

BOARD of SUPERVISORS



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MEMORANDUM

TO: William Scott, Chief, Police Department
Kate Sofis, Director, Office of Economic and Workforce Development
Maggie Weiland, Executive Director, Entertainment Commission

FROM: John Carroll, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: March 28, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Peskin on March 21, 2023:

File No. 230309

Ordinance amending the Police Code to change from 10:00 p.m. to 11:00 p.m., the time at which a Live Performance in the Polk Street Neighborhood Commercial District under a Limited Live Performance Permit must conclude; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

C:
Offices of Chair Stefani and President Peskin
Lisa Ortiz, Police Department
Lili Gamero, Police Department
Rima Malouf, Police Department
Diana Oliva-Aroche, Police Department
Monica Cruz, Office of Economic and Workforce Development
Anne Taupier, Office of Economic and Workforce Development
Lisa Pagan, Office of Economic and Workforce Development
May Liang, Entertainment Commission

1 [Police Code - Limited Live Performance Permit in Polk Street Neighborhood Commercial District]

2

3 **Ordinance amending the Police Code to change from 10:00 p.m. to 11:00 p.m., the time**
4 **at which a Live Performance in the Polk Street Neighborhood Commercial District**
5 **under a Limited Live Performance Permit must conclude; and affirming the Planning**
6 **Department’s determination under the California Environmental Quality Act.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

11

12 Be it ordained by the People of the City and County of San Francisco:

13

14 Section 1. Environmental Finding. The Planning Department has determined that the
15 action contemplated in this ordinance complies with the California Environmental Quality Act
16 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with
17 the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by
18 reference. The Board affirms this determination.

19

20 Section 2. Article 15.1 of the Police Code is hereby amended by revising Section
21 1060, to read as follows:

22 **SEC. 1060. DEFINITIONS.**

23 * * * *

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

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

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

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

11 (c) Live Performances presented at the locale conclude by 11 p.m.
12 Notwithstanding the previous sentence, Live Performances must conclude by 10 p.m. at any
13 locale in any of the following areas: (1) the North Beach Neighborhood Commercial District as
14 defined in Planning Code Section 722; (2) ~~the Polk Street Neighborhood Commercial District as~~
15 ~~defined in Planning Code Section 723;~~ (3) the north and south sides of Chestnut Street between
16 the east side of Fillmore Street and the west side of Divisadero Street; and (34) the north side
17 of Lombard Street, between Fillmore Street and Divisadero Street.

18 (d) The locale is not a Private Residence.

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

22 “Live Performance.” Any act, play, review, pantomime, scene, song, dance act, song
23 and dance act, poetry recitation, fashion or style show, recorded music presented by a live
24 disc jockey on the premises, or the playing or use of any instrument capable of producing or
25

1 used to produce musical or percussion sounds, including but not limited to, reed, brass,
2 percussion, or string-like instruments.

3 * * * *

4
5 Section 3. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor’s veto of the ordinance.

9
10 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the “Note” that appears under
15 the official title of the ordinance.

16
17 APPROVED AS TO FORM:
18 DAVID CHIU, City Attorney

19 By: /s/ Paul Zarefsky
20 PAUL ZAREFSKY
21 Deputy City Attorney

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LEGISLATIVE DIGEST

[Police Code - Limited Live Performance Permit in Polk Street Neighborhood Commercial District]

Ordinance amending the Police Code to change from 10:00 p.m. to 11:00 p.m., the time at which a Live Performance in the Polk Street Neighborhood Commercial District under a Limited Live Performance Permit must conclude; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Police Code Section 1060 provides generally that Live Performances under a Limited Live Performance Permit must conclude by 11 p.m. But there are four areas in which the Live Performance must conclude by 10 p.m. The Polk Street Neighborhood Commercial District is one of those four areas.

Amendments to Current Law

Police Code Section 1060 is amended to provide that Live Performances under a Limited Live Performance Permit in the Polk Street Neighborhood Commercial District must conclude by 11 p.m.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor [] inquires..."
- 5. City Attorney Request
- 6. Call File No. [] from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the Board on []

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Supervisor Peskin

Subject:

[Police Code - Limited Live Performance Permit in Polk Street Neighborhood Commercial District]

Long Title or text listed:

Ordinance amending the Police Code to change from 10 p.m. to 11 p.m. the time at which a Live Performance in the Polk Street Neighborhood Commercial District under a Limited Live Performance Permit must conclude; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor:

