allow any Commission Permit Administrator or San Francisco Police Officer to inspect your premises (Municipal Code, Sec. 81). You shall not transfer this permit to another person or conduct a separate business at a different location other than that described on this permit (Municipal Code, Sec. 77).

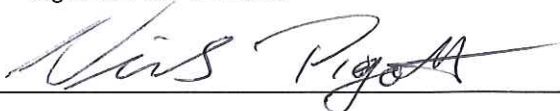
ANY CHANGE IN OWNERSHIP OF THIS PERMITTED BUSINESS REQUIRES A NEW APPLICATION BE FILED WITHIN TEN DAYS OF THE DATE OF THE CHANGE. IF A PERMIT IS CONDITIONALLY GRANTED AND AN APPEAL IS FILED BY ANY PERSON WITHIN 10 DAYS OF THE ISSUANCE, THE PERMIT IS NOT VALID UNTIL THE APPEALS PROCESS IS CONCLUDED AND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

Pertinent information regarding this permit:

- Permit holder shall conform to attached Entertainment Commission "Good Neighbor Policy.
- There shall be no noise audible outside the establishment during the daytime or nighttime hours that violates San Francisco Municipal Police Code sections 49 or 2900 et seq. Further, absolutely no sound from the establishment shall be audible inside any surrounding residence or business that violates section 2900. All doors and windows shall remain closed during the hours of entertainment. Amplified sound levels inside the venue must not exceed 76 dBA.
- Permittee shall ensure that at least two trained and identifiable security guard is present whenever entertainment is provided.
- The primary business shall be a restaurant serving food daily.
- Entertainment shall cease at 1:30am

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

Signature of Permittee:



Issued by:

Jocelyn Kane

Executive Director, Entertainment Commission



Permit is not valid without current tax license.

SAN FRANCISCO ENTERTAINMENT COMMISSION
PLACE OF ENTERTAINMENT/EXTENDED-HOURS
APPLICATION QUESTIONNAIRE

RECEIVED
JUL 29 2019
SAN FRANCISCO
ENTERTAINMENT COMMISSION

All applicants must complete this questionnaire. No application will be accepted for filing until the entire questionnaire has been completed. (If necessary, attach additional sheets to answer a question).

Date: 07-23-09

Name of Business: MAYES

Location of Business: 1233 POLK ST., SAN FRANCISCO, CA 94109

List the Entertainment Permits that you are applying for: POE

~~MUSIC ENTERTAINMENT~~

List the Entertainment Permits previously issued for this premises: POE

UNDER DIFFERENT OWNERSHIP

Describe the present use of the premises. (i.e: bar, restaurant, rental hall)

BAR + RESTAURANT

Operations

Days of the week open to the public: 7 DAYS PER WEEK

Hours of operation: 11 A.M. - 2 A.M.

Days and times of entertainment: SUNDAY 8 P.M. - 1:30 A.M.
~~WEDNESDAY~~ - SATURDAY NIGHTS

Type of food and/or beverage service: FULL BAR BEVERAGE SERVICE
WITH SEAFOOD TAPA STYLE ENTREES, APPETIZERS
2 DESERTS.

Do you have a liquor license? (If yes, please attach a copy with any conditions) PENDING

Name/number/type of liquor license: 1233 POLK STREET LLC.

TYPE: 47

If no license, describe the status of the application: PENDING ABC

APPROVAL NOTICE POSTED ON PREMISES

07-02-09

Occupancy limitations: 181

Number of employees and their duties: 3 BARTENDERS, 1 DAY

MANAGER, THREE KITCHEN STAFF, 4 WAITERS &

WAITRESSES, 1 BAR BACK, 1 BUSER, 1 JANITOR, 3

SECURITY.

Name(s) of manager(s) (e.g. Bar, Food, Security, General):

CONOR NUGENT - GENERAL

FRED DUNCAN - GENERAL

Days/hours these managers will be on premises: SHIFTS 11 - 2 AM U

Entertainment/Music

Type of entertainment/music planned: DJ POPULAR MUSIC, OCCASIONAL
LIVE MUSIC & COMEDY PERFORMANCE.

Demographic of expected clientele: MALE + FEMALE - 30 - 45 YEARS OLD

If sound amplification to be used, specifically describe the amplification: _____

3 500 WATT JBL; 2 SUBWOOFERS 15" DRIVERS
TOTAL 2000 WATTS.

Have you done any sound testing? NO If yes, describe: PREVIOUS OWNER
CONDUCTED TESTS.

Do you have plans to do any soundproofing? YES If yes, describe the
soundproofing: DATE PED SILENT FLOOR WITH CARPETING

FINISH OVER ALL WOOD FLOORS IN SECOND FLOOR
RESIDENTIAL HOTEL UNITS

Please attach any acoustical consultation or other relevant materials.

Is adult entertainment to be offered? Yes ☒ No ☐ If yes, describe the entertainment: _____

Is there another adult entertainment business within 1,000 feet from your premises?

NO If yes, list the business(es): _____

Please provide a layout of your venue:

attached

EXTENDED-HOURS (Skip this section if not applying)

Hours of operation for proposed business: _____

Days of operation for proposed business: _____

What type of food and/or beverage will you serve? _____

What type of after-hours entertainment will you offer? _____

Have you received a copy of 1070MPC, the section governing extended-hours premises? _____

TRAFFIC AND PARKING

Describe street location and cross streets: 1233 POLK ST | FERN ST.
BETWEEN SUTTER & BUSH STS.

Attach a diagram to this questionnaire, showing your street, and all cross-streets, alleys and driveways. Include the number of lanes, direction of travel, and whether streets are one-way.

Describe the parking and stopping restrictions on your block. Include both sides of the street and immediate cross-streets and alleys: METERED PARKING

ON POLK STREET, FERN, SUTTER & BUSH STREETS.

CITY OWNED PUBLIC PARKING ACROSS STREET ON POLK.

How many patrons are expected to arrive by car per day? 25

What will be your peak usage periods? THURSDAY - FRIDAY 9-1 AM.

How many patrons are expected to arrive by car during peak usage period? 20

Where will your patrons/member park? Give location, number of space reserved and attach contracts: PUBLIC PARKING IN PUBLIC PARKING

GARAGE, STREET PARKING

Do you intend to offer valet parking? Give location, number of space reserved and attach contracts: NO VALET PARKING.

Where will truck/commercial vehicle loading/unloading occur? EARLY

HOURS - POLK ST + FERN STREET.

Do you have a nearby passenger loading zone or red zone available for your use? If yes, describe the type of zone and location: WHITE ZONE OUTSIDE

FRONT OF PREMISES

How will parking be made available for persons with disability? CITY PUBLIC

PARKING ACROSS STREET, ELEVATORS ON PARKING PREMISES.

ZONING

What is your zoning district? _____

Is your business within a Special Use District? _____ If yes, please identify the district: _____

Identify and describe the location of any school, day care facility, playground, park, or place of worship within a two block radius of your proposed location:

CHURCH - NORTH EAST CORNER OF POLK / SUTTER ST.

CONSTRUCTION/RENOVATION

Describe any construction, renovation or other improvements planned for building and the timetable for completion: PAINTING FLOORS

AUGUST 15TH COMPLETION.

Do you have permits for this work? If not, have you applied for permits? N/A

Describe the steps you have taken or will take for complying with disability access requirements: EXISTING BUILDING MEETS DISABILITY REQUIREMENTS

SECURITY

The San Francisco Police Code Section 1060.5 has been modified and now requires a "security plan" be submitted with an application for Place of Entertainment permits. The Entertainment Commission has requested that all permit holders also comply with this requirement. By answering the following questions, you will be submitting a plan in accordance with the Police Code requirements. Please attach any further information on your security plans, if available.

1) Based on you occupancy and events programming, the law requires you to hire at least one security personnel for every hundred patrons. How many security personnel will be on staff during the week and on weekends?

DURING WEEK - 1

WEEKENDS - TOTAL 3.

2) How many exits does your venue have? 2 ^{PUBLIC EXITS} Will you be staffing all exits every night of the week? Please describe 1 EXIT STAFFED DURING

WEEK, BOTH EXITS STAFFED THURSDAY - SATURDAY NIGHTS

3) Please submit a floor plan of your venue with all security positions marked.

attached

4) Will you be using in-house security or will you be using an outside security company?

IN-HOUSE SECURITY WILL BE USED.

5) You are liable for the actions of your security personnel on your premises. If you are using in-house security, please submit a copy of your insurance coverage as it relates to security for your venue.

INSURANCE PENDING & WILL BE IN PLACE
PRIOR TO OPENING.

6) If you are using an outside security company, please submit a copy of their insurance coverage and state licensing.

7) What kind of training and/or certification are you requiring of your security personnel (e.g. LEAD Training, Guard Cards?) *Please be aware that you must comply with State Law SB194, Proprietary Private Security Officer Registration requirements (www.dca.ca.gov/bsis) for more information.*

WE WILL COMPLY WITH APPLICABLE LAW

8) The law requires that you secure your entire perimeter 50 feet in all directions. What is your plan for doing so?

OUTSIDE SECURITY WILL MAINTAIN FLOWING
TRAFFIC ALONG PERIMETER.

9) What are your door policies? (e.g. pat downs, bag checks, metal detectors).

IDENTIFICATION CHECK; SUSPICIOUS BAGS CHECKED.

10) Describe your plan to control lines or crowds on the sidewalks and streets surrounding your business (entry of patrons) as well as your plans to exit and disburse your patrons.

ROPED ENTRY LINE IF NEEDED. WE DO
NOT EXPECT MANY PATRONS HAVING TO STAND
OUTSIDE WAITING.

11) Is there a separate exterior area designated for smoking? YES.

If not, how will you deal with the associated noise issues?

POSTED SIGNS, ENCLOSED AREA ON
SIDEWALK ON FRONT ST INDICATING
DESIGNATED AREA.

12) What is your plan to exit patrons in case of emergency?

CLEAR EGRESS FROM FRONT TO BACK
EXITS. ILLUMINATED EXIT SIGNS;
SECURITY TO AID PATRONS TO NEAREST EXITS

13) Will you be hiring any SFPD 10B officers or other Patrol Specials for events?

NOT EXPECTED.

14) Will you have medical staff (EMT, Paramedics) on site during your events at your venue? _____ Will you be using in-house medical staff or will you be using outside medical staff company?

NOT EXPECTED TO BE OF CAPACITY THAT WOULD
WARRANT MEDICAL STAFF ON SITE.

15) If you are using an outside medical staff company, please submit a copy of their insurance and state licensing.

16) If you have an ABC license that allows all ages, will you be doing all ages or 18 and over events? _____ What additional security will you be implementing, and how will your security and medical plan change?

NEIGHBORHOOD CONTACTS

Have you met with any local neighborhood associations or other groups concerning your proposed use of the premises? YES If yes, list those groups: _____

SFPD - JOHN GALLAGHER

DECLARATION

I, CONOR NUGENT, 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.

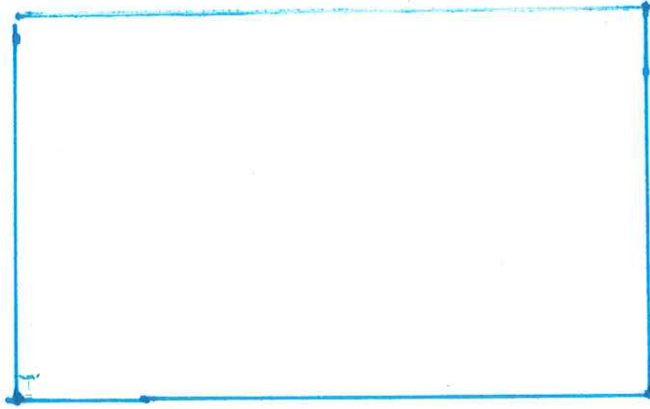
08/23/09

Date

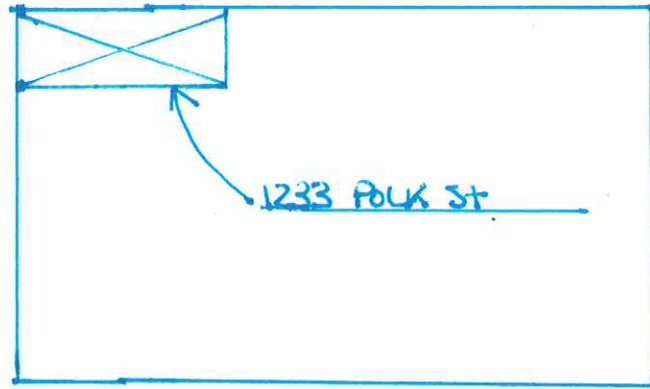


Signature of Applicant

SUTTER STREET

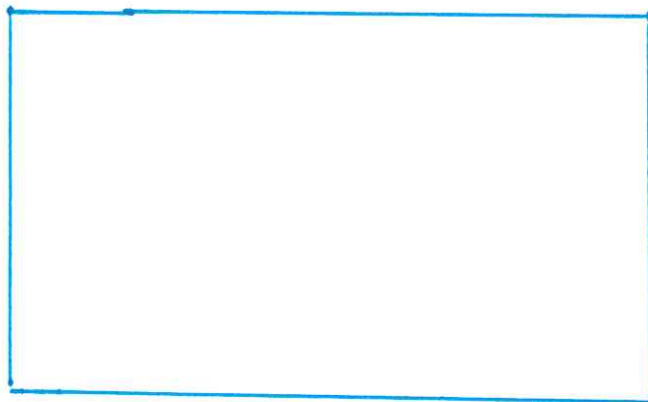


FERN ST



1233 FOLK ST

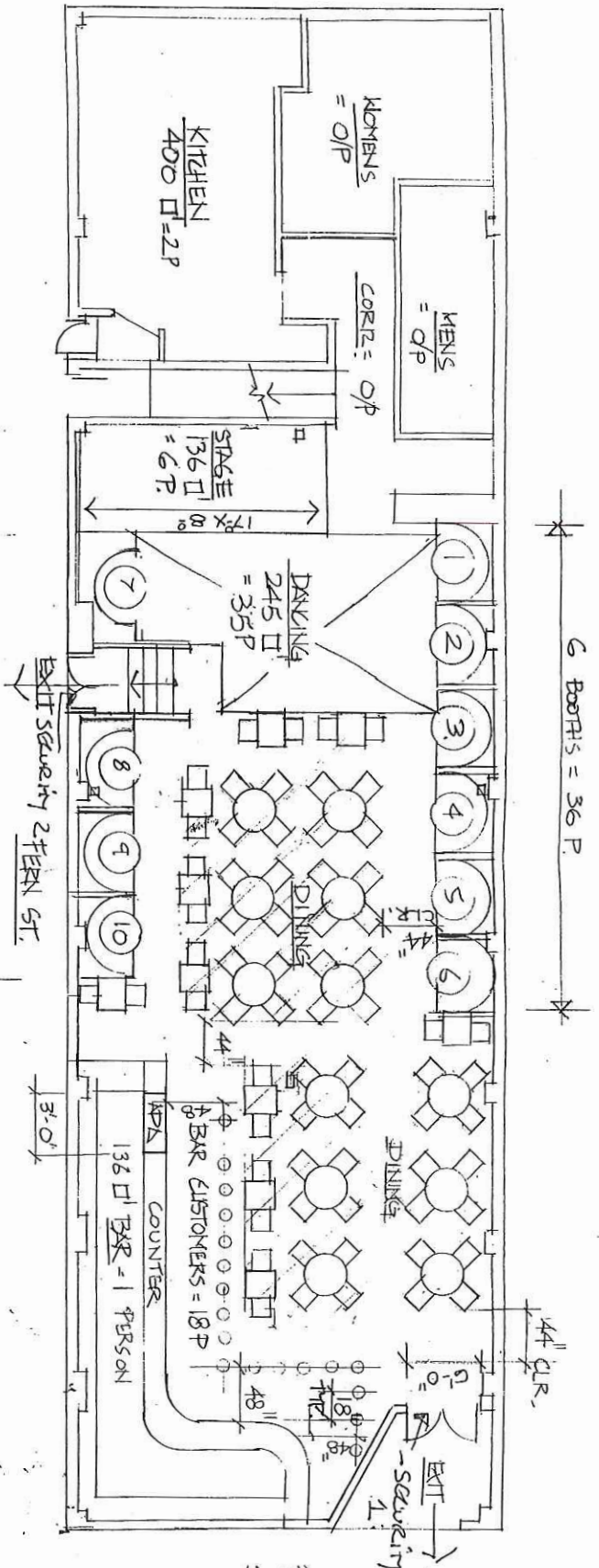
BUSH STREET



VAN NESS AVE

FOLK ST.

NTS



HOLY GRAIL 1233 POLK OCCUPANCY CALCULATIONS

FIRST FLOOR	Rate(S.F./Person)	S.F.
1. Bar Staff	200/	136
2. Kitchen Staff	200/	400
3. Bar Customers	18" O.C. For Counter	
4. Fixed Booths	24" O.C. For Seating	
	12 Lin. ft. divided by 2	
5. General Dining Area	15/	920
6. Dinning	7/	245
7. Stage	15/	136
TOTAL FOR FIRST FLOOR		=
BASEMENT		2214
For Exit width		186 + 8 =
		194 x 0.2
		= 38.8"

OCCUPANCY DIAGRAMATIC PLAN
1/8" = 1'-0"

NON FIXED
TABLE AREA
920 sq ft = 61 P

Not for
occupancy
186 Persons
6 Persons
194 Persons

We have (1) 6'-0" Pair of 3'-0" Doors to Polk/Fem St.
We comply. 1 Pair 5'-0" Doors to Fem = 11'-0" Total



QUICKDRAW

PERMIT CONSULTING

584 CASTRO STREET SF CA 94114

WWW.PERMITCONSULTING.COM

December 4, 2017

President Rich Hillis
San Francisco Planning Commission
1650 Mission St. 4th Floor
San Francisco, California

2016-010348CUA

**1233 Polk St. Conditional Use Authorization Sought for
Nighttime Entertainment Use with Electronic Amplification**

Dear Pres. Hillis and Honorable Commissioners:

On September 1, 2013, when Matt, Johnny and Nick (aka 1233 Polk Street LLC) took over Mayes Oyster Bar, all the permits looked in order. With close to 60 years of San Francisco restaurant and nightclub management experience among the three of them, they knew exactly what to look for:

Health Department Approval - check

ABC Licence - check

Building Permits signed off - check

Fire Department Place of Assembly Permit - check

Entertainment Permit for amplification and hours - check

Three years later a Planning Department Code Enforcement letter arrived with the surprising news that they were operating out of compliance with the 1993 Conditional Use granted to Mayes several owners ago.

What has happened since then is a story of exactly what can happen when Planning Staff

works with the community and an employer and makes code compliance a ***win win win*** situation.

It started with a condo owner on Sutter Street whose windows face Fern Alley; whenever Mayes Oyster House trash was left out for pickup area homeless would make a racket (and a mess) sorting bottles and cans, and this neighbor was getting very upset with the disturbance. Mayes made continual attempts to rectify the situation by relocating trash pickup, locking containers, changing pickup hours, and various other strategies - none of which fully solved the problem. This neighbor went to the city, and through his research found this inconsistency between the 1993 Planning Commission grant of hours for amplified entertainment and the Entertainment Commission Place of Entertainment Permit (EC-988 POE) issued November 20th, 2009, amended 11/21/2014 and amended again 4/29/2015 attached).

Since that time the trash problem was solved completely by removing trash and recycling from the site immediately at close of business for pick up from an alternate location.

Meanwhile Mayes had initiated new relationships with neighbors, neighborhood organizations, and Law Enforcement. Mayes was now focused on improving their profile in the community and minimizing the impact of the lower Polk nightlife businesses on the neighborhood. Work began, with continued oversight of Darío Jones from Planning Code Enforcement Staff, to make Mayes Oyster House the most forward thinking and proactive neighborhood enhancing nightlife business possible in this very concentrated cluster of nighttime bars and entertainment venues.

While there is always room for improvement Mayes has made substantial improvement over the past year. We have risen above the fray and Mayes is becoming a catalyst of change for the better on our block. This is verifiable from our relationships with our beat cops, Entertainment Commission enforcement officers, many specific neighboring residents and businesses . . . it is even visible on the sidewalk itself - ours is the only one power washed several times a week.

We have invested significantly in hard measures to prevent sound transmission from Mayes. Working closely with CM Salter Acoustical Engineers we have spent nearly \$100,000 on noise abatement measures. We have installed a new HVAC system to provide a powerful source of cool fresh air so that no one will prop open the door to the crowded club on a busy night; we replaced our doors and windows; new enclosures surround all ducts, flues, and chases to close every possible vector of sound transmission.

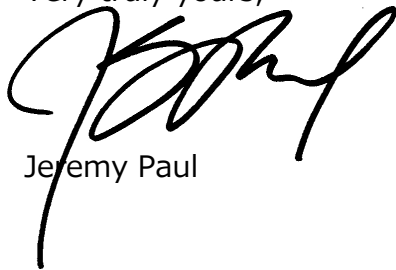
Our employees and security team are well-trained and persistent in removing problem patrons, and preventing loud drunken behavior outside the club. To prevent noisy loitering after closing our steam cleaning team shows up at 2 AM after busy nights - believe me, nothing clears a crowded sidewalk faster than guys in rubber suits with a high pressure steamer moving steadily down the sidewalk.

Matt Corvi, operating partner of 1233 Polk Street LLC is on-site every night except Sunday from 9 PM on, to personally oversee operations and to respond to any situation that might arise. Matt's cell phone number is posted on the exterior of the building in two locations should any neighbor or patron need to reach him for any reason.

San Francisco needs its entertainment and nightlife industry - without it we stop being the destination that brings so much to our city. We know that the lower Polk bars and restaurants can do better and Mayes is deeply committed to help that process. The second weekend of December is ***Santa-Con***, one of this district's most popular events - hundreds of festive Santas and elves will pack Polk Street - and we intend to make 2017 the most fun and most trouble-free Santa-Con ever.

In fact we invite the whole Planning Commission to put on a Santa hat or reindeer horns and come on down for some Christmas cheer. You'll see how well were doing on the toughest weekend of the year.

Very truly yours,

A handwritten signature in black ink, appearing to read 'JP Paul', with a long, sweeping underline that extends below the printed name.

Jeremy Paul

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Acoustics
Audiovisual
Telecommunications
Security

24 May 2017

Matt Corvi
Mayes Oyster House
1233 Polk St
San Francisco, CA 94109
Email: mattcorvi@yahoo.com

Subject: **Mayes Oyster House**
Environmental Noise and Sound Isolation Study
Salter Project: 17-0116

Dear Matt:

This letter summarizes the results of our environmental noise measurements and sound isolation testing for Mayes Oyster House. The purpose of this study was to evaluate bar noise as it relates to City noise requirements and noise reduction measures, if needed, that could be implemented to meet the City requirements. We understand one neighbor had complained to the City Entertainment Commission about noise from Mayes Oyster House. You stated that this person was thought to live to the east of Mayes Oyster House, on Fern Street east of Polk Street.

Technical documentation, including San Francisco Noise Ordinance criteria, measurements and observations can be found in the Appendix. Our findings and recommendations are as follows:

1. We measured noise levels as high as 70 dBA¹ at the Fern Street and Polk Street property planes during "peak" activity hours. This exceeds the allowable ambient noise level (per the City of San Francisco Noise Ordinance), of 64 dBA at the property planes.

On Polk Street, the noise environment was affected by not only Mayes Oyster House, but also Lush Lounge and McTeague's Saloon to an unknown extent. Because of this multiplicity of venues making noise, it is unclear whether reducing noise emissions from Mayes would cause the noise level at the property plane to meet the Noise Ordinance requirement because activity noise from the adjacent bars also contribute to the noise environment.

On Fern Street, the Mayes Oyster House facade openings facing Fern Street are the most significant contributor to the noise environment.

2. We recommend the following noise reduction measures for Mayes Oyster House to meet the Noise Ordinance:

A. **Dance Floor Door:** We recommend providing acoustical gasketing at the door to the area as shown in **Figures 1 and 2**. The doors would be fitted with new mortised or surface-mounted

¹ A-Weighted Sound Level – The A-weighted sound pressure level, expressed in decibels (dB). Sometimes the unit of sound level is written as dB(A). A weighting is a standard weighting that accounts for the sensitivity of human hearing to the range of audible frequencies. People perceive a 10 dB increase in sound level to be twice as loud.

Charles M. Salter, PE
David R. Schwind, FASA
Eric (Broadhurst) Mori, PE
Philip N. Sanders, LEED AP
Thomas A. Schindler, PE
Durand R. Begault, PhD, FAES
Ken Graven, PE, RCDD, CTS-D
Anthony P. Nash, PE
Jason R. Duty, PE
Lloyd B. Ranola
Eric A. Yee
Joshua M. Roper, PE, LEED AP
Ethan C. Salter, PE, LEED AP
Alexander K. Salter, PE
Jeremy L. Decker, PE
Heather A. Salter
Thomas J. Corbett, CTS
Craig L. Gilian, RCDD
Rob Hammond, PSP, NICET III
Andrew J. McKee
Josh J. Harrison
Vinay C. Patel
Valerie C. Smith, PE
Benjamin D. Piper
Elisabeth S. Kelson, CTS
Ryan G. Raskop, AIA, NCARB
Diego Hernandez
Brian C. Wourms
Greg R. Enenstein
Felipe Tavera
Kenneth W. Lim
Ryan A. Schofield
Alex T. Schiefer
Abner E. Morales
Adrian L. Lu
Steve L. Leiby
Blake M. Wells, LEED GA
Katherine M. Moore
Jordan L. Roberts
Sybille M. Roth
Bryce M. Graven
Justin P. Reidling
Lauren von Blohn
Wilson Shao
Dee E. Garcia
Catherine F. Spurlock

drop-bottom mechanisms.

The intersection of the two doors would also need new hardware (there is currently a gap of at least 1/2-inch at each pair of doors). The "best" approach would be to install a new astragal, but it is unclear if such a device would be allowed for these doors (since astragals then require one door to open first). **Figure 2** shows a gasket product between the two doors as well as a solid astragal. Additional wood blocking may be needed at this intersection to minimize the gap between door leaves. If a solid astragal is not feasible, **Figure 3** shows an alternative design using gasketing.

- B. **Kitchen Door:** We recommend improving perimeter hardware also at the Kitchen door as shown in **Figure 1**. Additionally, we recommend incorporating at least 1/2-inch thick laminated glass at the grilled opening in the door or replacing the entire door leaf with a solid-core wood or insulated metal door at least 1-3/4-inches thick.
 - C. **Front Entry Door:** The frameless glass doors provide little sound attenuation. We recommend replacing them with framed glass doors (minimum 1/2-inch thick laminated glazing), with full perimeter gasketing as shown in **Figures 1 and 2**.
 - D. Consider an entry vestibule at the front entrance. The door from Mayes has direct line-of-sight to residences across Polk Street on Fern Street. An entry vestibule at the Mayes entrance would allow sound to remain within the building when the exterior doors are opened. The door staff should be diligent about keeping these doors closed at all times to the fullest extent possible.
 - E. Limit the maximum noise levels of the amplified sound system via a "brick wall" volume limiter which would not only limit the overall output of the system, but allow Mayes Oyster House to "roll off" frequency bands as needed to eliminate excessive noise transmission. To meet the Noise Ordinance requirements, in combination with the above door retrofit recommendations, the maximum noise levels from the sound system should be reduced by at least 5 dB to meet the Noise Ordinance. For reference, three decibels of reduction would be a just-noticeable-difference in perceived noise level.
3. We have provided recommendations to meet the City of San Francisco Noise Ordinance Criteria. Please note that if Mayes is a licensed "Place Of Entertainment", additional study and noise reduction measures may be necessary to satisfy POE requirements (e.g., limiting low-frequency bass noise emissions specifically, in addition to limiting overall noise levels generally).

*

*

*

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Floor 5
San Francisco, CA
94104
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F 415.397.0454
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This concludes our findings and recommendations for the Mayes Oyster House environmental noise and sound isolation study. Please call with any questions. We look forward to discussing these results with you and determining the next steps.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.



Ethan Salter, PE, LEED AP
Vice President



Adrian L. Lu
Consultant

Enclosure

CC: Nick Pigott (nick@pearlgroupsf.com)

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APPENDIX

City of San Francisco Noise Ordinance Criteria

Article 29 of the City Police Code contains limits on maximum noise levels due to “fixed noise sources”. Noise limits are dependent on local ambient noise levels and the type of property category (e.g., commercial, residential). Thus, amplified music would need to be reduced to meet Section 2909 (b) and (d) of the City of San Francisco Noise Ordinance, which states the following for commercial properties:

(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 dBC² 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.

(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.

The “ambient” and “low frequency ambient” are defined in Section 2901 as follows:

(a) “Ambient” means the lowest sound level repeating itself during a minimum ten-minute period as measured with a type 1, precision sound level meter, using slow response and “A” weighting. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this chapter, in no case shall the ambient be considered or determined to be less than: (1) Thirty-five dBA for interior residential noise, and (2) Forty-five dBA in all other locations.”

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² C-Weighted Sound Level – The C-weighted sound pressure level, expressed in decibels (dB). Sometimes the unit of sound level is written as dB(C). C weighting is a standard weighting that accounts for more low frequency content in sound than A weighting. C weighting is very close to a flat response over audible frequencies with a gentle roll-off below 50 Hz and above 5 kHz.

(f) "Low frequency ambient" means the lowest sound level repeating itself during a ten-minute period as measured with a sound level meter, using slow response and "C" weighting. The minimum sound level shall be determined with the music or entertainment noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this chapter, in no case shall the local ambient be considered or determined to be less than: (1) Forty-five dBC for interior residential noise, and (2) Fifty-five dBC in all other locations.

Measurements

Environmental Noise

On 16 and 30 April 2017, we measured bar activity noise during the peak hour of bar activity — the midnight hour — as you indicated. Bar activity measurement were taken 4-feet above the ground. **Figure 4** shows these measurement locations. Table 1 below shows the measured ambient noise level and bar activity noise levels.

Table 1: Measured environmental noise levels

No.	Measurement	Noise Level (dBA)
LT-1	Nighttime Ambient Level, L_{90} ³	56
ST-1	Bar activity on Fern Street - between Polk Street and Van Ness Avenue	70
ST-2	Bar activity on Polk Street - between Fern Street and Bush Street	70
ST-3	Bar activity on Fern Street - between Polk Street and Larkin Street	63

We measured the existing ambient noise environment between 15 and 17 April 2017. Property plane ambient measurements were taken 12-feet above the ground at the corner of Fern Street and Polk Street on the block where Mayes is located. To compare bar activity noise to ambient noise levels, we compared ambient levels from the same hour as peak bar activity but on 17 April when there was little bar activity.

The measured ambient noise level at that time was 56 dBA. This means the minimum allowable noise level in order to comply with the Noise Ordinance is 64 dBA or 8 decibels over the ambient.

³ L_n – The sound level exceeded for a stated percentage (n) of a specified measurement period as described in ASTM E1686. L_{10} , L_{50} , and L_{90} are the levels exceeded 10, 50, and 90 percent of the time, respectively.

Sound Isolation

We conducted acoustical testing on 27 April 2017 to quantify the sound isolation, using Noise Isolation Class (NIC⁴) ratings, from within Mayes to the surrounding noise environment. Testing consisted of using typical music levels, as determined by Mayes, and measuring the resultant noise level at the exterior side of building components suspected to be noise paths (e.g., doors, windows, louvers, and opening). Table 2 below lists the results of our measurements.

Table 2: Sound isolation testing results

Measurement	Measured NIC Rating
Entrance Door on Polk Street	21
Front Window on Polk Street	25
Dance Floor Door on Fern Street	22
Louvers on Fern Street	23

Analysis

Environmental Noise

Currently, noise from bar activity at Mayes exceeds the allowable limits set by the Noise Ordinance at Fern Street. From observations at the site, it was apparent that noise transmitting through Mayes' Fern Street façade caused the exceedances. Therefore, noise reduction measures would need to be taken to meet the Noise Ordinance.

On Polk Street, although we observed that noise from Mayes contributed to the noise environment. It is unclear whether addressing only noise from Mayes would resolve the noise impact at the Polk Street property plane because noise from the adjacent venues—Lush Lounge and McTeague's Saloon—were also contributing to the noise environment.

On Fern Street at measurement location ST-3, an alleged source of noise complaint, assuming 25 decibels of reduction for closed windows, we estimate the measured noise level within a residence to be 38 dBA. This level is within the Noise Ordinance requirement 45 dBA indoors between the hours of 10:00pm and 7:00am. Therefore, no noise reduction measures would be necessary to meet the Noise Ordinance. However, we understand that noise complaints can arise despite meeting Noise Ordinance requirements. Therefore, we have included recommendations to address reducing this noise.

⁴ NIC (Noise Isolation Class) – A single-number rating defined in ASTM E336 that quantifies the ability of a partition to reduce airborne noise between adjacent spaces under field conditions. The sound levels measured in the receive room are not adjusted to account for the effects of the room volume and furnishings. Increasing NIC ratings correspond to improved airborne sound isolation.

Sound Isolation

Currently, there are gaps and openings in the doors, which substantially contribute to the low sound isolation ratings achieved and resultant exceeded noise levels at the neighboring property planes. At the kitchen door, we observed a grilled opening through which noise readily transmitted to Fern Street.

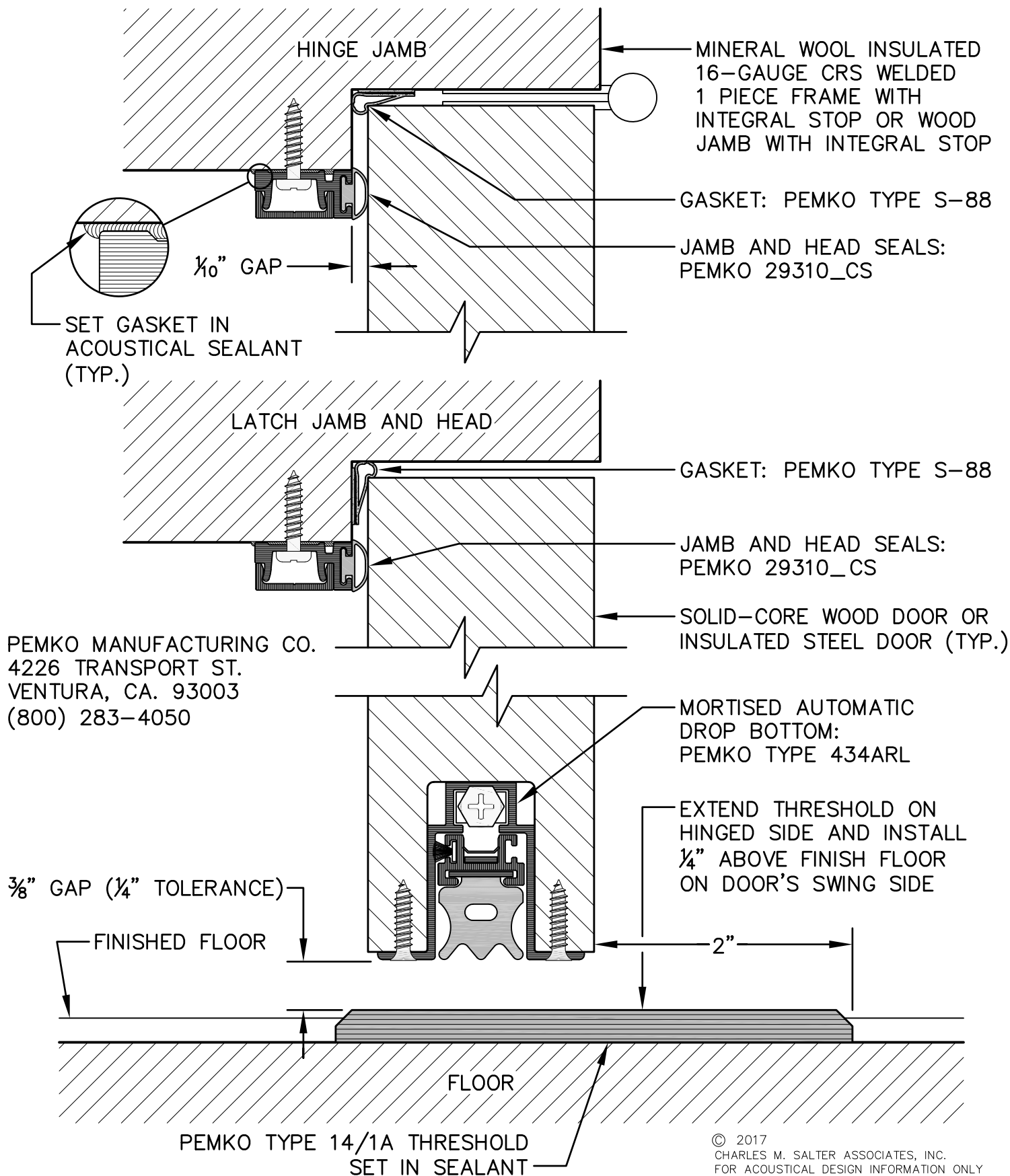
We observed that the windows caulked at the perimeter, which resulted in higher sound isolation performance.

There are louvers in the dance floor area that exhaust to Fern Street. To address noise through the louvers may require coordination with a mechanical engineer due to airflow requirements.

During testing, we also observed the effect of music at Fern Street, near the alleged noise complaint. At this location, we found that the low frequency percussive sounds present.

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San Francisco, CA
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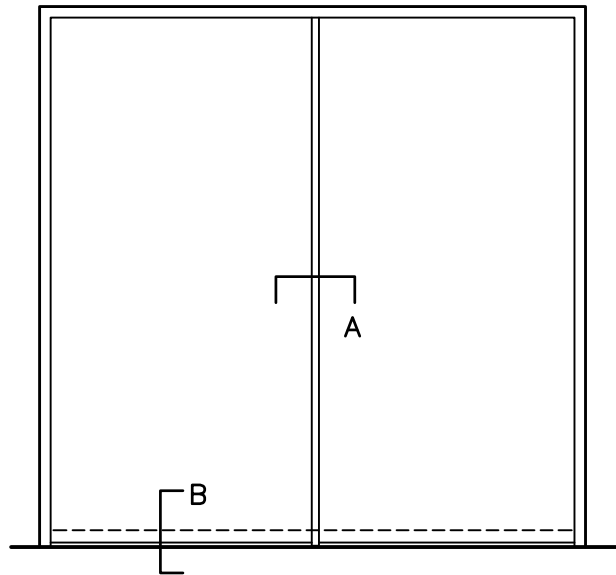


SOUND-GASKETED DOOR

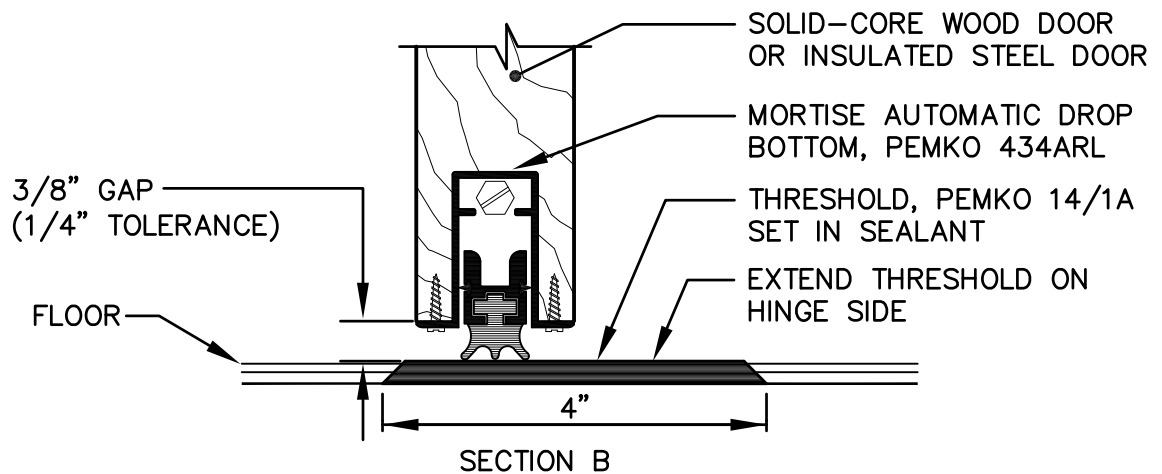
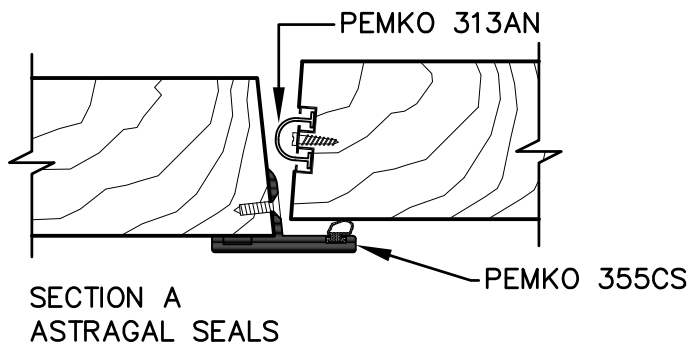
FIGURE 1

1800
5.1.1, 5.1.2

ALL/ECS
24 MAY 2017



ASTRAGAL DOOR ELEVATION



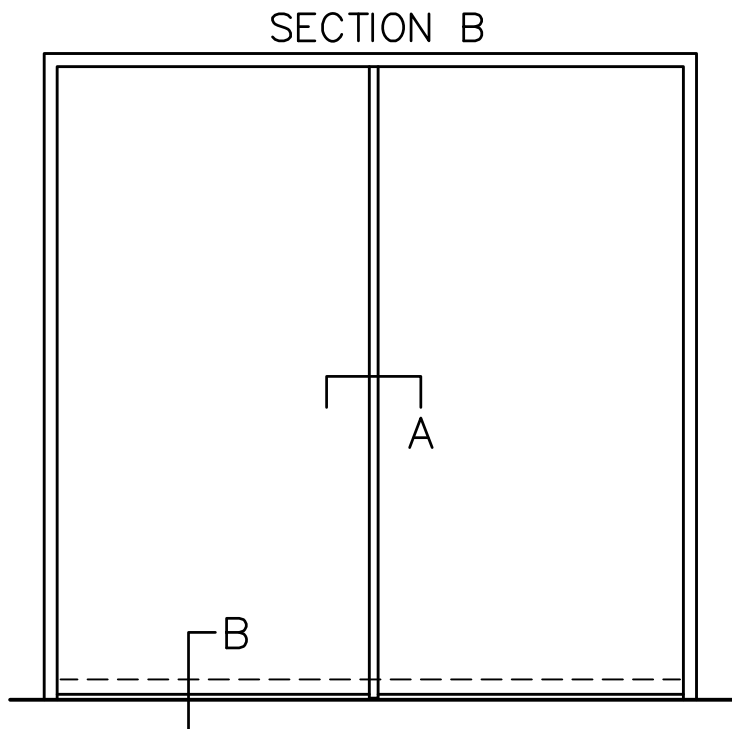
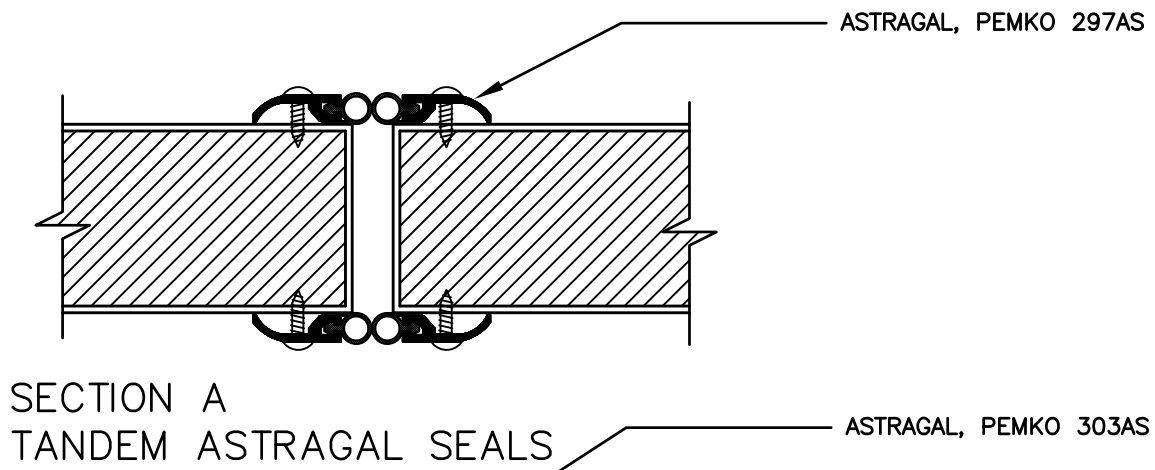
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FOR ACOUSTICAL DESIGN INFORMATION ONLY

ASTRAGAL DESIGN FOR DOUBLE DOOR ISOLATION

FIGURE 2

1887J
5.1.3

ALL/ECS
24 MAY 2017



ASTRAGAL DOOR ELEVATION

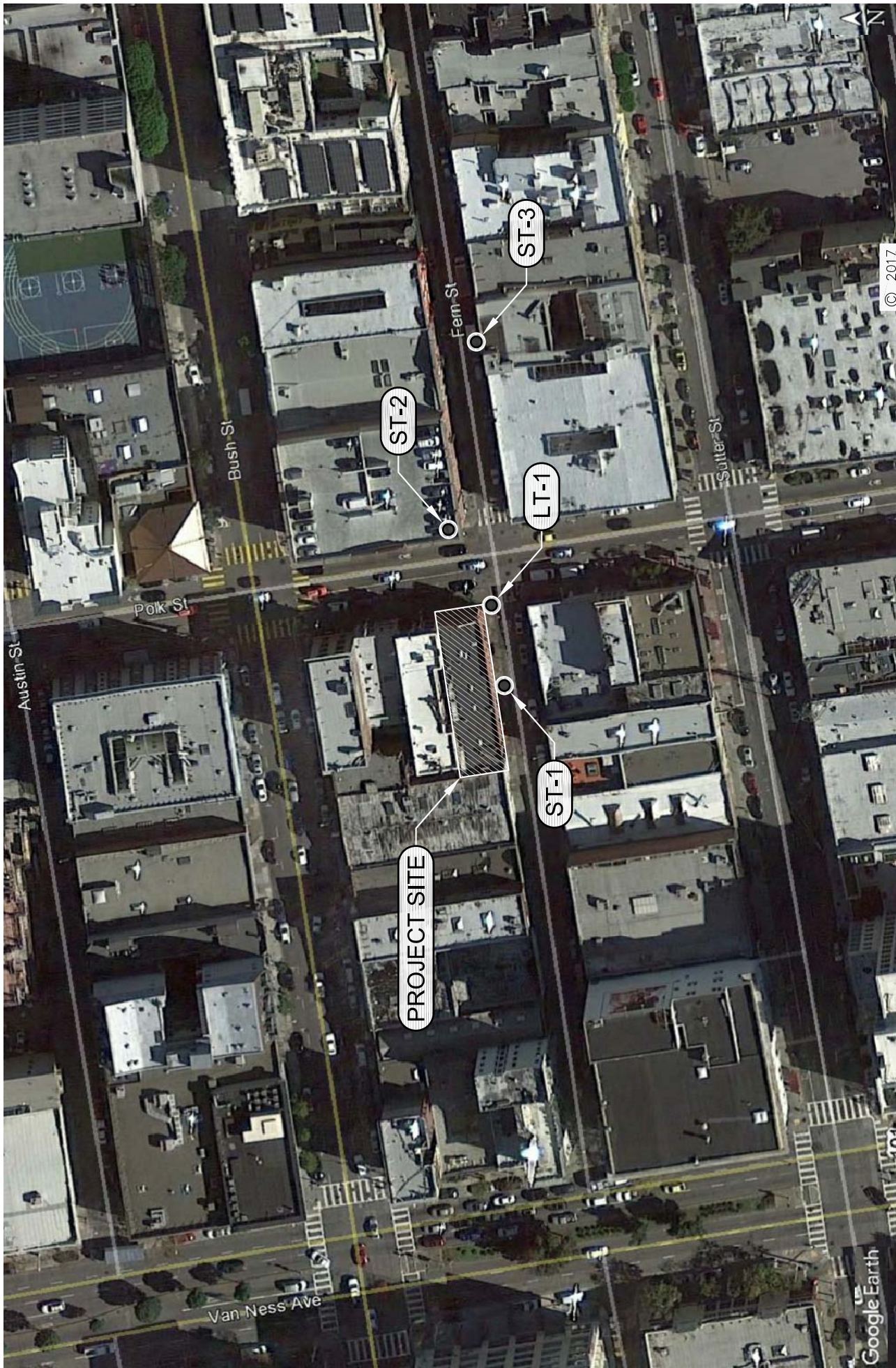
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ALTERNATIVE ASTRAGAL DESIGN FOR DOUBLE DOOR ISOLATION

FIGURE 3

1712A
5.1.3

ALL
24 MAY 2017



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MAYES OYSTER HOUSE NOISE MEASUREMENT LOCATIONS

FIGURE 4

Salter #
 17-0116

ALL/ECS
 24 MAY 2017

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Telecommunications
Security

16 November 2017

Matt Corvi
Mayes Oyster House
1233 Polk Street
San Francisco, CA 94109
Email: mattcorvi@yahoo.com

Subject: **Mayes Oyster House**
Sound Isolation Progress
Salter Project: 17-0116

Dear Matt:

We visited Mayes Oyster House on 13 November 2017 and observed the progress of implementing our 24 May 2017 recommendations. During our visit, we discussed the remaining measures that would need to be taken to meet our recommendations and satisfy City stipulations. Our findings are as follows:

1. Mitigation for the double door along Fern Street (i.e., the dance floor door) has not yet been installed. We understand that per the approved building permit dated 30 October 2017, an astragal and weather stripping is part of the scope of work, as recommended. Per our recommendations, the weather stripping would need to be acoustically rated and include a drop-bottom mechanism. We look forward to reviewing the hardware with you.
2. The kitchen door has been replaced with an insulated metal door, per our recommendation, however full perimeter acoustical gasketing has not yet been included. This will need to be installed.
3. We observed a "custom" assembly being installed at the front entry door along with two sets of acoustical curtains, which appears to address our recommendations for perimeter gasketing. However, we have not seen any details for this assembly. Acoustical testing would be necessary to confirm the isolation provided by this solution. Previously we had recommended replacing the existing door with a framed glass door (minimum 1/2-inch thick laminated glazing), with full perimeter gasketing.

This custom assembly would not likely provide an equivalent amount of sound isolation as compared to our recommendation but it would likely be an improvement to the existing condition. Your continued effort on this custom assembly would need to include a center mullion and full perimeter gasketing. We look forward to reviewing this design decision.

4. An entry vestibule is currently still under consideration. We understand that the project architect will be contacted to provide a design for the vestibule. We look forward to reviewing this design.
5. We understand an amplified sound system volume limiter/processor (Ashly Audio "Protea") has been installed. The maximum audio system noise levels should be reduced by at least 5 dB overall

Charles M. Salter, PE
David R. Schwind, FASA
Eric (Broadhurst) Mori, PE
Philip N. Sanders, LEED AP
Thomas A. Schindler, PE
Durand R. Begault, PhD, FAES
Ken Graven, PE, RCDD, CTS-D
Anthony P. Nash, PE
Jason R. Duty, PE
Lloyd B. Ranola
Eric A. Yee
Joshua M. Roper, PE, LEED AP
Ethan C. Salter, PE, LEED AP
Alexander K. Salter, PE
Jeremy L. Decker, PE
Heather A. Salter
Thomas J. Corbett, CTS
Craig L. Gilian, RCDD
Rob Hammond, PSP, NICET III
Andrew J. McKee
Josh J. Harrison
Valerie C. Smith, PE
Benjamin D. Piper
Elisabeth S. Kelson, CTS-D
Ryan G. Raskop, AIA, RCDD
Michael L. Bolduc, CPP
Diego Hernandez
Brian C. Wourms
Greg R. Enenstein
Felipe Tavera
Kenneth W. Lim
Abner E. Morales
Dennis R. Mill
Thomas S. Bates
Ryan A. Schofield
Adrian L. Lu
Steve L. Leiby
Blake M. Wells, LEED GA
Katherine M. Moore
Jordan L. Roberts
Sybille M. Roth
Justin P. Reidling
Lauren von Blohn
Wilson Shao
Winter R. Saeedi
Dee E. Garcia
Catherine F. Spurlack

and possibly more in each octave frequency band. The audio engineer would need to adjust the maximum spectral output of the sound system on a band-by-band basis and "lock" these levels in.

Once the above mitigation measures have been installed, we are available to provide post-construction acoustical testing to quantify the improvement. The testing will also establish maximum amplified audio system noise levels for continued use.

*

*

*

This concludes our findings and recommended next steps for the Mayes Oyster House project. We look forward to reviewing documents prepared by your architect and contractor as construction continues. Please contact us should you have any comments or questions.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.



Adrian L. Lu
Consultant



Ethan Salter, PE, LEED AP
Vice President

Enclosures as noted

cc: Nick Pigott (nick@pearlgroupsf.com)
Corey Brown (corey@bb.builders)
Jeremy Paul (jeremy@quickdrawsf.com)

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www.cmsalter.com



OCT 30 2017

Tom C. Hui
TOM C. HUI, S.E.
DIRECTOR

APPROVED FOR ISSUANCE

BLDG. 3/8
FORM

APPLICATION NUMBER

OSHA APPROVAL REQ'D ☐
APPROVAL NUMBERAPPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRSFORM 3 ☐ OTHER AGENCIES REVIEW REQUIREDFORM 8 ☐ OVER-THE-COUNTER ISSUANCE

NUMBER OF PLAN SETS

▼ DO NOT WRITE ABOVE THIS LINE ▼

DATE FILED 10/12/17	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 1233 Polk Street	BLOCK & LOT 0670/004
PERMIT NO. 1412914	ISSUED 10/26/17	(2A) ESTIMATED COST OF JOB \$1500.00	(2B) REVISED COST: BY: 1500.00 87 DATE: 10/26/17

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. WF	(5A) NO. OF STORIES OF OCCUPANCY 1	(6A) NO. OF BASEMENTS AND CELLARS 1	(7A) PRESENT USE: Bar Restaurant	(8A) OCCUP. CLASS C-2A-2	(9A) NO. OF DWELLING UNITS 1
----------------------------	---------------------------------------	--	-------------------------------------	-----------------------------	---------------------------------

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. WFV	(5) NO. OF STORIES OF OCCUPANCY 1	(6) NO. OF BASEMENTS AND CELLARS 1	(7) PROPOSED USE (LEGAL USE) Bar Restaurant	(8) OCCUP. CLASS C-2A-2	(9) NO. OF DWELLING UNITS 1
----------------------------	--------------------------------------	---------------------------------------	--	----------------------------	--------------------------------

(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--	--	--	--

(14) GENERAL CONTRACTOR KB Builders Inc	ADDRESS 531 Jessie St	ZIP 94103	PHONE (415) 564-9750	CALIF. LIC. NO. 977587	EXPIRATION DATE 10/31/18
--	--------------------------	--------------	-------------------------	---------------------------	-----------------------------

(15) OWNER - LESSEE (CROSS OUT ONE) OWNER	ADDRESS 1233 Polk St	ZIP 94109	BTRC# 415 994 6488	PHONE (FOR CONTACT BY DEPT.) 415 994 6488
--	-------------------------	--------------	-----------------------	--

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

REPAIR 1 door in same rough opening, add astragal and weather stripping to one pair of doors, install box of stairs at pinned swing entrance door to close gaps, install curtain curtains at entrance vestibule

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input checked="" type="checkbox"/> N/A	ADDRESS	CALIF. CERTIFICATE NO.
---	---------	------------------------

(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN") N/A	ADDRESS
---	---------

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or scaffolding used during construction is to be closer than 6'0" to any wire containing more than 750 volts. See Section 385, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX

- | | |
|-------------------------------------|------------------------------------|
| <input type="checkbox"/> OWNER | <input type="checkbox"/> ARCHITECT |
| <input type="checkbox"/> LESSEE | <input type="checkbox"/> AGENT |
| <input type="checkbox"/> CONTRACTOR | <input type="checkbox"/> ENGINEER |

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

- I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:
Carrier _____
Policy Number _____
- The cost of the work to be done is \$100 or less.
- I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent

Date

APPLICANT COPY

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City and County of San Francisco
DEPARTMENT OF BUILDING INSPECTION

J O B C A R D



OFFICE HOURS: THE BUILDING INSPECTION IS OPEN DAILY, MONDAY THRU FRIDAY,
FROM 8:00 a.m. TO 5:00 p.m. DISTRICT BUILDING INSPECTORS KEEP OFFICE HOURS DAILY,
MONDAY THRU FRIDAY, FROM 8:00 a.m. TO 8:30 a.m. AND FROM 3:00 p.m. TO 4:00 p.m.

REQUESTS FOR INSPECTIONS ARE TAKEN 24 HOURS A DAY/7DAYS A WEEK
BY CALLING (415) 575-6955

APPLICATION NO. 201710252251 ISSUED 10/30/17
JOB ADDRESS: 1233 POLK ST BLOCK 0620 LOT: 004
NATURE OF WORK: _____

WORK PERMITTED UNDER AUTHORITY OF THIS BUILDING PERMIT NUMBER MUST BE COMPLETED
PRIOR TO EXPIRATION DATE OF 10-15-18.

EXTENSION OF TIME TO COMPLETE WORK UNDER THIS BUILDING PERMIT NUMBER MAY BE GRANTED UPON
WRITTEN REQUEST PRIOR TO THE DATES NOTED ABOVE.

For informations on the Permit Process, Building Plans Review, Access Issues, etc., please see page 4 of this
JOB CARD for useful and appropriate telephone numbers.

*** ELECTRICAL & PLUMBING WORK MUST HAVE PERMITS SEPARATE FROM A BUILDING PERMIT. ***

**KEEP THIS CARD POSTED IN A CONSPICUOUS PLACE ON THE JOB SITE AT ALL TIMES.
PLANS AND PERMIT DOCUMENTS SHALL BE ON THE JOB SITE
AT ALL TIMES WHEN WORK IS IN PROGRESS.
AFTER COMPLETION OF WORK, RETAIN THIS CARD FOR YOUR RECORDS.**

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION
(415)558-6088**

Receipt No: 1442914

Application/Permit No: 201710252251

PERMIT IS GRANTED TO

<input type="checkbox"/> ERECT	<input checked="" type="checkbox"/> ALTER BUILDING	<input type="checkbox"/> ERECT SIGN	DATE OF ISSUE	30-OCT-17
<input type="checkbox"/> DEMOLISH BUILDING	<input type="checkbox"/> GRADE			
<input type="checkbox"/> LOWER CURB	<input type="checkbox"/> OCCUPY STREET SPACE			
<input type="checkbox"/> EXCAVATE STREET OR SIDEWALK	<input type="checkbox"/> POST NOTICE			
<input type="checkbox"/> HOUSE NUMBER CERTIFICATE	<input type="checkbox"/> REPAIR OR CONSTRUCT SIDEWALK			

SUPPLEMENTAL FEE PAID:

☐ FINAL PLAN CHECK ☐ EXPEDITER FEE ☐ PENALTY
☐ STRUCTURAL LTR ☐ DCP FEE ☐
 OWNER:

SUNJIN & POLK INC

LOCATION OF JOB: STREET ADDRESS	HOUSE NUMBER:	EXISTING	ASSIGNED BLOCK/LOT
1233 POLK ST			
		0670/004	

METES AND BOUNDS

1 5 R-2, A-2
FRONTAGE FT. # STORIES TYPE LEGAL OCCUPANCIES
BUILDING USE FOOD/BEVERAGE HNDLN ESTIMATED COST \$ 1,500.00
SIDEWALK SQ. FTGE ST. SPACE LINEAR FT. 9 FT. CURB SECT. TO BE LOWERED
PARKING METER LINEAR FT. PARKING METER DAYS

WORK MUST COMMENCE ON BUILDING WITHIN TIME PER CODE, UNLESS EXTENSION AUTHORIZED PRIOR TO EXPIRATION. IF UNDER ENFORCEMENT ORDERS, SPECIAL TIME PERIODS SPECIFIED IN NOTICE OF VIOLATION OR ABATEMENT ORDER WILL APPLY.

TIME FOR COMPLETION OF WORK UNDER THIS BUILDING PERMIT EXPIRES **360 Days** AFTER DATE OF
ISSUANCE. IF UNDER ENFORCEMENT ORDERS, SPECIAL TIME PERIODS WHERE SPECIFIED WILL APPLY.
(NOTE: STREET SPACE PERMIT EXPIRES ON COMPLETION OF WORK OR WHEN REVOKED BY DIRECTOR OF
PUBLIC WORKS. SEE BACK OF FORM FOR OTHER TIME LIMITS.)

bb builders 4155649750

PERMIT 1442914

531 JESSIE ST

APPEAL

ADDRESS

CENTRAL

SF CA

PERMIT
BUREAU-D.B.I.
EMKARCS

CITY

SEPARATE PERMITS MUST BE OBTAINED FOR ELECTRICAL, PLUMBING OR OTHER RELATED WORK

9003-18 (Rev. 10/95)

THIS PERMIT IS GRANTED IN ACCORDANCE WITH PROVISIONS OF THE CHARTER AND ORDINANCES OF THE CITY AND COUNTY OF SAN FRANCISCO AND/OR THE CURRENT STANDARD SPECIFICATIONS OF THE DEPARTMENT OF BUILDING INSPECTION

* ADDITIONAL INFORMATION REGARDING SPECIFIC PERMITS IS GIVEN ON THE BACK OF THIS FORM.

DBI P/C PAID AT FILING

AUDITED FOR REFUND

FREE

(1/2)	DCP PLAN CHECK	191.00
	BUILDING	204.60
	BLDG STDS ADMIN FUND	1.00

1233 POLK ST 0670/004

100

BOUNDS

[illegible]

# STUDIES	TYPE	LEGAL ACCORDANCES
1	C	R-Z, A-Z

USE	FOOD/BEVERAGE HNDLN	ESTIMATED COST \$
		1,500.00

9 FT. CURB SECT. TO BE LOWERED

ENTER | LINEAR FT. _____ PARKING METER DAYS _____

MUST COMMENCE ON BUILDING WITHIN TIME PER CODE, UNLESS EXTENSION AUTHORIZED PRIOR TO

SURCHARGE	
0.00	

BOOKS BY
BOA SIBCHABSE 27 00

SUBTOTAL OF FEES WITH APPLICABLE SURCHARGES **\$433.60**

STRONG MOTION 0.50

	0.50
SUBTOTAL OTHER FEES	

TOTAL	\$	\$434 10
-------	----	----------



November 15, 2017

RE: Mayes Oyster House

To Whom It May Concern:

I am the contractor of record engaged to furnish and install the physical improvements to assist Mayes with their efforts to enhance their courtesy to the local community as it pertains to sound.

The ownership team has been working with me consistently and diligently with full intentions of noise ordinance compliance. I pulled a permit for the project, working with the building and planning departments at DBI. I began with the approach to address all recommendations by Salter and Associates. I met with several staff members over nine trips to get to the point we are at today. The staff recommendations to meet the deadline of the upcoming hearing were not to replace the front door assembly due to time consuming processes for review that would need to take place prior to the installation. Due to the premise being located within a historical structure, any changes to the envelope obviously would trigger review from Preservation. This would also trigger a WASP study from the building department and ADA upgrades that are associated accordingly. The partners at Mayes and my firm are fully willing and prepared to go through that process to meet the needs of a successful end result. Mayes has concurrently engaged an architect to draft a full set of appropriate plans sufficient enough to complete the work for requirements and codes.

In the meantime, with our genuine concerns for the comfort of the neighbors I have installed augmentations to the front door assembly to address potential sound leaks at existing gaps that are inherent to the doors the way they are engineered now. These temporary measures are helping with the delay inherent with the new

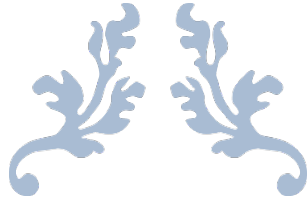
door assembly installation so we can collectively provide a good faith effort to improve the sound attenuation of the premise without delay. Specifically I have built boxes with rubber gaskets that the sides of the doors to deflect sound back into the premise when the door swing open and the pin hinges create a gap at each side. Please reference the attached pictures. I have also installed sound curtains at the existing vestibule that are rated and engineered to specifically to reduce sound transfer. I have an email from Salter and Associates confirming that the measures I have taken and installed will improve the sound leaking from the interior of Mayes. I have requested Salter and Associates to engineer further augmentations to the existing assembly and to measure those improvements upon installation. If the improvements after this phase or not enough to meet compliance, I assure you the partners at Maes and my firm will be in full cooperation for the assembly replacement per Salter and associates specifications through the proper channels at DBI.

Lastly, to address comments from Salter and Associates, all recommended sound mitigation measures have been installed today on the Dance Floor Doors and Kitchen Door and attached pictures as evidence.

Thank you for your time and consideration.

Sincerely,

Corey Brown
President
(415) 864-9750
corey@bb.builders



SECURITY PLAN



MAYES OYSTER HOUSE
1233 POLK STREET
SAN FRANCISCO, CALIFORNIA 94109

Owned And Operated By:
MATT CORVI
NICHOLAS PIGOTT

Security Plan Prepared by Over-Watch Protective Service (OPS), LLC.
6059 Old Quarry Loop
Oakland, Ca. 94605

SECURITY PLAN

Definition of Security:

- Freedom from exposure to danger, safety or a place of safety.
- Feelings of or the assurance of safety or certainty.
- That which secures a means of protection and defense.

Goals:

- To create a safe and secure environment within Mayes Oyster House.
- To provide a level of control and safety for all arriving and departing guest of Mayes Oyster House.
- To mitigate any noise or inappropriate conduct directed at the immediate neighbors and leaseholders by patrons upon entry or departure from Mayes Oyster House.
- To diffuse all problematic situations as they occur. The Mayes Security staff will provide a strong presence by blending integrity and professionalism with advanced techniques of physical security, protection and detection. Current practices of the industry will be augmented with law enforcement strategies and tactics as offered by the department.

Introduction:

A strategy of deterrence will be adopted as to minimize the impact of additional traffic to the community while ensuring the benevolent effects of revenue and business. A policy of zero tolerance will be enacted against narcotics and other contraband. Proactive measures will be utilized (as training is available and techniques are safe). A policy of full disclosure/full cooperation will be in effect towards law enforcement personnel and other city officials. Additionally, full cooperation and coordination with neighboring businesses will act as a force multiplier of security for the community, businesses, patrons and employees.

Uniform for All Security:

Security Uniforms: All security staff will be required to wear black trousers.

A plain black T-Shirt or Grey & Blk Security Polo Shirt.

Black Security Jacket – Approved or provided by Over-Watch Protection Service (OPS), Inc.

All security will be easily identifiable to Guest, Law Enforcement and Emergency Services, etc.

At times the guard may be required to wear suited attire, which will be advanced through a Supervisor.

All guards will provide themselves with a compact flashlight.

Structure:

Hours of Operation: 11am – Closing (11am – 2am), Monday through Saturday
Closed On Sunday, Unless Opened For Special Event

Security listed below is when venue is at full capacity. This plan is augmented based on nightly capacity per the calendar of events that may be booked.

Tue & Wed = 1 guard/Sup (5pm – 2am)

Thu = 1 guard/Sup (5pm – 2am) & 1 guard (9pm – 2am)

Fri = 1 guard/Sup (5pm – 2am) & 1 guard (9pm – 2am) & 4 guards (10pm – 2am)

Sat = 1 guard/Sup (5pm – 2am) & 1 guard (9pm – 2am) & 4 guards (10pm – 2am)

Basic security guideline for staffing is as follow:

A Security Supervisor will be present at all times the venue is open.

(Tuesday – Saturday; 5pm – 2am)

General Security staff based on occupancy and party or event configuration:

EC Security Requirements: **1 licensed and trained security guard when 100 or more patrons are present at the same time.**

The expected crowd is between 100 – MAX CAP, on Friday and Saturday nights between the hours of 10pm – 2am and Mayes will have a minimum team of 6 security guards. Guards will be scheduled and planned according to the expected crowd for any special event nights.

Responsibilities:

- Be on time for your shift.
- Never leave your post without a replacement or being relieved.
- Treat co-workers and patrons with respect at all times. No prolonged fraternization with patrons.
- Be engaged and aware. Keep an eye out for potential problems.
- Know your surroundings; locations of emergency exits, fire extinguishers, ATM, bathrooms, etc.
- Keep an eye on other guards and staff to know their situations. No one should feel alone in his or her position.
- Report any unsafe conditions to a supervisor, bar manager, or cleaning crew when appropriate.
- No cell phone use while on post, except for emergencies.
- Guards must not accept bribes or solicit money from patrons.
- Each security member will be trained to set up and control cueing, adhering to the staging request of local law enforcement, if any.
- All security shall maintain order within Mayes Oyster House and its immediate surroundings and prevent any activity, which would interfere with the quite enjoyment of their property by nearby residents.
- All security will be knowledgeable to all security positions and the requirements each different position entails.

IT IS THE DUTY OF EVERY MEMBER OF THE TEAM TO PROTECT THE ESTABLISHMENT, ITS PATRONS, AND EMPLOYEES, FROM ANY AND ALL PERCEIVED AND REAL THREATENING SITUATIONS.

SECURITY SUPERVISOR – GUARD #1;

Door/Roving Security Position – supervises general security staff

- Responsible for all security and safety.
- Roves entire venue during operating hours to ensure patron flow, keep stairways and exit pathways clear.
- Liaison to state and city officials. Liaison between venue owners, party coordinators, promotional staff, all based on security requirements.
- Ensures proper requirement compliance of all security staff.
- Maintains the contact information list of all security personnel working each and every shift. Provides law enforcement officials with this list upon their request and with proper government.
- Provides security walk-out for departing employees – end of shift, if required.

Stationary Security – Guard 2;

Controls front door at all times, monitors entry of all patrons.

- Controls access to the venue.
- Checks for proper identification.
- Enforces zero tolerance policy towards narcotics and contraband.
- Maintains accurate count of all persons entering the establishment.
- Controls Entry/Exit Count on Clicker Assemblage.

Stationary Security – Guard 3 (Fri & Sat Night):

Security for Line Control & Sidewalk Flow of Foot Traffic

- Monitors & Control Exterior Line For Entry Into The Venue
- Maintains A Steady Flow of Foot Traffic In Front Of The Venue
- Monitors patrons For Unruly Behavior and unwanted Customers.

Stationary Security – Guard 4 (Fri & Sat Night):

Security for DJ Area / Lounge

- Monitors DJ area / Lounge Area
- Over watch security for bar area.
- Monitors patron's traffic flow.

Stationary Security – Guard 5 (Fri & Sat Night):

Security for Back Staircase Area / Lounge

- Over watch security for Lounge Area
- Maintains security presence in restroom corridor.
- Monitors patron's traffic flow.

Stationary Security – Guard 6 (Fri & Sat Night):

Roving Security / Interior of Venue

- Monitors DJ area / Lounge Area
- Over watch security for bar area.
- Monitors patron's traffic flow.

Additional Security Team Members will be scheduled on an as needed basis and determined by Mayes Oyster House Operators and Security Supervisor.

Communication:

Each security staff member will carry a hand held radio. Surveillance attachments (ear piece / microphone), will be utilized as warranted. Management and Security Supervisor, will constantly monitor all radio traffic

Electronic Security:

Mayes Oyster House will be using a CCTV (Closed Circuit Television) system with an alarm network, which will feed into the office. This camera system will provide coverage of interior areas, including all entrances and exits to the premise. External entrance area will be covered as well. The system will be activated and in use during any business activity. All videos shall be made available to law enforcement for relevant investigations, upon request.

Requirements for Security Personnel

- A valid Guard Card issued by BSIS, State of California
- Certificate of completion, Alcoholic Beverage Control Department “Lead Program”.
- Special Requirement for team leaders only; certificate of CPR (Cardio-pulmonary resuscitation) training.
- Trained on cueing the line to lessen the impact of foot traffic and traffic flow for motor vehicles.
- Trained in all aspects of how to fill out IR (Incident Report).
- Knowledge of general layout of the premises, to include all safety devices and emergency escape routes.

Security Personnel Agreement

Verbal skills and proper utilization of force will be our primary tools of conflict resolution. Calm, exacting and professional behavior will give our neighbors and clientele the strong perception of a good, positive security presence, while retaining the ability to use strength of our bodies, only, when presented with extreme situations.

Each Security Staff Member will be required to obtain a “pass” in the Red Cross training for First Aid (to be completed within the first 6 months of assignment).

Good Neighborhood Policy

Mayes Oyster House will insure that management and/or patrons of the establishments maintain the quiet, safety and cleanliness of the premises and the vicinity of use. Also make sure and do not block driveways of neighboring residents or businesses. **This will also include an exterior “power washing” of the sidewalks in front of Mayes on the Polk Street side and the sidewalks next to the venue on the Fern Alley side. This will be done EVERY FRIDAY & SATURDAY NIGHT at 1:45am.**

Employees shall insure that patrons waiting to enter the establishment and those exiting the premises are urged to respect the quiet and cleanliness of the neighborhood, as they walk to their parked vehicles or otherwise leave the area.

Employees of the establishment shall walk a 100-foot radius from the premises sometime between 20 - 30 minutes after closing time and shall pick up and dispose of any discarded trash left by area nighttime entertainment patrons.

A manager or other responsible person shall answer a cell phone for at least one hour after the close of business, to allow for police and emergency personnel or other City personnel to contact that person concerning any incidents.

Phone # (Bar Mgr. #)

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BLOCK/LOT: 0670/004

■■■ D-Scheme Studio
Dream :: Design :: Develop

222 8TH STREET
SAN FRANCISCO, CA 94103
T: 415.252.0888
F: 415.252.8388
WWW.DSCHEME.COM

[illegible]

JOB NUMBER: _____ DRAWN BY: _____

DATE: 07.07.2016 CHECKED BY: M

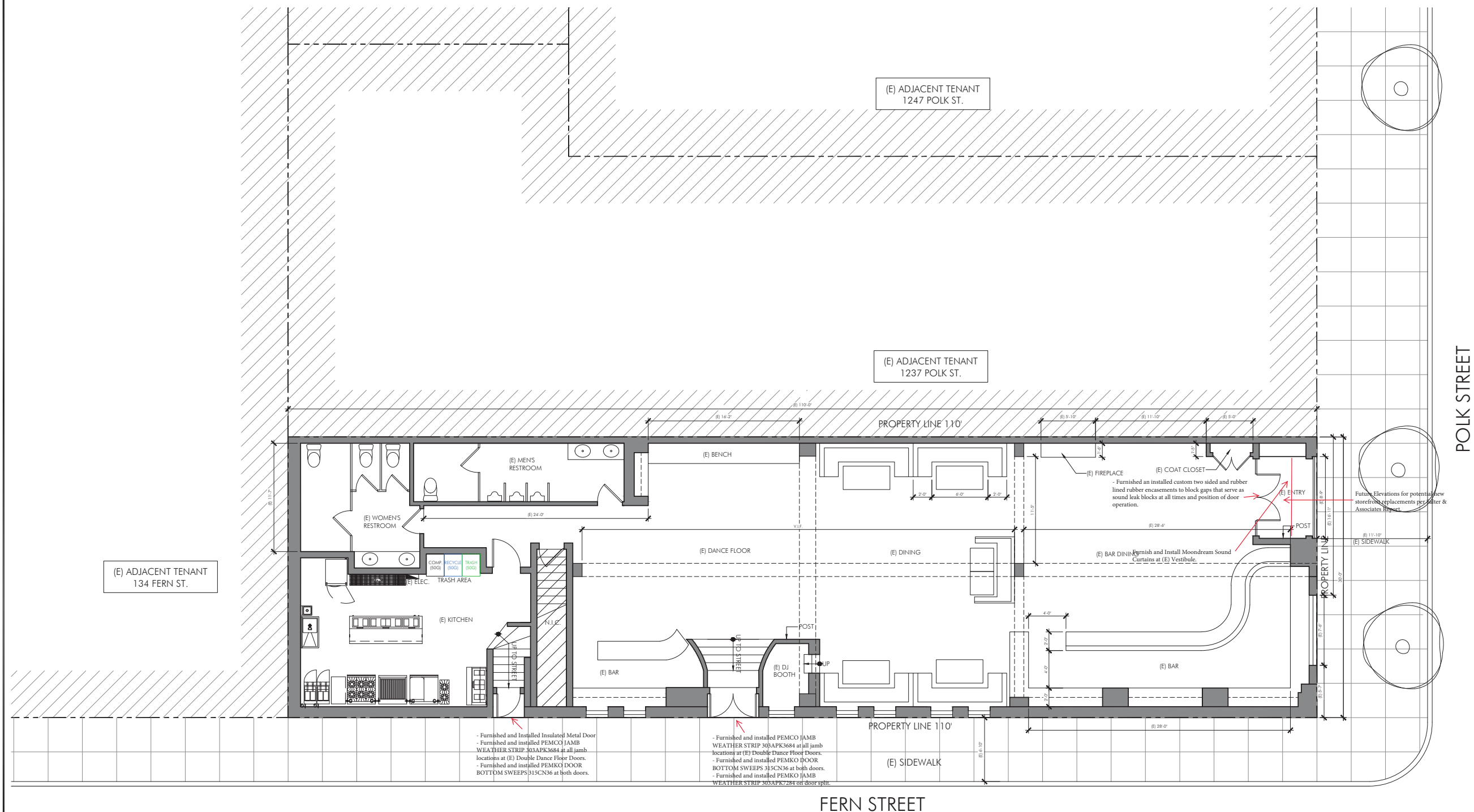
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3/16" = 1'-0"

SHEET TITLE:


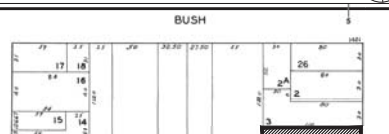
EXISTING FLOOR PLAN

SHEET NUMBER: _____

EC-1



1 | EXISTING FIRST FLOOR PLAN
3/16" = 1'-0"

	EXISTING EXTERIOR PHOTO	VICINITY MAP	ASSESSOR MAP	PROJECT TEAM	PROJECT DATA
	 <p>EXISTING EXTERIOR AT POLK STREET</p>	 <p>1233 POLK STREET BLOCK / LOT NO.: 0670/004</p>	 <p>1233 POLK ST BLOCK / LOT NO.: 0670/004</p>	<p><u>TENANT:</u> MAYES OSTER HOUSE 1233 POLK STREET SAN FRANCISCO, CA 94109 CONTACT: NICK PIGOTT T: 415.885.1233</p> <p><u>ARCHITECT:</u> D-SCHEME STUDIO 222 8TH STREET SAN FRANCISCO, CA 94103 CONTACT: MARC DIMALANTA T: 415.252.0888 F: 415.252.8388</p>	<p>LOCATION: 1233 POLK STREET SAN FRANCISCO, CA 94109</p> <p>BLOCK/LOT: 0670/004</p> <p>ZONING: NCD- POLK STREET NEIGHBORHOOD COMMERCIAL</p> <p>EXISTING LOT SIZE: 3,300 S.F.</p> <p>AREA OF TENANT SPACE: 3,300 S.F.</p> <p>CONSTRUCTION TYPE: V-B, NOT SPRINKLERED (NO CHANGE)</p> <p>EXISTING BUILDING: EXISTING 2-STORY BUILDING</p> <p>EXISTING USE: (E) BAR WITH (E) HOTEL ABOVE</p> <p>APPLICABLE CODES: 2013 CBC, 2013 CPC, 2013 CMC, 2013 CFC, AND THE 2013 CALIFORNIA ENERGY CODE, AND SAN FRANCISCO MUNICIPAL CODE.</p>