

1 [Zoning –Entertainment Uses.]

2

3 **Ordinance amending ~~Sections~~ Tables 810, 811 and 812 ~~402.17, 790.38,~~ and Section**
 4 **890.37 of the San Francisco Planning Code to define three types of entertainment use**
 5 **based upon size and other factors; amending Sections 1060, 1060.1, 1060.3, 1070,**
 6 **1070.1 and 1070.3 of the San Francisco Police Code to define the three types of**
 7 **entertainment use authorized by the Planning Code and to require an application and**
 8 **the permit for a place of entertainment or extended-hours activity to specify one of the**
 9 **three types of entertainment use; adopting findings, including environmental findings**
 10 **and findings required by Section 302 of the Planning Code.**

11 Note: Additions are *single-underline italics Times New Roman*;
 12 deletions are *strikethrough italics Times New Roman*.
 13 Board amendment additions are double underlined.
 Board amendment deletions are ~~strikethrough normal~~.

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

15 Section 1. Findings.

16 (a) The Planning Department has determined that the actions contemplated in this
 17 ordinance are in compliance with the California Environmental Quality Act (California Public
 18 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
 19 Board of Supervisors in File No. _____ and is incorporated herein by reference.

20 (b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
 21 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
 22 Planning Commission Resolution No. _____, and incorporates those reasons by
 23 reference as though fully set forth herein. A copy of the Planning Commission resolution is on
 24 file with the Clerk of the Board of Supervisors in File No. _____.

25

1 Section 2. The San Francisco Planning Code is hereby amended by amending Section
2 102.17, to read as follows:

3 ~~SEC. 102.17. NIGHTTIME AND OTHER ENTERTAINMENT USES.~~

4 ~~(a) Nighttime Entertainment Use. Nighttime entertainment uses shall include dance~~
5 ~~halls, discotheques, nightclubs, private clubs, and other similar evening-oriented~~
6 ~~entertainment activities which require dance hall keeper police permits, or place of~~
7 ~~entertainment, or extended hours police permits which are not limited to non-amplified live~~
8 ~~entertainment, including restaurants and bars which present such activities, but shall not~~
9 ~~include any arts activities or space as defined in Section 102.2 of this Code, any theater~~
10 ~~performance space which does not serve alcoholic beverages during performances, or any~~
11 ~~temporary uses permitted pursuant to Sections 205 through 205.3 of this Code.~~

12 ~~(b) Entertainment Use: Limited Occupancy. An Entertainment: Limited Occupancy use is~~
13 ~~an entertainment use, as defined in subsection (a) above, Section 790.38, and Section 890.37 of this~~
14 ~~Code, where the venue has an occupancy limit under the Building Code of less than 50 persons.~~

15 ~~(c) Entertainment: Accessory Use. An Entertainment: Accessory use is an entertainment use~~
16 ~~that meets the definition of accessory use set forth in Sections 204 et seq., Section 703.2, or Section~~
17 ~~803.2 of this Code.~~

18 Section 3. The San Francisco Planning Code is hereby amended by amending Section
19 790.38, to read as follows:

20 ~~SEC. 790.38. ENTERTAINMENT, OTHER.~~

21 ~~(a) Entertainment Use. An Entertainment use is a A retail use, other than adult~~
22 ~~entertainment, as defined in Section 790.36 of this Code, which provides live entertainment,~~
23 ~~including dramatic and musical performances, and/or operates as a dance hall which provides~~
24 ~~amplified taped music for dancing on the premises, including but not limited to those defined~~

1 in ~~Section~~s 1060 and 1070 of the Police Code, and which is adequately soundproofed or
2 insulated so as to confine incidental noise to the premises. Other entertainment also includes
3 a bowling alley, billiard parlor, shooting gallery, skating rink and other commercial recreational
4 activity, but it excludes amusement game arcades, as defined in Section 790.4 of this Code
5 and regulated in Section 1036 of the Police Code.

6 ~~(b) Entertainment Use: Limited Occupancy. An Entertainment: Limited Occupancy use is an~~
7 ~~entertainment use, as defined in subsection (a) above, where the venue has an occupancy limit under~~
8 ~~the Building Code of less than 50 persons.~~

9 ~~(c) Entertainment: Accessory Use. An Entertainment: Accessory use is an entertainment use~~
10 ~~as defined in subsection (a) above that meets the definition of accessory use set forth in Section 703.2 of~~
11 ~~this Code.~~

12 Section 42. The San Francisco Planning Code is hereby amended by amending
13 Section 890.37, to read as follows:

14 SEC. 890.37. ENTERTAINMENT, OTHER.

15 ~~(a) Entertainment Use. In the Chinatown Mixed Use Districts, a~~A retail use, other than
16 adult entertainment, as defined in Section 890.36 of this Code, which provides live
17 entertainment, including dramatic and musical performances, and/or operates as a dance hall
18 which provides amplified taped music for dancing on the premises, including but not limited to
19 those defined in Sections 1060 and 1070 of the Police Code. Other entertainment also includes
20 a bowling alley, billiard parlor, shooting gallery, skating rink and other commercial recreational
21 activity, but it excludes amusement game arcades, as defined in Section 890.4 of this Code
22 and regulated in Section 1036 of the Police Code. ~~For South of Market Districts, see Section~~
23 ~~402.17.~~

24
25

			service restaurants
1	.21	Open Space	1 sq. ft. for every 50 sq. ft. of building over 10,000 sq. ft. § 135.1
2	.22	Off-Street Parking, Commercial and Institutional	§§ 150, 153--157, 159--160, 204.5 1:500 sq. ft. when lot size over 20,000 sq. ft. §§ 151, 161(d)
3	.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5 Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
4	.24	Outdoor Activity Area	§ 890.71 P in front C elsewhere
5	.25	Drive-Up Facility	§ 890.30
6	.26	Walk-Up Facility	§ 890.140 P if recessed 3 ft. C otherwise
7	.27	Hours of Operation	§ 890.48 No limit
8	.30	General Advertising Sign	§§ 602--604, 608.1, 608.2 P § 607.2(e)
9	.31	Business Sign	§§ 602--604, 608.1, 608.2 P § 607.2(f)

			Chinatown Community Business District			
			Controls by Story			
10	No.	Zoning Category	§ References	1st	2nd	3rd+
11	.38a	Residential Conversion Residential Hotels	Ch. 41 Admin. Code			
12	.38b	Residential Demolition Residential Hotels	Ch. 41 Admin. Code			
13	.39a	Residential Conversion Apartments				
14	.39b	Residential Demolition Apartments				
15	Retail Sales and Services					
16	.40a	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 890.102	P	P	P
17	.40b	Gift Store--Tourist Oriented	§ 890.39	P	P	P
18	.40c	Jewelry	§ 890.51	P	P	P
19	.41	Bar	§ 890.22	P	P	P
20	.42	Full-Service Restaurant	§ 890.92	P	P	P

1	.43	Fast Food Restaurant (Small)	§ 890.90	C	C	C
2	.44	Fast Food Restaurant (Large)	§ 890.91			
3	.45	Take-Out Food	§ 890.122	C	C	
4	.46	Movie Theater	§ 890.64	P	P	
5	.47a	Adult Entertainment	§ 890.36			
6	.47b	Other Entertainment	<u>§ 890.37, § 890.37(a)</u>	P	P	P
7	.48	Amusement Game Arcade	§ 890.4 § 1036 Police Code			
8	.49	Financial Service	§ 890.110	P		
9	.50	Limited Financial Service	§ 890.112	P		
10	.51	Medical Service	§ 890.114	P	P	P
11	.52	Personal Service	§ 890.116	P	P	P
12	.53	Professional Service	§ 890.108	P	P	P
13	.54	Massage Establishment	§ 890.60 § 1900 Health Code	P	P	P
14	.55	Tourist Hotel	§ 890.46	C	C	C
15	.56	Automobile Parking Lot, Community Commercial	§§ 890.9, 156, 160	C	C	C
16	.57	Automobile Parking Garage, Community Commercial	§ 890.10, 160	C	C	C
17	.58	Automobile Parking Lot, Public	§ 890.11, 156	C	C	C
18	.59	Automobile Parking Garage, Public	§ 890.12	C	C	C
19	.60	Automotive Gas Station	§ 890.14			
20	.61	Automotive Service Station	§ 890.18			
21	.62	Automotive Repair	§ 890.15			
22	.63	Automotive Wash	§ 890.20			
23						
24						
25						

1	.64	Automotive Sale or Rental	§ 890.13			
2	.65	Animal Hospital	§ 890.6			
3	.66	Ambulance Service	§ 890.2			
4	.67	Mortuary	§ 890.62	C	C	
5	.68	Trade Shop	§ 890.124	P	C	
6	.70	Administrative Service	§ 890.106			
7	.71	Light Manufacturing or Wholesale Sales	§ 890.54	#	#	
8	.72	Fringe Financial Service	§ 890.113	P#		
9	Institutions					
10	.80	Hospital or Medical Center	§ 890.44			
11	.81	Other Institutions	Not counted as Commercial Fl. area § 890.50	P	P	P
12	.82	Public Use	§ 890.80	C	C	C
13	.83	Medical Cannabis Dispensary	§ 890.133	P		
14	RESIDENTIAL STANDARDS AND USES					
15	.90	Residential Use	§ 890.88	P	P	P
16	.91	Residential Density, Dwelling Units	§§ 207, 207.1, 890.88(a)	1 unit per 200 sq. ft. lot area § 207.5		
17	.92	Residential Density, Group Housing	§§ 207.1, 208, 890.88(b)	1 bedroom per 140 sq. ft. lot area § 208		
18	.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	48 sq. ft. § 135 Table 3		
19	.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space per unit §§ 151, 161(a) (o)		
20	.95	Automobile Parking Lot, Community Residential	§ 890.7, 156, 160	C	C	C
21	.96	Automobile Parking Garage, Community Residential	§ 890.8, 160		C	C
22						
23						
24						
25						

SPECIFIC PROVISIONS FOR
CHINATOWN COMMUNITY BUSINESS DISTRICT

Section		Zoning Controls
§ 810.10	§ 270	-- 50 N Height and Bulk District and 65 N Height and Bulk District as mapped on Sectional Map 1H
§ 810.71	§ 236	-- Garment Shop Special Use District applicable only for portions of the Chinatown Community Business District as mapped on Sectional Map No. 1 SU a
§ 810.72	249.35	Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).

Table 811
CHINATOWN VISITOR RETAIL
DISTRICT ZONING CONTROL TABLE

			Chinatown Visitor Business District
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
.10	Height and Bulk	§§ 102.12, 105, 106, 263.4 §§ 250--252, 260, 270, 271	P up to 35 feet # C to 50 ft. See Zoning Map, § 254 50 ft. length and 100 ft. diagonal above 40 ft. # See Zoning Map, § 270
.11	Lot Size <i>[Per Development]</i>	§§ 890.56, 121	P up to 2,500 sq. ft. C 5,000 sq. ft. & above § 121.3
.12	Rear Yard/Site Coverage	§§ 130, 134, 136	Location may be modified /75% coverage § 134.1
.13	Sun Access Setbacks		15 ft. at specified heights § 132.3
.14	Maximum Street Frontage <i>[Per Building]</i>		P to 50 feet C more than 50 feet § 145.3
.15	Awning	§ 890.21	P § 136.2(a)
.16	Canopy	§ 890.24	P § 136.2(b)

1	.17	Marquee	§ 890.58	P § 136.2(c)
2	COMMERCIAL AND INSTITUTIONAL STANDARDS AND SERVICES			
3	.19	Floor Area Ratio	§§ 102.9, 102.11, 123	2.0 to 1 § 124(a) (b)
4	.20	Use Size [Nonresidential]	§ 890.130	P up to 2,500 sq. ft. C 2,501 to 5,000 sq. ft. Except for full-service restaurants--5,000 sq. ft. § 121.4
5				
6	.21	Open Space		1 sq. ft. for every 50 sq. ft. above 10,000 sq. ft. § 135.1
7				
8	.22	Off-Street Parking, Commercial and Institutional	§§ 150, 153--157, 159--160, 204.5	None required § 161(c)
9				
10	.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
11	.24	Outdoor Activity Area	§ 890.71	P in front C elsewhere
12	.25	Drive-Up Facility	§ 890.30	
13	.26	Walk-Up Facility	§ 890.140	P if recessed 3 ft. C otherwise
14	.27	Hours of Operation	§ 890.48	P 6 a.m.--11 p.m. C 11 p.m.--2 a.m.
15	.30	General Advertising Sign	§§ 602--604, 608.1, 608.2	P § 607.2(e)
16	.31	Business Sign	§§ 602--604, 608.1, 608.2	P § 607.2(f)
17				

			Chinatown Visitor Retail District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
.38a	Residential Conversion Residential Hotels	Ch. 41 Admin. Code			
.38b	Residential Demolition Residential Hotels	Ch. 41 Admin. Code			

1	.39a	Residential Conversion Apartments				
2	.39b	Residential Demolition Apartments				
3	Retail Sales and Services					
4	.40a	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 890.102	P	P	
5						
6	.40b	Gift Store--Tourist Oriented	§ 890.39	P	P	
7	.40c	Jewelry	§ 890.51	P	P	
8	.41	Bar	§ 890.22	P	P	
9	.42	Full-Service Restaurant	§ 890.92	P	P	
10	.43	Fast Food Restaurant (Small)	§ 890.90	C		
11						
12	.44	Fast Food Restaurant (Large)	§ 890.91			
13	.45	Take-Out Food	§ 890.122	P	P	
14	.46	Movie Theater	§ 890.64			
15	.47a	Adult Entertainment	§ 890.36			
16	.47b	Other Entertainment	<u>§ 890.37</u> <u>§ 890.37(a)</u>	P#	P#	<u>P</u>
17						
18	.48	Amusement Game Arcade	§ 890.4 § 1036 Police Code			
19	.49	Financial Service	§ 890.110			
20	.50	Limited Financial Service	§ 890.112			
21	.51	Medical Service	§ 890.114		P	
22	.52	Personal Service	§ 890.116		P	
23	.53	Professional Service	§ 890.108		P	
24	.54	Massage Establishment	§ 890.60, § 1900 Health Code	P	P	
25						

1	.55	Tourist Hotel	§ 890.46	C	C	C
2	.56	Automobile Parking Lot, Community Commercial	§§ 890.9, 156, 160	C	C	C
3	.57	Automobile Parking Garage, Community Commercial	§ 890.10, 160	C	C	C
4	.58	Automobile Parking Lot, Public	§ 890.11, 156	C	C	C
5	.59	Automobile Parking Garage, Public	§ 890.12	C	C	C
6	.60	Automotive Gas Station	§ 890.14			
7	.61	Automotive Service Station	§ 890.18			
8	.62	Automotive Repair	§ 890.15			
9	.63	Automotive Wash	§ 890.20			
10	.64	Automotive Sale or Rental	§ 890.13			
11	.65	Animal Hospital	§ 890.6			
12	.66	Ambulance Service	§ 890.2			
13	.67	Mortuary	§ 890.62	C	C	
14	.68	Trade Shop	§ 890.124	P	C	
15	.70	Administrative Service	§ 890.106			
16	.71	Light Manufacturing or Wholesale Sales	§ 890.54	#	#	
17	.72	Fringe Financial Service	§ 890.113			
18	Institutions					
19	.80	Hospital or Medical Center	§ 890.44			
20	.81	Other Institutions	§ 890.50	P	P	P
21	.82	Public Use	§ 890.80	C	C	C
22	.83	Medical Cannabis Dispensary	§ 890.133	P		
23	RESIDENTIAL STANDARDS AND USES					
24						
25						

1	.90	Residential Use	§ 890.88	P	P	P
2	.91	Residential Density, Dwelling Units	§§ 207, 207.1, 890.88(a)	1 unit per 200 sq. ft. lot area § 207.5		
3	.92	Residential Density, Group Housing	§§ 207.1, 208, 890.88(b)	1 bedroom per 140 sq. ft. lot area § 208		
4	.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	48 sq. ft. § 135 Table 3		
5	.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space per unit §§ 151, 161(a) (o)		
6	.95	Automobile Parking Lot, Community Residential	§ 890.7, 156, 160	C	C	C
7	.96	Automobile Parking Garage, Community Residential	§ 890.8, 160	C	C	C
8						
9						

10
11
12
13
14
15
16
17
18
19
20

SPECIFIC PROVISIONS FOR
CHINATOWN VISITOR RETAIL DISTRICT

Section		Zoning Controls
§ 811.10	§ 270	-- 50 N Height and Bulk District as mapped on Sectional Map 1H
§ 811.71	§ 236	-- Garment Shop Special Use District applicable only for portions of the Chinatown Visitor Retail District as mapped on Sectional Map No. 1 SU a
§ 811.47b	§ 890.37	The other entertainment use must be in conjunction with an existing full-service restaurant

21
22
23
24
25

Table 812
CHINATOWN RESIDENTIAL NEIGHBORHOOD
COMMERCIAL DISTRICT ZONING CONTROL TABLE

			Chinatown Residential Neighborhood Commercial District
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
.10	Height and Bulk	§§ 102.12, 105, 106, 263.4 §§	P up to 35 feet # C 50 ft., portions of Grant & Pacific C 65 ft., except 85 ft.

1		250--252, 260, 270, 271	for portions of Stockton if low income housing See Zoning Map, § 254 50 ft. length and 100 ft. diagonal and above 40 ft. See Zoning Map, § 270
2			
3	.11	Lot Size <i>[Per Development]</i>	§§ 890.56, 121
4			P up to 5,000 sq. ft. C 5,001 sq. ft. & above § 121.3
5	.12	Rear Yard/Site Coverage	§§ 130, 134, 136
6			Location may be modified § 134.1
7	.13	Sun Access Setbacks	
8			15 ft. at specified heights § 132.3
9	.14	Maximum Street Frontage <i>[Per Building]</i>	
10			P to 50 feet C more than 50 feet § 145.3
11	.15	Awning	§ 890.21
			P § 136.2(a)
	.16	Canopy	§ 890.24
			P § 136.2(b)
	.17	Marquee	§ 890.58
			P § 136.2(c)
	COMMERCIAL AND INSTITUTIONAL STANDARDS AND SERVICES		
12	.19	Floor Area Ratio	§§ 102.9, 102.11, 123
13			1.0 to 1 § 124(a) (b)
14	.20	Use Size <i>[Nonresidential]</i>	§ 890.130
15			P up to 2,500 sq. ft. C 2,501 to 4,000 sq. ft. § 121.4
16	.21	Open Space	
17			1 sq. ft. for every 50 sq. ft. of building over 10,000 sq. ft. § 135.1
18	.22	Off-Street Parking, Commercial and Institutional	§§ 150, 153--157, 159--160, 204.5
19			None Required § 161(c)
20	.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5
21			Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
22	.24	Outdoor Activity Area	§ 890.71
23			P in front C elsewhere
24	.25	Drive-Up Facility	§ 890.30
25	.26	Walk-Up Facility	§ 890.140
			P if recessed 3 ft. C otherwise
	.27	Hours of Operation	§ 890.48
			P 6 a.m.--11 p.m. C 11 p.m.--2 a.m.
	.30	General Advertising Sign	§§ 602--604, 608.1, 608.2
			P § 607.2(e)
	.31	Business Sign	§§ 602--604,
			P § 607.2(f)

		608.1, 608.2	
--	--	--------------	--

			Chinatown Residential Neighborhood Commercial District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
.38a	Residential Conversion Residential Hotels	Ch. 41 Admin. Code			
.38b	Residential Demolition Residential Hotels	Ch. 41 Admin. Code			
.39a	Residential Conversion Apartments				
.39b	Residential Demolition Apartments				
Retail Sales and Services					
.40a	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 890.102	P		
.40b	Gift Store--Tourist Oriented	§ 890.39			
.40c	Jewelry	§ 890.51	C		
.41	Bar	§ 890.22	C		
.42	Full-Service Restaurant	§ 890.92	P		
.43	Fast Food Restaurant (Small)	§ 890.90	C		
.44	Fast Food Restaurant (Large)	§ 890.91	C		
.45	Take-Out Food	§ 890.122	C		
.46	Movie Theater	§ 890.64	C		
.47a	Adult Entertainment	§ 890.36			
.47b	Other Entertainment	<u>§ 890.37, § 890.37(a)</u>			

1	.48	Amusement Game Arcade	§ 890.4 § 1036 Police Code			
2	.49	Financial Service	§ 890.110	C		
3	.50	Limited Financial Service	§ 890.112	C		
4	.51	Medical Service	§ 890.114	P		
5	.52	Personal Service	§ 890.116	P		
6	.53	Professional Service	§ 890.108	P		
7	.54	Massage Establishment	§ 890.60 § 1900 Health Code	P		
8	.55	Tourist Hotel	§ 890.46			
9	.56	Automobile Parking Lot, Community Commercial	§§ 890.9, 156, 160	C		
10	.57	Automobile Parking Garage, Community Commercial	§ 890.10, 160	C		
11	.58	Automobile Parking Lot, Public	§ 890.11, 156	C		
12	.59	Automobile Parking Garage, Public	§ 890.12			
13	.60	Automotive Gas Station	§ 890.14			
14	.61	Automotive Service Station	§ 890.18			
15	.62	Automotive Repair	§ 890.15			
16	.63	Automotive Wash	§ 890.20			
17	.64	Automotive Sale or Rental	§ 890.13			
18	.65	Animal Hospital	§ 890.6			
19	.66	Ambulance Service	§ 890.2			
20	.67	Mortuary	§ 890.62	C	C	
21	.68	Trade Shop	§ 890.124	P		

25

1	.70	Administrative Service	§ 890.106			
2	.71	Light Manufacturing or Wholesale Sales	§ 890.54	#	#	
3	.72	Fringe Financial Service	§ 890.113			
4	INSTITUTIONS					
5	.80	Hospital or Medical Center	§§ 124.1, 890.44	C	C	C
6	.81	Other Institutions	§ 890.50	P	P	P
7	.82	Public Use	§ 890.80	C	C	C
8	.83	Medical Cannabis Dispensary	§ 890.133	P		
9	RESIDENTIAL STANDARDS AND USES					
10	.90	Residential Use	§ 890.88	P	P	P
11	.91	Residential Density, Dwelling Units	§§ 207, 207.1, 890.88(a)	1 unit per 200 sq. ft. lot area § 207.5		
12	.92	Residential Density, Group Housing	§§ 207.1, 208, 890.88(b)	1 bedroom per 140 sq. ft. lot area § 208		
13	.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	48 sq. ft. § 135 Table 3		
14	.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space per unit §§ 151, 161(a) (g)		
15	.95	Automobile Parking Lot, Community Residential	§ 890.7, 156, 160	C	C	C
16	.96	Automobile Parking Garage, Community Residential	§ 890.8, 160	C	C	C

SPECIFIC PROVISIONS FOR CHINATOWN
RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT

Section		Zoning Controls
§ 812.10	§ 270	-- 50 N Height and Bulk District and 65 N Height and Bulk District as mapped on Sectional Map

		1H
§ 812.71	§ 236	-- Garment Shop Special Use District applicable only for portions of the Chinatown Residential Neighborhood Commercial District as mapped on Sectional Map No. 1 SU a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Section 56. The San Francisco Police Code is hereby amended by amending Section 1060, to read as follows:

SEC. 1060. DEFINITIONS.

For the purpose of this Article, the following words and phrases shall mean and include:

(a) "Place of Entertainment." Every premises to which patrons or members are admitted which serves food, beverages, or food and beverages, including but not limited to alcoholic beverages, for consumption on the premises and wherein entertainment as defined in Subsections (b), (c), or (e) is furnished or occurs upon the premises.

(b) "Entertainment." Any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry recitation, conducted or participated in by any professional entertainer in or upon any premises to which patrons or members are admitted.

"Entertainment," in addition, is defined to mean and include the playing upon or use by any professional entertainer of any instrument that is capable of or can be used to produce musical sounds or percussion sounds, including but not limited to, reed, brass,

1 percussion or string-like instruments, or recorded music presented by a live disc jockey on the
2 premises.

3 (c) "Entertainment," Continued. "Entertainment" also includes a fashion or style
4 show in which the models are professional entertainers, except when conducted by a bona
5 fide nonprofit club or organization as a part of the social activities of such club or organization,
6 and when conducted solely as a fundraising activity for charitable purposes.

7 (d) "Professional Entertainer." A person who is compensated for his or her
8 performance.

9 (e) "Entertainment," Continued; Exhibition of Human Body. "Entertainment" also
10 includes the act of any female professional entertainer, while visible to any customer, who
11 exposes the breast or employs any device or covering which is intended to simulate the
12 breast, or wears any type of clothing so that the breast may be observed.

13 (f) ~~Limited Entertainment: Limited Occupancy. Entertainment: Limited Occupancy is~~
14 ~~eEntertainment where the venue has an occupancy limit under the Building Code of less than 50-100~~
15 ~~persons.~~

16 (g) ~~Complementary Entertainment: Entertainment that operates in conjunction with~~
17 ~~and as a related component to another principally or conditionally permitted use under~~
18 ~~applicable provisions of the Planning Code. Accessory. Entertainment: Accessory is entertainment~~
19 ~~that meets the definition of accessory use set forth in Sections 204 et seq., Section 703.2, and Section~~
20 ~~803.2 of the Planning Code.~~

21 (h) (f) "Person." Any person, individual, firm, partnership, joint venture, association,
22 social club, fraternal organization, joint stock company, corporation, estate, trust, business
23 trust, receiver, trustee, syndicate or any other group or combination acting as a unit excepting
24

25

1 the United States of America, the State of California, and any political subdivision of either
2 thereof.

3 (i) ~~(g)~~ "Operator." Any person operating a place of entertainment in the City and
4 County of San Francisco, including, but not limited to, the owner or proprietor of such
5 premises, lessee, sublessee, mortgagee in possession, permittee or any other person
6 operating such place of entertainment or amusement.

7 (j) ~~(h)~~ "Bona Fide Nonprofit Club or Organization." Any fraternal, charitable, religious or
8 benevolent, or any other nonprofit organization having a regular membership association
9 primarily for mutual social, mental, political and civic welfare, to which admission is limited to
10 members and guests and revenue accruing therefrom shall be used exclusively for the
11 benevolent purposes of said organization and which organization or agency is exempt from
12 taxation under the Internal Revenue laws of the United States as a bona fide fraternal,
13 charitable, religious, benevolent or nonprofit organization.

14 (k) ~~(i)~~ "Admission Charge." Any charge for the right or privilege to enter any place of
15 entertainment including a minimum service charge, a cover charge or a charge made for the
16 use of seats and tables, reserved or otherwise.

17 (l) ~~(j)~~ "Tax Collector." Tax Collector of the City and County of San Francisco.

18 (m) ~~(k)~~ "Security Plan." A plan that (i) provides at least 1 security guard for every 100
19 persons authorized by the Occupancy Permit, (ii) secures a 50 foot perimeter in all directions
20 around the location of the Place of Entertainment to prevent injury to persons and/or damage
21 to property, and (iii) provides for the orderly disbursement of persons and traffic from the
22 Place of Entertainment. The Entertainment Commission, in consultation with the San
23 Francisco Police Department, shall develop rules and regulations implementing this section.

24
25

1 Section 67. The San Francisco Police Code is hereby amended by amending Section
2 1060.1, to read as follows:

3 SEC. 1060.1. PERMIT REQUIRED.

4 It shall be unlawful for any person to own, conduct, operate, maintain or to participate
5 therein, or to cause or permit to be conducted, operated or maintained, any place of
6 entertainment in the City and County of San Francisco without first having obtained a permit
7 from the Entertainment Commission.

8 Any place or premises where a permit to operate is sought must conform to all existing
9 health, safety, zoning and fire ordinances of the City and County of San Francisco, and must
10 have a valid public eating place permit from the Department of Public Health. Permits shall
11 specify whether they are issued for Entertainment, ~~Entertainment: Limited Occupancy~~ Entertainment,
12 or Complementary Entertainment: Accessory, as set forth in the permit application, and no Permittee
13 shall allow the use of the premises for which the permit has been issued in a manner inconsistent with
14 such designated use. The Entertainment Commission may issue a permit under this Section
15 conditional upon the applicant receiving the other required permits.

16 Any permit granted by the Entertainment Commission conditional upon the applicant
17 receiving other required permits may be appealed to the Board of Permit Appeals. Such
18 appeal must be filed within ten (10) days of the final decision of the Entertainment
19 Commission issuing the conditional permit.

20 Any conditional permit granted by the Entertainment Commission will expire nine (9)
21 months from the date of the final decision of the Entertainment Commission, if all the other
22 required permits have not been received.

23 Section 7. The San Francisco Police Code is hereby amended by amending Section
24 1060.3, to read as follows:

1 SEC. 1060.3. APPLICATION FORM.

2 Operators under any permit issued pursuant to this Article shall be limited to the terms
3 of the application. Except as otherwise provided herein, an application for a permit pursuant to
4 the provisions of this Article shall specify:

5 (a) The address of the location for which the permit is required, together with the
6 business name of such location.

7 (b) The name and proposed business address of the applicant. If the applicant is a
8 corporation, the name of the corporation shall be set forth exactly as shown in its articles of
9 incorporation; and the applicant shall also set forth the date and place of incorporation; the
10 names and residence addresses of each of the officers, directors, and each stockholder
11 owning more than 10 percent of the stock of the corporation. If the applicant is a partnership,
12 the application shall set forth the name and residence address of each of the partners,
13 including limited partners. If one or more of the partners is a corporation, the provisions of this
14 Section pertaining to a corporate applicant apply.

15 (c) Whether or not the applicant or any officer or director or member of applicant, as
16 the case may be, has ever been convicted of any crime except misdemeanor traffic violations.
17 In addition to the foregoing, any corporate applicant shall state whether or not any stockholder
18 owning more than 10 percent of the stock of such corporation has ever been convicted of any
19 crime except misdemeanor traffic violations. If any person mentioned in this subsection has
20 been so convicted, a statement must be made giving the name of the person so convicted,
21 the place and court in which the conviction was had, the specific charge under which the
22 conviction was obtained, and the sentence imposed as the result of said conviction.

1 (d) The names and addresses of the persons who have authority or control over the
2 place for which the permit is requested and a brief statement of the nature and extent of such
3 authority and control.

4 (e) Such information pertinent to the operation of the proposed activity, including
5 information as to management, authority control, financial agreements, and lease
6 arrangements, that is reasonably related to the factual determinations this ordinance
7 empowers the Entertainment Commission to make in reviewing and acting upon permit
8 applications as the Entertainment Commission may require of an applicant in addition to the
9 other requirements of this Section. The foregoing examples are in explanation of and not in
10 limitation of the information which the Entertainment Commission may require.

11 (f) A business plan for the proposed place of entertainment, specifying the days
12 and hours of operation, the number of patrons, the numbers of employees and their duties,
13 the identity of the manager or managers who shall be on premises during all hours of
14 operation, the types or classes of entertainment (in terms of the types of instruments,
15 numbers of performers and sound levels) to be provided, and the amount of parking, both on-
16 site and off-site, to be provided. If sound amplification is to be used, the plan shall also include
17 a specific description of the amplification system.

18 (g) The address to which notice, when required, is to be sent or mailed, and the
19 name and address of a person authorized to accept service of process, if not otherwise set
20 forth herein.

21 (h) Whether the application is for a new permit or for the renewal of an existing
22 permit.

23 (i) Whether the application is for Entertainment, ~~Limited Entertainment: Limited~~
24 ~~Occupancy, or Complementary Entertainment: Accessory, as defined above.~~

25

1 ~~(j)~~ The Entertainment Commission may require further information as it deems
2 necessary.)

3 Section 8. The San Francisco Police Code is hereby amended by amending Section
4 1070, to read as follows:

5 SEC. 1070. DEFINITIONS.

6 For the purpose of this Article, the following words and phrases shall mean and
7 include:

8 (a) Extended-Hours Premises. Every premises to which patrons or members are
9 admitted or which allows patrons or members to remain on the premises between the hours of
10 2:00 a.m. and 6:00 a.m. which serves food, beverages, or food and beverages, including but
11 not limited to, alcoholic beverages, for consumption on the premises or wherein entertainment
12 as defined in Subsections (b) and (c) is furnished or occurs upon the premises.

13 (1) Dance Academies. An extended-hours premises shall also include a dance
14 academy wherein students are admitted between the hours of 2:00 a.m. and 6:00 a.m., and
15 instruction is given in ballroom or other types of dancing, whether given to the students in
16 groups or individually.

17 (b) Entertainment. Any act, play, review, pantomime, scene, song, dance act, song
18 and dance act, or poetry recitation, conducted or participated in by any professional
19 entertainer in or upon any premises to which patrons or members are admitted.

20 "Entertainment" also includes a fashion or style show, except when conducted by a bona fide
21 nonprofit club or organization as part of the social activities of such club or organization, and
22 when conducted solely as a fund-raising activity for charitable purposes. (The term
23 "professional entertainer" as used herein means a person or persons who engage in the
24 presentation of entertainment for livelihood or gain.)

25

1 "Entertainment," in addition, is defined to mean and include the playing upon or use of
2 any instrument that is capable of or can be used to produce musical sounds or percussion
3 sounds, including but not limited to, reed, brass, percussion or string-like instruments;
4 provided, further, that "entertainment" is defined to mean any instrument or device capable of
5 producing or reproducing sound, which device is located in a premises open between the
6 hours of 2:00 a.m. and 6:00 a.m.

7 (c) Informal Entertainment. Any act, play, review, pantomime, scene, song, dance
8 act, song and dance act, or poetry recitation, conducted or participated in by any
9 nonprofessional person or persons in or upon any premises to which patrons or members are
10 admitted.

11 ~~(d) Limited Entertainment: Limited Occupancy. Entertainment: Limited Occupancy is~~
12 ~~eEntertainment where the venue has an occupancy limit under the Building Code of less than 50-100~~
13 ~~persons.~~

14 ~~(e) Complementary Entertainment: Accessory. Entertainment: Accessory is~~
15 ~~Entertainment that operates in conjunction with and as a related component to another~~
16 ~~principally or conditionally permitted use under applicable provisions of the Planning~~
17 ~~Code. entertainment that meets the definition of accessory use set forth in Sections 204 et seq., Section~~
18 ~~703.2, and Section 803.2 of the Planning Code.~~

19 ~~(d) (f)~~ Person. An individual, firm, partnership, joint venture, association, social club,
20 fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver,
21 syndicate, or any other group or combination acting as a unit excepting the United States of
22 America, the State of California, and any political subdivision of either thereof.

23 ~~(e) (g)~~ Operator. Any person operating an extended-hours premises in the City and
24 County of San Francisco, including, but not limited to, the owner or proprietor of such
25

1 premises, lessee, sublessee, mortgagee in possession, licensee or any other person
2 operating such place of entertainment or amusement.

3 ~~(f)~~ (h) Bona Fide Nonprofit Club or Organization. Any fraternal, charitable, religious or
4 benevolent, or any other nonprofit organization having a regular membership association
5 primarily for mutual social, mental, political and civil welfare, to which admission is limited to
6 members and guests and revenue accruing therefrom to be used exclusively for the
7 benevolent purpose of said organization and which organization or agency is exempt from
8 taxation under the Internal Revenue laws of the United States as a bona fide fraternal,
9 charitable, religious, benevolent or nonprofit organization.

10 ~~(g)~~ (i) Admission Charge. Any charge for the right or privilege to enter any extended-
11 hours premises including a minimum service charge, a cover charge or a charge made for the
12 use of seats and tables, reserved and otherwise.

13 ~~(h)~~ (j) Tax Collector. Tax Collector of the City and County of San Francisco.

14 ~~(i)~~ (k) "Bona Fide Public Eating Place." A place which is regularly and in bona fide
15 manner used and kept open for the serving of meals to guests for compensation and which
16 has suitable kitchen facilities connected therewith, containing conveniences for cooking an
17 assortment of foods which may be required for ordinary meals, the kitchen of which must be
18 kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said
19 premises and must comply with all the regulations of the Department of Public Health. "Meals"
20 means the usual assortment of foods commonly ordered at various hours of the day; the
21 service of such food and victuals only as sandwiches or salads shall not be deemed a
22 compliance with this requirement. "Guests" shall mean persons who, during the hours when
23 meals are regularly served therein, come to a bona fide public eating place for the purpose of
24 obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in
25

1 this Section, however, shall be construed to require that any food be sold or purchased with
2 any beverage.

3 Section 9. The San Francisco Police Code is hereby amended by amending Section
4 1070.1, to read as follows:

5 SEC. 1070.1. PERMIT REQUIRED.

6 It shall be unlawful for any person to own, conduct, operate, maintain or to participate
7 therein, or to cause or permit to be conducted, operated or maintained, any extended-hours
8 premises in the City and County of San Francisco without first having obtained a permit from
9 the Entertainment Commission.

10 Any place or premises where a permit to operate is sought must conform to all existing
11 health, safety, and fire ordinances of the City and County of San Francisco, and must have a
12 valid public eating place permit from the Department of Public Health. *Permits shall specify*
13 *whether they are issued for Entertainment, Limited Entertainment:~~Limited Occupancy~~, or*
14 *Complementary Entertainment:~~Accessory~~, as set forth in the permit application, and no Permittee*
15 *shall allow the use of the premises for which the permit has been issued in a manner inconsistent with*
16 *such designated use.* The Entertainment Commission may issue a permit under this Section
17 conditional upon the applicant receiving the other required permits.

18 Any permit granted by the Entertainment Commission conditional upon the applicant
19 receiving other required permits may be appealed to the Board of Appeals. Such appeal must
20 be filed within 10 days of the final decision of the Entertainment Commission issuing the
21 conditional permit.

22 Any conditional permit granted by the Entertainment Commission will expire nine
23 months from the date of the final decision of the Entertainment Commission, if all the other
24 required permits have not been received.

25

1 Section 10. The San Francisco Police Code is hereby amended by amending Section
2 1070.3, to read as follows:

3 SEC. 1070.3. APPLICATION FORM.

4 Operators under any permit issued pursuant to this Article shall be limited to the terms
5 of the application. Except as otherwise provided herein, an application for a permit pursuant to
6 the provisions of this Article shall specify:

7 (a) The address of the location for which the permit is required, together with the
8 business name of such location.

9 (b) The name and proposed business address of the applicant. If the applicant is a
10 corporation, the name of the corporation shall be set forth exactly as shown in its articles of
11 incorporation; and the applicant shall also set forth the date and place of incorporation; the
12 names and residence addresses of each of the officers, directors, and each stockholder
13 owning more than 10 percent of the stock of the corporation. If the applicant is a partnership,
14 the application shall set forth the name and residence address of each of the partners,
15 including limited partners. If one or more of the partners is a corporation, the provisions of this
16 Section pertaining to a corporate applicant apply.

17 (c) Whether or not the applicant or any officer or director or member of applicant, as
18 the case may be, has ever been convicted of any crime except misdemeanor traffic violations.
19 In addition to the foregoing, any corporate applicant shall state whether or not any stockholder
20 owning more than 10 percent of the stock of such corporation has ever been convicted of any
21 crime except misdemeanor traffic violations. If any person mentioned in this subsection has
22 been so convicted, a statement must be made giving the name of the person so convicted,
23 the place and court in which the conviction was had, the specific charge under which the
24 conviction was obtained, and the sentence imposed as the result of said conviction.

25

1 (d) The names and addresses of the persons who have authority or control over the
2 place for which the permit is requested, and brief statement of the nature and extent of such
3 authority and control.

4 (e) Such information pertinent to the operation of the proposed activity, including
5 information as to management, authority, control, financial agreements, and lease
6 arrangements, that is reasonably related to the factual determinations this ordinance
7 empowers the Chief to make in reviewing and acting upon permit applications as the Chief of
8 Police may require of an applicant in addition to the other requirements of this Section. The
9 foregoing examples are in explanation and not in limitation of the information which the
10 Entertainment Commission may require.

11 (f) A business plan for the proposed extended-hours premises, specifying the days
12 and hours of operation, the number of patrons, the numbers of employees and their duties,
13 the identity of the manager or managers who shall be on premises during all hours of
14 operation, the types or classes of entertainment (in terms of the types of instruments,
15 numbers of performers and sound levels) to be provided, and the amount of parking, both on-
16 site and off-site, to be provided. If sound amplification is to be used, the plan shall also include
17 a specific description of the amplification system.

18 (g) The address to which notice, when required, is to be sent or mailed, and the
19 name and address of a person authorized to accept service of process, if not otherwise set
20 forth herein.

21 (h) Whether the application is for a new permit or for the renewal of an existing
22 permit.

23
24
25

1 (i) Whether the application is for Entertainment, ~~Limited Entertainment: Limited~~
2 ~~Occupancy or Complementary Entertainment: Accessory~~, as defined above, or for nighttime
3 ~~entertainment as defined in Section 102.17 of the Planning Code.~~

4 (i) (j) The Entertainment Commission may require further information as ~~he or she~~ it
5 deems necessary.

6
7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By: _____
10 JUDITH A. BOYAJIAN
11 Deputy City Attorney

12
13
14
15
16
17
18
19
20
21
22
23
24
25