

1 [Place of Entertainment Permits and Board of Appeals Procedures.]

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3 **Ordinance amending the San Francisco Police Code by amending Sections 2.26, 1060,**
4 **1060.1, 1060.2, 1060.3, 1060.5, 1060.24, 1060.25 and 1060.29, by adding Sections**
5 **1060.20.1, 1060.20.2, 1060.20.3, 1060.20.4, 1060.24.1, 1060.24.2, 1060.30, 1060.31,**
6 **1060.32 and 1060.33, by repealing Sections 1060.4, 1060.20 and 1060.22, and by adding**
7 **new Sections 1060.4 and 1060.20, relating to the application, approval, amendment,**
8 **suspension, revocation, and transfer of Place of Entertainment Permits and One Night**
9 **Event Permits (now called "One Time Event Permits"), including changes in penalties,**
10 **and amending the San Francisco Business and Tax Regulations Code by amending**
11 **Sections 8 and 26 to provide the time for appealing to the Board of Appeals, to provide**
12 **an additional category of permit suspension and revocation actions that are not**
13 **suspended pending a decision by the Board of Appeals, and to clarify the standards**
14 **governing the review of permits.**

15 Note: Additions are *single-underline italics Times New Roman*;
16 deletions are ~~*strikethrough italics Times New Roman*~~.
17 Board amendment additions are double underlined.
18 Board amendment deletions are ~~strikethrough normal~~.

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

19 Section 1. The San Francisco Police Code is hereby amended by amending Section
20 2.26, to read as follows:

21 **SEC. 2.26. SCHEDULE OF PERMITS AND FILING FEES.**

22 The following filing fees, payable in advance to the City and County of San Francisco,
23 are required when submitting applications for permits to the Police Department or
24 Entertainment Commission:
25

1	TYPE OF PERMIT FILING FEE	
2	Permit Amendment/Additional Partner.....	\$ 81
3	Amusement Park.....	871
4	Antique Shop.....	558
5	Auto Wrecker.....	664
6	Ball or Ring Throwing Games.....	477
7	Balloon and Kite Advertising.....	367
8	Billiard Parlor.....	456
9	Bingo Games.....	112
10	Amendment to Permit.....	112
11	Circus.....	648
12	Closing-Out Sale.....	413
13	Dance Hall Keeper.....	1,401
14	Amendment to Permit.....	660
15	One Night Dance.....	\$ 40
16	Dealer in Firearms and/or Ammunition.....	961
17	Renewal.....	218
18	Discharge of Cannon.....	400
19	Distributor of Advertising	
20	Class A.....	524
21	Class B.....	459
22	Driverless Auto Rental.....	631
23	Encounter Studio	
24	Owner.....	725
25		

1	Employee.....	202
2	Escort Service	
3	Owner.....	709
4	Employee.....	202
5	Extended Hours Permit.....	1,500
6	Amendment to Permit.....	660
7	Fortuneteller.....	357
8	Funeral Procession Escort.....	224
9	Insignia and Uniform.....	13
10	General Soliciting Agent.....	252
11	Itinerant Show.....	680
12	Itinerant Show/Nonprofit [Fee set by Police Code Section	
13	1017.2]	100
14	Junk Dealer.....	945
15	Junk Gatherer	
16	Resident.....	439
17	Nonresident.....	370
18	Licensed Tour Guide.....	272
19	Loudspeaker.....	416
20	Vehicle.....	416
21	Masked Ball.....	779
22	Massage Establishment.....	1,684
23	Masseur/Masseuse.....	202
24	Trainee.....	202
25		

1	Mechanical Amusement Devices.....	568
2	Mechanical Contrivance.....	568
3	Miniature Golf Course.....	586
4	Mobile Caterer.....	775
5	Additional Stop.....	73
6	Assistant.....	73
7	Transfer of Stop.....	73
8	Museum.....	645
9	Nude Models in Public Photographic Studio	
10	Owner.....	704
11	Employee.....	202
12	One <i>Time Night</i> Event	255
13	Outcall Massage.....	462
14	Pawnbroker.....	763
15	Peddler	
16	Fish, Vegetables, Fruit.....	525
17	Food for Human Consumption.....	525
18	Nonfood.....	330
19	Employee.....	77
20	Pedicab Driver.....	77
21	Pedicab Owner	
22	First Pedicab.....	372
23	Each Additional Pedicab.....	84
24	Photographer, Public Place	
25		

1	Owner.....	429
2	Solicitor.....	77
3	Photographic Solicitor	
4	Owner.....	429
5	Employee.....	77
6	Place of Entertainment.....	1,500
7	Amendment to Permit.....	660
8	Poker.....	894
9	Amendment to Permit.....	79
10	Public Bathhouse.....	1,122
11	Public Outcry Sales.....	716
12	Pushcart Peddler.....	594
13	Recreational Equipment Vendor.....	408
14	Rodeo Exhibition/Wild West Show.....	651
15	Second Hand Dealer.....	558
16	Second Hand Dealer, Auto Accessories.....	558
17	Shooting Gallery.....	723
18	Skating Rink.....	693
19	Street Photographer	
20	Owner.....	379
21	Solicitor.....	231
22	Tow Car Driver.....	198
23	Tow Car Firm.....	575
24	Trade-In Dealer.....	713
25		

1	Valet Parking	
2	Fixed Location.....	535
3	Annual Special Event.....	350
4	Vehicle for Hire, Nonmotorized.....	644

5 Section 2. The San Francisco Police Code is hereby amended by amending Sections
6 1060, 1060.1, 1060.2 and 1060.3, to read as follows:

7 **SEC. 1060. DEFINITIONS.**

8 For the purposes of this Article, unless otherwise provided in this Article, the following
9 words and phrases shall mean and include:

10 (a)(1) "Any Sidewalk Abutting the Premises." As to a Permittee, the sidewalk not more than
11 fifty feet from the premises of the Business that is located between the premises and a public street. For
12 purposes of this definition, "premises" includes any immediately adjacent area that is owned, leased, or
13 rented by the Permittee.

14 (2) "Any Sidewalk Abutting the Premises." As to a permit applicant, the sidewalk not more
15 than fifty feet from the premises of the Business for which a permit is sought, that is located between the
16 premises and a public street. For purposes of this definition, "premises" includes any immediately
17 adjacent area that is owned, leased, or rented by the permit applicant.

18 (b) "Bona Fide Nonprofit Club or Organization." Any fraternal, charitable, religious,
19 benevolent, or other nonprofit organization for mutual social, mental, political, or civic welfare, to
20 which admission is limited to members and guests if the revenue accruing therefrom is used exclusively
21 for the benevolent purposes of said organization or agency, and if the organization or agency is exempt
22 from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable,
23 religious, benevolent or nonprofit organization.

24 (c) "Business." The enterprise for which a permit is sought or has been issued under this
25 Article, whether operated on a for-profit or not-for-profit basis.

1 (d) "Conduct that Constitutes a Nuisance." Any conduct that would constitute a violation of
2 the following laws: assault and battery (Cal. Penal Code §240, 242, 245); sexual battery (Cal. Penal
3 Code §243.4); discharging firearm (Cal. Penal Code §246, 246.3); unlawful weapons (Cal. Penal
4 Code §12020; S.F. Police Code §1291); disturbing the peace (Cal. Penal Code § 415, 416, 417);
5 unlawful threats (Cal. Penal Code §422); obstruction of pedestrian or vehicle right of way (Cal. Penal
6 Code § 370); gambling (Cal. Penal Code §§ 330, 337(a)); prostitution (Cal. Penal Code §§ 266(h),
7 266(i), 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender
8 Registration Act (Cal. Penal Code §290); loitering for lewd or lascivious purposes (Cal. Penal Code
9 §647(d)); loitering on private property without lawful business (Cal. Penal Code §647(h)); drug
10 offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5,
11 11379.5); public urination or defecation (San Francisco Police Code §153); accumulation of filth (Cal.
12 Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Art. 29).
13 (e) "Corrective Action." Action which includes, but is not limited to, the following:
14 (1) Requesting assistance from the local law enforcement agency in a timely manner
15 regarding the conduct.
16 (2) Requesting those individuals engaging in Conduct that Constitutes a Nuisance to cease
17 the conduct, or ejecting those Persons from the premises.
18 (3) Revising the Security Plan, subject to approval by the Entertainment Commission or the
19 Director as provided under this Article.
20 (f) "Director." The Executive Director of the Entertainment Commission or individual
21 designated by the Director to act on his or her behalf.
22 (g) "Entertainment." Any of the following, except when conducted in a private residence:
23 (1) Any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry
24 recitation, conducted in or upon any premises to which patrons or members are admitted.
25

1 (2) The playing or use of any instrument capable of producing or used to produce musical
2 or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments,
3 or karaoke, or recorded music presented by a live disc jockey on the premises.

4 (3) A fashion or style show.

5 (4) The act of any female entertainer, while visible to any customer, who exposes the breast
6 or employs any device or covering which is intended to simulate the breast, or wears any type of
7 clothing so that the breast may be observed.

8 (h) "Manager." The individual authorized by the Permittee to exercise discretionary power
9 to organize, direct, carry out or control the operations of the Business.

10 (i) "Permittee." The Person to whom a permit has been issued under this Article.

11 (j) "Person." Any person, individual, firm, partnership, joint venture, association, social
12 club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver,
13 trustee, syndicate, or any other group or combination acting as a unit excepting the United States of
14 America, the State of California, and any political subdivision of either.

15 (k) "Place of Entertainment." Every premises to which patrons or members are admitted
16 which serves food, beverages, or food and beverages, including but not limited to alcoholic beverages,
17 for consumption on the premises and wherein Entertainment as defined in Subsection (g) is furnished
18 or occurs upon the premises.

19 (l) "Sale of the Business" or "Sell the Business." The sale or other transfer of the
20 ownership interest in a Business that results in a Person (who did not already have such a percentage
21 interest) owning fifty percent or more of the Business, regardless of the form of ownership; provided,
22 however, that the term shall not apply if the Permittee is a publicly traded company. A publicly traded
23 company is a company that has issued securities through an initial public offering which are traded on
24 at least one stock exchange or over-the-counter market.

1 (m) "Security Guard." A person who has a valid Proprietary Private Security Officer
2 registration document issued by the California Department of Consumer Affairs or is a Patrol Special
3 Police Officer appointed by the Police Commission or an assistant to a Patrol Special Police Officer.

4 (n) "Security Plan." A plan that adequately addresses the safety of persons and property by
5 (i) providing at least one Security Guard for every 100 individuals anticipated to be present during
6 Entertainment events on the premises of the Business, (ii) securing the sidewalk for a fifty-foot radius in
7 all directions around the premises of the Business to prevent injury to persons and/or damage to
8 property, and (iii) providing for the orderly dispersal of individuals and traffic from the premises of the
9 Business and within fifty feet of any door that patrons use to enter or exit the premises. "Fifty feet"
10 means 50 feet from the door in both directions on the same side of the street as the premises of the
11 Business. The plan shall include sufficient staff with the requisite experience to implement the plan.

12 (o) "Tax Collector." Tax Collector of the City and County of San Francisco.

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

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 entertainer in or~~
19 ~~upon any premises to which patrons or members are admitted.~~

20 ~~"Entertainment," in addition, is defined to mean and include the playing upon or use by any~~
21 ~~professional entertainer of any instrument that is capable of or can be used to produce musical sounds~~
22 ~~or percussion sounds, including but not limited to, reed, brass, percussion or string like instruments, or~~
23 ~~recorded music presented by a live disc jockey on the premises.~~

24 ~~—— (c) "Entertainment," Continued. "Entertainment" also includes a fashion or style show~~
25 ~~in which the models are professional entertainers, except when conducted by a bona fide nonprofit club~~

1 ~~or organization as a part of the social activities of such club or organization, and when conducted~~
2 ~~solely as a fundraising activity for charitable purposes.~~

3 ~~———— (d) "Professional Entertainer." A person who is compensated for his or her~~
4 ~~performance.~~

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

9 ~~———— (f) "Person." Any person, individual, firm, partnership, joint venture, association,~~
10 ~~social club, fraternal organization, joint stock company, corporation, estate, trust, business trust,~~
11 ~~receiver, trustee, syndicate or any other group or combination acting as a unit excepting the United~~
12 ~~States of America, the State of California, and any political subdivision of either thereof.~~

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

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

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

4 ~~_____ (j) "Tax Collector." Tax Collector of the City and County of San Francisco.~~

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

11 **SEC. 1060.1. PERMIT REQUIRED.**

12 (a) It shall be unlawful for any Person ~~person~~ to own, conduct, operate, maintain ~~or to~~
13 ~~participate therein~~, or to cause or permit to be conducted, operated, or maintained, any Place of
14 Entertainment ~~place of entertainment~~ or One Time Event in the City and County of San Francisco
15 without first having obtained the required ~~a~~ permit from the Director or Entertainment
16 Commission.

17 (b) No Person may conduct, operate or maintain, or cause or permit to be conducted,
18 operated, or maintained, a Place of Entertainment or One Night Event for which a permit has been
19 granted (1) after the permit has been revoked or (2) for any period of time during which the permit has
20 been suspended or is otherwise invalid.

21 ~~Any place or premises where a permit to operate is sought must conform to all existing health,~~
22 ~~safety, zoning and fire ordinances of the City and County of San Francisco, and must have a valid~~
23 ~~public eating place permit from the Department of Public Health. The Entertainment Commission may~~
24 ~~issue a permit under this Section conditional upon the applicant receiving the other required permits.~~

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

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

8 **SEC. 1060.2. FILING APPLICATION AND NOTICE TO OTHER CITY**
9 **DEPARTMENTS.**

10 (a) Every Person ~~person~~ seeking ~~desiring~~ a permit or an amendment to a permit pursuant
11 to this Article shall file an application with the Entertainment Commission upon a form provided
12 by the Entertainment Commission and shall pay a filing fee as provided in Section 2.26 of this
13 Code.

14 (b) The Director shall send notice of the application to the San Francisco Police
15 Department, Fire Department, Department of Building Inspection, Department of Public Health, and
16 Department of City Planning. Those departments shall complete all necessary inspections and report
17 their determinations to the Entertainment Commission within 20 City business days of the filing of the
18 application.

19 **SEC. 1060.3. APPLICATION FORM.**

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

23 (a) The name and street address of the Business for which the permit is sought.

24 (b) The name and address of the applicant as follows:

1 (1) If the applicant is a corporation, the name of the corporation exactly as shown in its
2 articles of incorporation; the date and place of incorporation; and the names and addresses of each of
3 the officers and directors, and, for any corporation that is not publicly traded, the names and addresses
4 of each stockholder owning ten percent or more of the stock of the corporation.

5 (2) If the applicant is a partnership, the name and address of each of the partners, including
6 limited partners. If one or more of the partners is a corporation, the applicant shall provide the
7 information set forth in Subsection (b)(1) of this Section.

8 (c) The name of and contact information for the Manager who shall directly, or through
9 designees, be on the premises during all hours of operation.

10 (d) The name and address of each Person who appears on the business registration
11 certificate for the Business for which a permit is sought.

12 (e) The name and address of each Person to whom the Department of Alcoholic Beverage
13 Control has issued a license for the Business for which a permit is sought.

14 (f) The names and addresses of the Persons who have or will have authority or control over
15 the Business and a brief statement of the nature and extent of such authority and control, if the
16 applicant has not otherwise provided this information in the application.

17 (g) The name and address of the Person authorized to accept service of process for the
18 Business if it is sued.

19 (h) A plan for the Business specifying the days and hours of operation, the number of
20 employees and their duties, and the amount of parking, both on and off-site, to be provided. If sound
21 amplification is to be used, the plan shall also include a specific description of the amplification
22 system.

23 (i) A proposed Security Plan as defined in Section 1060(n).

24 (j) For the Persons(s) whose disclosure is required under Subsections (b) through (f), all
25 criminal charges, complaints or indictments in the preceding five years which resulted in a conviction

1 or a plea of guilty or no contest for the following laws: assault and battery (Cal. Penal Code §240, 242,
2 245; sexual battery (Cal. Penal Code §243.4; discharging firearm (Cal. Penal Code §246, 246.3;
3 unlawful weapons (Cal. Penal Code §12020; S.F. Police Code §1291); disturbing the peace (Cal.
4 Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code §422); obstruction of pedestrian or
5 vehicle right of way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337(a)); prostitution
6 (Cal. Penal Code §§ 266(h), 266(i), 315, 316, 647(b); sex crimes for which registration is required
7 under the Sex Offender Registration Act (Cal. Penal Code §290); (Cal. Penal Code §§ 647(d), 647(h));
8 drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5,
9 11379.5); or for conduct in another jurisdiction which if carried out in California would constitute an
10 offense under one of the laws set forth in this Subsection (j).

11 (k) All convictions in the preceding five years for the Person(s) whose disclosure is required
12 under Subsections (b) through (f) for any other offense which is a felony or misdemeanor under the
13 laws of this state, or for conduct in another jurisdiction which if carried out in California would
14 constitute a felony or misdemeanor under the laws of this state, provided that this Subsection (k)
15 applies only to offenses arising out of the operation of a nightclub, dance hall, cabaret, Place of
16 Entertainment or an establishment that serves food or beverages.

17 (l) For the information required by Subsections (j) and (k), a statement setting forth for
18 each Person all charges under which convictions were obtained, any sentence imposed as the result of
19 the convictions, and for each conviction the date, name and location of the court.

20 (m) Such further information as the Entertainment Commission requires regarding financial
21 and lease arrangements and management, authority, and operational control of the Business or its
22 premises when the information will assist the Commission in its determination whether to grant or deny
23 the permit.

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

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

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

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

19 ~~(e) Such information pertinent to the operation of the proposed activity, including information~~
20 ~~as to management, authority control, financial agreements, and lease arrangements, that is reasonably~~
21 ~~related to the factual determinations this ordinance empowers the Entertainment Commission to make~~
22 ~~in reviewing and acting upon permit applications as the Entertainment Commission may require of an~~
23 ~~applicant in addition to the other requirements of this Section. The foregoing examples are in~~
24 ~~explanation of and not in limitation of the information which the Entertainment Commission may~~
25 ~~require.~~

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

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

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

10 ~~(i) The Entertainment Commission may require further information as it deems necessary.~~

11 Section 3. The San Francisco Police Code is hereby amended by repealing Section
12 1060.4.

13 ~~**SEC. 1060.4 VERIFICATION OF APPLICATION.**~~

14 ~~Every application for a permit under this Article shall be verified as provided in the California~~
15 ~~Code of Civil Procedure for the verification of pleadings.~~

16 Section 4. The San Francisco Police Code is hereby amended by adding Section
17 1060.4, to read as follows:

18 ~~**SEC. 1060.4. NOTICE REQUIREMENTS AND CONTACT INFORMATION.**~~

19 ~~(a) Unless otherwise provided in this Article, the following definitions apply.~~

20 ~~(i) To provide notice "electronically" means to send written notice by email, facsimile or in~~
21 ~~any other manner that the Director designates as appropriate to transmit written information other~~
22 ~~than by mail.~~

23 ~~(ii) To "mail" notice or give notice "by mail" means depositing the notice in a sealed~~
24 ~~envelope or package clearly labeled to identify the individual to whom it is sent, in a post office,~~
25 ~~mailbox, or other facility regularly maintained by the United States Postal Service, by First Class Mail,~~

1 with postage prepaid. The requirement that notice be mailed within a specified period of time means
2 that the notice is deposited in the mail within that period of time.

3 (iii) "Personally deliver" or "personal delivery" means delivering notice or causing notice to
4 be delivered in person.

5 (iv) "Notice" means notice of a hearing, decision, action required of an applicant for a
6 permit or a Permittee, or any other information that this Article requires to be given or which the
7 Entertainment Commission or the Director find appropriate in implementing the provisions of this
8 Article.

9 (b) Applicants for a permit and Permittees shall provide information necessary to enable
10 the Entertainment Commission and the Director to give notice under this Article. Applicants and
11 Permittees shall provide the Director in writing with a street address where the applicant and
12 Permittee receive mail from the United States Postal Service, and with any email address, facsimile
13 number or other information necessary to enable notice to be sent to the applicant and Permittee
14 electronically. The applicant and Permittee shall keep the information required by this Section current
15 by informing the Director in writing of any change. When the Commission or Director mails or
16 personally delivers notice or sends notice electronically to the applicant or Permittee in accordance
17 with the information most recently provided in writing by that Person, such action shall satisfy the
18 requirements of this Article with respect to how notice is given.

19 (c) In some circumstances, this Article requires notice to the Manager. The Permittee shall
20 provide a telephone and/or cell phone number and a facsimile number or email address for the
21 transmission of notice to the Manager. The Permittee shall keep current the contact information for the
22 Manager and shall notify the Director in writing of any change in this information. The Manager may
23 designate other individuals to whom notice is to be given for any periods of the Manager's absence or
24 unavailability by providing this information in writing to the Director. When the Commission or
25 Director mails or personally delivers notice or sends notice electronically to the Manager, or to any

1 individual designated by the Manager to receive notice in place of the Manager, in accordance with the
2 information most recently provided in writing by the Permittee for the Manager, or by the Manager for
3 his or her designee, such action shall satisfy the requirements of this Article that notice be given to the
4 Manager.

5 (d) The Director may require applicants, Permittees and Managers to provide different or
6 additional contact information for receipt of notice as communication technologies change.

7 (e) A Permittee may change the name and/or address of the individual provided by the
8 Permittee in the permit application in response to Section 1060.3(g) to receive service of process by
9 providing written notice to the Director.

10 Section 5. The San Francisco Police Code is hereby amended by amending Section
11 1060.5, to read as follows:

12 **SEC. 1060.5. DETERMINATION OF APPLICATION FOR A PLACE OF**
13 **ENTERTAINMENT PERMIT; REPORTS BY OTHER CITY DEPARTMENTS.**

14 (a) The applicant or the applicant's agent shall file the application for a Place of
15 Entertainment Permit with the Director in person, at which time the Director shall inform the applicant
16 or the applicant's agent whether the application is complete or additional information is required.
17 When an application for a Place of Entertainment Permit is complete, the Director shall schedule a
18 public hearing before the Entertainment Commission to determine whether the permit should be
19 granted. The Director shall provide written notice to the applicant by mail or to the applicant's agent
20 by personal delivery at least 30 days before the date of the hearing. Any Person may submit a written
21 request to the Director to receive notice of the hearing on a permit application.

22 (b)(1) The applicant shall cause a notice of the hearing to be conspicuously and continuously
23 posted for at least 30 days before the scheduled hearing date on the premises of the Business. The
24 Director shall provide notice of the hearing at least 30 days before the hearing to any Person who has
25

1 filed a written request for such notice, which notice may be given electronically if electronic contact
2 information is available, or by mail.

3 (2) In the event of a continued hearing, the applicant shall cause notice of the continued
4 hearing to be posted as required under Subsection (b)(1) of this Section for not less than 10 days and
5 the Commission shall provide notice of the hearing to Persons who have requested notice at least 10
6 days before the hearing as set forth in Subsection (b)(1) of this Section.

7 (3) The failure of the Director to provide the notice of the hearing to any Person who filed a
8 written request as provided in Subsections (b)(1) and (2) of this Section shall not constitute grounds for
9 invalidation of the actions of the Commission taken at the hearing.

10 (c) At the hearing on the application, the applicant and any other interested party, including
11 the Police Department or any other public agency, may introduce evidence and present argument
12 relating to the standards for review under Subsection (f) of this Section.

13 (d)(1) The Entertainment Commission shall hold a hearing and determine whether to grant or
14 deny the permit within 45 City business days of the date that the applicant has submitted a complete
15 application under Section 1060.5(a), except that:

16 (i) If the Entertainment Commission finds that an extension of time is necessary to obtain
17 additional information for its review of the application under the standards set forth in Subsection (f) of
18 this Section, the Commission shall have up to 15 additional days to make the determination; and

19 (ii) Upon the applicant's request, the Entertainment Commission shall continue the hearing
20 for an additional period of time to allow the applicant an opportunity to comply with the requirements
21 of this Article; and

22 (iii) If the applicant fails to post or maintain notice of the hearing as required by Subsection
23 (b) of this Section, the 45-City business day time period shall be extended for such period or periods of
24 time that the Director determines necessary for the applicant to comply with the posting requirement.

1 (e)(1) If the permit applicant has not obtained all permits required for the Business from other
2 City departments by the date of the hearing on the application, the Entertainment Commission may
3 grant a conditional permit pending the issuance of the other required City permits; provided, however,
4 the Commission shall take this action only if sufficient information has been provided to allow for
5 adequate evaluation of the application and if grounds for denial, as set forth in Subsection (f), are not
6 present. Any permit conditionally granted by the Entertainment Commission under this
7 Subsection(e)(1) may be appealed to the Board of Appeals. Any such appeal shall be filed within 10
8 days of the final decision of the Entertainment Commission's conditionally granting the permit. No
9 Person may operate a Business for which a permit has been conditionally granted unless and until the
10 Person has obtained all permits and authorizations required from other City departments.

11 (2) If the Entertainment Commission does not grant, conditionally grant or deny the permit
12 for a Place of Entertainment within the time required by Subsection (e)(1) of this Section, including any
13 extension of time provided for in Subsection (d)(1), the permit sought by the applicant shall be deemed
14 granted, conditioned on the requirement that the Permittee obtain all required permits from other City
15 departments within nine months and comply with all the requirements of this Article. The time by
16 which the Entertainment Commission must act commences on the date that the applicant has filed a
17 completed application under Section 1060.5(a).

18 (f) The Entertainment Commission shall grant or conditionally grant a permit for a Place
19 of Entertainment pursuant to this Article unless it finds that:

20 (1) The premises or the proposed operation of the Business does not comply with the health,
21 zoning, fire and safety requirements of the laws of the State of California or ordinances of the City and
22 County of San Francisco applicable to the Business; or

23 (2) Notwithstanding the mitigation provided under the Security Plan submitted by the
24 applicant, the building, structure, equipment or location of the proposed Business cannot adequately
25 accommodate the type and volume of vehicle and pedestrian traffic anticipated; or

1 (3) The premises or the proposed operation of the Business lacks adequate safeguards to
2 prevent emissions of noise, glare, dust and odor that would substantially interfere with the public
3 health, safety and welfare or the peaceful enjoyment of neighboring property; or

4 (4) The permit applicant has not provided a Security Plan that adequately addresses the
5 safety of persons and property and provides for the orderly dispersal of individuals and traffic.

6 (g) When the Commission grants or conditionally grants a permit, it shall require the
7 applicant as a condition of the permit to comply with the Security Plan that has been approved as
8 provided under this Article. The Commission may impose additional reasonable time, place and
9 manner conditions on the permit.

10 (h) If a Permittee has been conditionally granted a permit but has not obtained all of the
11 permits required from other City departments within nine months from the date that the Entertainment
12 Commission conditionally grants the permit, the Permittee shall surrender the permit to the Director.
13 If the Permittee fails to do so, the Director may, after providing notice of the proposed action by mail
14 and electronically and giving the Permittee the opportunity to respond, revoke the permit.

15 ~~(a) When an application is filed for a new permit under this Article, the Entertainment~~
16 ~~Commission shall fix a time and place for a public hearing thereon to determine whether issuance of~~
17 ~~the permit would result in any of the conditions set forth in Subsection (e). The hearing must be held~~
18 ~~within 45 working days of the date the completed application is received.~~

19 ~~(b) At the time of filing of an application, the applicant shall notify the Entertainment~~
20 ~~Commission of any outstanding requests for permits or approvals from other City departments relating~~
21 ~~to the premises of the proposed place of entertainment. The Entertainment Commission shall notify~~
22 ~~those departments of the filing of the application. Those departments shall complete all necessary~~
23 ~~inspections and report their determinations to the Entertainment Commission within 20 working days~~
24 ~~of the filing of the application.~~

1 ~~(c) Not less than 30 days before the date of such hearing, the Entertainment Commission shall~~
2 ~~cause to be posted a notice of such hearing in a conspicuous place on the property in which or on~~
3 ~~which the proposed place of entertainment is to be operated. Such notice shall set forth the specific type~~
4 ~~of entertainment which the applicant intends to conduct. Such posting of notice shall be carried out by~~
5 ~~the Entertainment Commission, and the applicant shall maintain said notice as posted the required~~
6 ~~number of days. Notice of such hearing shall be mailed by the Entertainment Commission at least 30~~
7 ~~days prior to the date of such hearing to any person who has filed a written request for such notice.~~

8 ~~(d) At the hearing, the applicant and any other interested party, including the Police~~
9 ~~Department or any other public agency, shall be allowed to introduce evidence and present argument.~~
10 ~~The Entertainment Commission shall make a final decision upon the application at a public hearing,~~
11 ~~and shall notify the applicant, and any other interested party who has made a written request, of the~~
12 ~~final decision by first class mail.~~

13 ~~(e) No time limit shall commence running until the submission of a completed application.~~
14 ~~Upon the applicant's request, the Entertainment Commission shall continue the hearing to allow the~~
15 ~~applicant opportunity to comply with the requirements of this Article or any other state or local law.~~
16 ~~Notice of the date of any continuance of the hearing shall be posted in the same place and manner as~~
17 ~~the original notice for not less than seven (7) days. Upon the applicant's request, the Entertainment~~
18 ~~Commission shall also issue a conditional approval of the permit application, pending approval of the~~
19 ~~permit by other City agencies, if sufficient information has been provided to allow for adequate~~
20 ~~evaluation of the proposal and if grounds for denial, as set forth in Subsection (f), are not present.~~

21 ~~(f) The Entertainment Commission shall grant a permit pursuant to this Article unless it finds~~
22 ~~that:~~

23 ~~(i) The building, structure, equipment or location of the proposed place of entertainment does~~
24 ~~not comply with or fails to meet all of the health, zoning, fire and safety requirements or standards of~~

1 ~~all the laws of the State of California or ordinances of the City and County of San Francisco applicable~~
2 ~~to such business operation; or~~

3 ~~(ii) The building, structure, equipment or location of the proposed place of entertainment~~
4 ~~cannot adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated; or~~

5 ~~(iii) The building, structure, equipment or location of the proposed place of entertainment lack~~
6 ~~adequate safeguards to prevent emissions of noise, glare, dust and odor that substantially interfere with~~
7 ~~the public health, safety and welfare or the peaceful enjoyment of neighboring property; or~~

8 ~~(iv) The building, structure, or location of the proposed one night event does not have an~~
9 ~~adequate security plan as required by this Section.~~

10 ~~(g) An applicant whose application for a permit has been denied pursuant to this Section may~~
11 ~~seek immediate judicial review pursuant to Code of Civil Procedure Section 1085 or Section 1094.5.~~
12 ~~The applicant is not required to exhaust his or her administrative remedies before the Board of~~
13 ~~Appeals.~~

14 Section 6. The San Francisco Police Code is hereby amended by repealing Section
15 1060.20:

16 ~~**SEC. 1060.20. SUSPENSION AND REVOCATION.**~~

17 ~~(a) Any permit issued under the terms of this Article may be suspended at any time by the~~
18 ~~Entertainment Commission if the Entertainment Commission determines after a noticed public hearing~~
19 ~~that any of the following conditions exist:~~

20 ~~(1) The building, structure, equipment or location of the proposed place of entertainment~~
21 ~~does not comply with or fails to meet all of the health, zoning, fire and safety requirements or standards~~
22 ~~of all the laws of the State of California or ordinances of the City and County of San Francisco~~
23 ~~applicable to such business operation; or~~

24 ~~(2) The establishment has been operated in a manner that has harmed the public health,~~
25 ~~safety or welfare by significantly increasing pedestrian traffic, the incidence of disorderly conduct, or~~

1 ~~the level of noise in the area in which the premises are located, and the permittee has failed, after being~~
2 ~~requested by the Police Department or Entertainment Commission to do so, to take reasonable steps to~~
3 ~~alleviate these conditions, such as providing additional off-street parking, security, soundproofing,~~
4 ~~restroom facilities, or refuse containers; or~~

5 (3) ~~— The proprietor or person or persons in charge thereof have violated, permitted the~~
6 ~~violation, or failed to take reasonable steps, after being requested by the Police Department or~~
7 ~~Entertainment Commission to do so, to halt violations on the premises or in connection with the~~
8 ~~operation of the establishment of any following laws of the State of California: Penal code Sections~~
9 ~~266h, 266i, 315, 316, 330, 337a, 647(b); Business and Professions Code Sections 23300, 25602, 25631,~~
10 ~~25657, 25658; Health and Safety Code Sections 11351, 11352, 11359, 11360, 11378, 11379, 11378.5,~~
11 ~~11379.5; or, the proprietor or persons in charge thereof have implemented, maintained or permitted~~
12 ~~any admission or related policy or practice which violates Section 3305 of the San Francisco Police~~
13 ~~Code.~~

14 (4) ~~— The proprietor or persons in charge thereof have violated or permitted the violation of~~
15 ~~any other provision of this Article or of the permit, on the premises or in connection with the operation~~
16 ~~of the establishment.~~

17 (b) ~~— The penalty for the first violation under Subsection (a) within a period of six months~~
18 ~~shall be suspension of said permit for a period of 30 days. The penalty for the second violation within a~~
19 ~~period of six months shall be suspension of said permit for a period of 60 days. The penalty for the third~~
20 ~~and subsequent violations within a period of six months shall be suspension of said permit for a period~~
21 ~~of 90 days. For the purposes of this Subsection, calculation of the six months shall not include any~~
22 ~~period of time during which the permit was suspended.~~

23 (c) ~~— Any permit issued under the terms of this Article may be revoked at any time by the~~
24 ~~Entertainment Commission if the Entertainment Commission determines after a noticed public hearing~~
25 ~~that any of the following conditions exist:~~

1 (1) ~~The permittee has knowingly made any false, misleading or fraudulent statement of~~
2 ~~material fact in the application for a permit;~~

3 (2) ~~The permittee has failed to pay any fee or charge required under this Article; or~~

4 (3) ~~The permittee has permanently ceased operation of the business.~~

5 (4) ~~revocation pursuant to Subsection (c) shall not prejudice the right of an applicant to~~
6 ~~apply for a new permit.~~

7 (5) ~~The Entertainment Commission may not consider any request for emergency medical or~~
8 ~~ambulance services to treat a permittee's patrons as a basis for suspending a permit pursuant to~~
9 ~~subdivision (a).~~

10 Section 7. The San Francisco Police Code is hereby amended by adding Sections
11 1060.20, 1060.20.1, 1060.20.2, 1060.20.3, and 1060.20.4, to read as follows:

12 **SEC. 1060.20. SUSPENSION.**

13 (a) Permits issued under this Article may be suspended by the Entertainment Commission
14 and the Director as follows

15 (1) The Entertainment Commission may suspend a permit issued under this Article as
16 provided in Section 1060.20.1.

17 (2) The Director may issue an order of limited suspension as provided in Section 1060.20.2,
18 which order the Permittee may appeal to the Entertainment Commission.

19 (3) The Director may issue an order of suspension for public safety as provided in Section
20 1060.3, which order is not appealable to the Entertainment Commission.

21 (4) The Entertainment Commission and the Director have independent authority to suspend
22 permits; the action of one does not limit action by the other.

23 (b) The Entertainment Commission and the Director may not allow any request for
24 emergency medical or ambulance services to treat a Permittee's patrons as evidence supporting
25 suspension of a permit.

1 **SEC. 1060.20.1. SUSPENSION BY THE ENTERTAINMENT COMMISSION.**

2 (a) GROUND FOR SUSPENSION. The Entertainment Commission may suspend any
3 permit issued under this Article if any of the following conditions exist:

4 (1) The premises or operation of the Business does not comply with the health, zoning, fire,
5 and safety requirements of the laws of the State of California and ordinances of the City and County of
6 San Francisco applicable to the Business; or

7 (2) The Permittee has operated or allowed the operation of the Business:

8 (i) In a manner that has harmed the public health, safety, or welfare by significantly
9 increasing pedestrian congestion, the incidence of disorderly conduct, or the level of noise in the area
10 in which the premises are located, and

11 (ii) The Permittee has refused or failed, upon request by the Police Department,
12 Entertainment Commission or the Director, to take reasonable steps to alleviate these conditions, such
13 as providing additional off-street parking, security, soundproofing, restroom facilities, or refuse
14 containers; or

15 (3)(i) The Permittee or any employee or agent of the Permittee has engaged in conduct on the
16 premises of the Business, or in connection with the operation of the Business, that would constitute a
17 violation of any of the following laws: assault and battery (Cal. Penal Code §240, 242, 245); sexual
18 battery (Cal. Penal Code §243.4); discharging firearm (Cal. Penal Code §246, 246.3); unlawful
19 weapons (Cal. Penal Code §12020; S.F. Police Code §1291); disturbing the peace (Cal. Penal Code §
20 415, 416, 417); unlawful threats (Cal. Penal Code §422); obstruction of pedestrian or vehicle right of
21 way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337(a)); prostitution (Cal. Penal
22 Code §§ 266(h), 266(i), 315, 316, 647(b)) sex crimes for which registration is required under the Sex
23 Offender Registration Act (Cal. Penal Code §290); loitering for lewd or lascivious purposes (Cal.
24 Penal Code §647(d)); loitering on private property without lawful business (Cal. Penal Code §647(h));
25 drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5,

1 11379.5); public urination or defecation (San Francisco Police Code §153); accumulation of filth (Cal.
2 Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Art. 29);
3 or

4 (ii) The Permittee has failed to take reasonable steps within the Permittee's control upon the
5 request of the Police Department, the Entertainment Commission or the Director to halt conduct on the
6 premises of the Business, or in connection with the operation of the Business, that would constitute a
7 violation of the laws set forth in Section (a)(3)(i) of this Section.

8 (iii) The Permittee in the operation of the Business has implemented, maintained, or
9 permitted an admission or related policy or practice prohibited by San Francisco Police Code Section
10 3305 (prohibiting discrimination).

11 (4) The Permittee or any employee or agent of the Permittee has violated any requirement
12 of this Article or any other applicable ordinance, any regulation adopted pursuant to this Article, or
13 any condition placed on the permit.

14 (5) The Permittee has failed to submit a proposed Security Plan as required by Section
15 1060.31.

16 (6) The Permittee or any agent or employee of the Permittee has failed to comply with an
17 approved Security Plan as required by Section 1060.31 or 1060.32.

18 (b) HEARING PROCEDURE AND DETERMINATION. The Entertainment Commission
19 shall give the Permittee and the Manager written notice of a hearing to determine whether to suspend a
20 permit. The notice shall set forth the grounds for the proposed suspension and the date, time and
21 location of the hearing.

22 (c) PERIOD OF SUSPENSION. The Entertainment Commission may suspend a permit for
23 the periods of time set forth in this Subsection (c).

24 (i) For the first violation under Subsection (a)(1) through (6) of this Section, for up to 30
25 days.

1 (ii) For the second violation of the same or any other provision of Subsection (a)(1) through
2 (6) within six months of the order of suspension for the first violation, for up to 60 days.

3 (iii) For the third and subsequent violation of the same or any other provision of Subsection
4 (a)(1) through (6) within six months of the order of suspension for the second or any subsequent
5 violation, for up to 90 days.

6 (iv) For the purpose of Subsections (c)(ii) and (iii) of this Section, calculation of the six
7 months shall not include any period of time during which the permit was suspended.

8 (v) Each offense or failure to comply with a provision of law shall constitute a violation.
9 Each day that the Permittee fails to take reasonable steps within the Permittee's control to halt conduct
10 prohibited by this Section constitutes a separate violation.

11 (vi) In determining the length of the suspension, the Entertainment Commission shall
12 consider the seriousness and the frequency of the violation(s) in light of the effort taken to correct them
13 and the impact of the violation(s) on the surrounding neighborhood.

14 **SEC. 1060.20.2. LIMITED SUSPENSION BY THE DIRECTOR; APPEAL TO**
15 **ENTERTAINMENT COMMISSION.**

16 (a) GROUNDS FOR SUSPENSION. The Director may suspend any permit issued under
17 this Article for a period of up to seven days if the Director determines, after providing the Permittee
18 and the Manager at least five days written notice and an opportunity to respond, that any of the
19 circumstances set forth in either Subsection (a)(1) or (2) of this Section has occurred. Each order of
20 limited suspension may include multiple violations under Subsections (a)(1) and (2) of this Section.
21 The Director shall provide the written notice required under this Subsection by mail or personal
22 delivery and electronically.

23 (1) The Business has exceeded the allowable noise emissions, as codified in the San
24 Francisco Police Code, or as required under any condition imposed on the permit, on three separate
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1 days within a three month time period. The Director may suspend a permit under this Subsection (a)(1)
2 only if:

3 (i) The San Francisco Police Department, the Director, or an authorized agent of either
4 has issued a noise emission report for each violation showing noise levels that exceed those allowed
5 under the San Francisco Police Code, or as required under any condition imposed on the permit, in
6 accordance with the measurement procedures set forth in that Code, and

7 (ii) The Director has provided notice of the issuance of each noise emission report
8 described in Subsection (a)(1) to the Permittee or the Manager electronically or by mail within three
9 City business days of its issuance.

10 (2) The Permittee or any employee or agent of the Permittee has engaged in Conduct that
11 Constitutes a Nuisance, as defined in Section 1060(d), or the Permittee has failed to take reasonable
12 steps within the Permittee's control to halt another Person or Persons from engaging in Conduct that
13 Constitutes a Nuisance. This Subsection applies only when both of the following apply:

14 (i) The conduct occurred on the Premises of, or on Any Sidewalk Abutting the Premises of,
15 the Place of Entertainment, and

16 (ii) The conduct continued after the Director had notified the Permittee of the problem and
17 informed the Permittee of Corrective Action, as defined in Section 1060, to address the problem, but the
18 Permittee failed to take the Corrective Action.

19 (b)(1) ISSUANCE OF ORDER; RIGHT TO APPEAL TO COMMISSION. Upon issuing an
20 order of limited suspension, the Director shall send the order to the Permittee or Manager by mail or
21 electronically. The order shall state the date that the order issued and the date that it takes effect. To
22 provide the Permittee with an opportunity to file an appeal to the Entertainment Commission, an order
23 of limited suspension shall not take effect for at least five City business days from the date that the
24 Director issues the order.

25

1 (2) A Permittee may appeal an order of limited suspension to the Entertainment
2 Commission by filing with the Commission Secretary a written request for review within five City
3 business days of the date that the Director has issued the order. The filing of an appeal stays the order
4 pending the Commission's decision. If a Permittee withdraws the appeal, the Director's order shall no
5 longer be stayed and shall take effect on the date of the withdrawal or the date that the order was to
6 take effect, whichever is later.

7 (3) The Commission may affirm, overturn, or modify the Director's order. When the
8 Commission affirms or modifies the Director's order, the order takes effect the day following the day of
9 the hearing at which the Commission made its determination.

10 (4) If the Permittee does not file a timely appeal of the Director's order, the order shall take
11 effect the day after the time to appeal has expired or the effective date set forth in the order, whichever
12 is later; provided, however, that the Director and the Permittee may agree in writing to an earlier
13 effective date.

14 (5) The Entertainment Commission may adopt a regulation establishing a procedure which
15 would allow the Director or the Commission, or both, to stay and vacate an order of limited suspension
16 if the Permittee submits and complies with a plan of corrective action to address the problems that gave
17 rise to the suspension.

18 (c) The Director may initiate orders of limited suspension under this Section against a
19 Permittee no more than three times in any twelve-month period.

20 **SEC. 1060.20.3. SUSPENSION FOR PUBLIC SAFETY BY THE DIRECTOR.**

21 (a) GROUNDS FOR SUSPENSION. The Director may suspend any permit issued under
22 this Article for up to 72 hours if the Director determines, after providing the Permittee at least 8 hours
23 written notice and an opportunity to respond, that any of the circumstances set forth in Subsection
24 (a)(1)(i) through (iii) of this Section has occurred on the Premises of, or on Any Sidewalk Abutting, the
25

1 Premises, that such conduct has resulted in serious bodily injury or death, and that continued operation
2 of the Business poses a serious threat to public safety.

3 (1)(i) The Permittee or any employee or agent of the Permittee has engaged in conduct that
4 would constitute a violation of any of the following laws: assault and battery (Cal. Penal Code §240,
5 242, 245); sexual battery (Cal. Penal Code §243.4); discharging firearm (Cal. Penal Code §246,
6 246.3); unlawful weapons (Cal. Penal Code §12020; S.F. Police Code §1291); disturbing the peace
7 (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code §422); or

8 (ii) The Permittee has failed to take reasonable steps within the Permittee's control to halt
9 the conduct of another Person that would constitute a violation of any law described in Subsection
10 (a)(1)(i) of this Section.

11 (b) NOTICE OF PROPOSED ORDER. The Director shall provide the written notice
12 required under Subsection (a) of this Section to the Permittee and the Manager by personal delivery
13 or electronically.

14 (c) EFFECTIVE DATE AND TIME OF ORDER. The order of suspension for public safety
15 issued under this Section shall take effect at the date and time stated in the order.

16 (d) DIRECTOR MAY VACATE ORDER. The Director may vacate an order of suspension
17 for public safety if the Director determines that operation of the Business before expiration of the
18 suspension order will not pose a danger to the public because additional information demonstrates that
19 the conduct was not related to the operation of the Business, the Permittee has taken adequate steps to
20 correct the problem giving rise to the suspension, or other circumstances warrant such action.

21 **SEC. 1060.20.4. REVOCATION OF A PERMIT.**

22 (a) GROUNDS FOR REVOCATION – PLACE OF ENTERTAINMENT. The Entertainment
23 Commission may revoke any Place of Entertainment Permit issued under this Article if it determines
24 after a public hearing that any of the following conditions exist:

1 (1) The Permittee has knowingly made any false, misleading, or fraudulent statement of
2 material fact or has knowingly omitted a material fact in the application for a permit;

3 (2) The Permittee has failed to pay any fee or charge required under this Article;

4 (3) The Permittee has permanently ceased operation of the Business;

5 (b) GROUNDS FOR REVOCATION – ONE TIME EVENT. The Entertainment Commission
6 may revoke any One Time Event Permit issued under this Article if it determines after a public hearing
7 that any of the following conditions exist:

8 (1) The Permittee has knowingly made any false, misleading, or fraudulent statement of
9 material fact or has knowingly omitted a material fact in the application for a permit;

10 (2) The Permittee has failed to pay any fee or charge required under this Article;

11 (c) HEARING BY COMMISSION. The Entertainment Commission shall give the Permittee
12 and the Manager written notice of a hearing to determine whether to revoke a permit. The notice shall
13 set forth the grounds for the proposed revocation and the date, time and location of the hearing.

14 (d) NO PREJUDICE TO APPLY AGAIN. Notwithstanding the provisions of Section 31 of
15 the San Francisco Business and Tax Regulations Code, revocation of a permit shall not prejudice the
16 right of any Person to reapply for a permit under this Article or to appeal action on the reapplication to
17 the Board of Appeals.

18 Section 8. The San Francisco Police Code is hereby amended by repealing Section
19 1060.22:

20 **~~SEC. 1060.22. LICENSE FEES.~~**

21 ~~Every permittee who conducts, permits or assists in conducting or permitting any entertainment~~
22 ~~as defined in Sections 1060 (b) and (c) to be shown, staged, exhibited, or produced in or upon any~~
23 ~~permitted premise shall pay to the Tax Collector an annual license fee, payable in advance.~~

24 ~~The license fee prescribed in this Section is due and payable on a calendar year basis starting~~
25 ~~120 days after the effective date of this Article, prorated with regard to the calendar year on a monthly~~

1 ~~basis. Fees for new licenses issued after the first day of January, 1971, or in any subsequent calendar~~
2 ~~year shall be prorated with regard to the calendar year on a monthly basis.~~

3 Section 9. The San Francisco Police Code is hereby amended by amending Section
4 1060.24, to read as follows:

5 **SEC. 1060.24. PLACE OF ENTERTAINMENT PERMITS NOT TRANSFERABLE;**
6 **PERMIT VOID UPON SALE OF BUSINESS; PERMIT AMENDMENT REQUIRED TO**
7 **CHANGE PARTNERS OR OTHER OWNERS TRANSFER OF PERMIT.**

8 (a) No Person may transfer a Place of Entertainment Permit issued under this Article to any
9 other Person.

10 (b) If a Place of Entertainment Permittee Sells the Business, the permit shall be void and the
11 Permittee shall promptly surrender the permit to the Director. If the Permittee fails to surrender the
12 permit to the Director, the Director may, after giving the Permittee notice by mail and electronically of
13 the proposed action and an opportunity to respond, revoke the permit.

14 (c) Notwithstanding Subsection (b) of this Section, a Permittee may change partners,
15 shareholders, or other owners of a Business provided that (1) the sale or other transfer of ownership
16 results in a Person owning no more than 50% of the Business, regardless of the form of ownership, and
17 (2) the Permittee obtains an amendment to the Permit as provided in this Section. If the transfer of
18 ownership does not result in any Person (who did not already have such a percentage interest) having
19 an ownership interest of ten percent or more, the Permittee is not required to obtain a permit
20 amendment but shall be required to report the change under Section 1060.30.

21 (d) A Permittee seeking to amend a permit as required under this Section shall pay the filing
22 fee for Permit Amendment/Additional Partner set forth in Section 2.26 of this Code. The applicant
23 shall provide that portion of the information sought under Section 1060.3 for an application that the
24 Director requires.

1 (e) The Director shall determine within 30 days of the filing of a complete application to
2 amend a permit whether to approve it. The Director shall approve the application unless he or she
3 determines that denial is warranted under any of the grounds set forth in Section 1060.5(f) and shall
4 notify the Permittee and Manager of the approval by mail or personal delivery and electronically.

5 (f) If the Director determines that disapproval of the application may be warranted under
6 Section 1060.5(f), he or she shall schedule a hearing on the matter for the next regularly scheduled
7 meeting of the Entertainment Commission. The Director shall promptly provide written notice of the
8 hearing to the Permittee and the Manager by mail and electronically.

9 (g) The Entertainment Commission shall determine whether to approve the application
10 according to the standards governing the initial application set forth in Section 1060.5.

11 ~~No permit shall be transferable except with the written consent of the Entertainment~~
12 ~~Commission. An application for such a transfer shall be in writing and shall be accompanied by the~~
13 ~~same filing fee as for an initial application. The written application for such transfer shall contain the~~
14 ~~same information as requested herein for an initial application for such a permit.~~

15 Section 10. The San Francisco Police Code is hereby amended by adding Sections
16 1060.24.1 and 1060.24.2, to read as follows:

17 **SEC. 1060.24.1. AMENDMENT OF PERMIT TO CHANGE CONDITIONS.**

18 No Permittee shall operate a Business in any manner inconsistent with any condition imposed
19 on the permit. A Permittee may request an amendment to a permit to remove or change a condition by
20 filing a request with the Secretary of the Commission and paying the fee for an Amendment to a Permit
21 required under Police Code Section 2.26. The Entertainment Commission shall conduct a hearing and
22 determine whether to approve the application to amend the permit according to the procedures
23 governing the initial application as set forth in Section 1060.5 and the standards set forth in Section
24 1060.5(f)(4).

25 **SEC. 1060.24.2. APPEALS TO THE BOARD OF APPEALS.**

1 (a) The following actions taken under this Article may be appealed to the Board of Appeals.
2 Any such appeal shall be filed within ten days from the date of the decision, as provided in Section 8 of
3 the San Francisco Business and Tax Regulations Code: The granting or denial of a permit, including a
4 conditionally granted permit, or an amendment to a permit and the suspension or revocation of a
5 permit.

6 (b) Notwithstanding the provisions of Subsection (a) of this Section, the Permittee or permit
7 applicant may seek immediate judicial review pursuant to California Code of Civil Procedure Section
8 1085 or Section 1094.8, as these provisions may be amended, including any successor provisions, or
9 any other procedure provided by law. The Permittee or permit applicant is not required to exhaust his
10 or her administrative remedies before the Entertainment Commission or before the Board of Appeals.

11 Section 11. The San Francisco Police Code is hereby amended by amending Sections
12 1060.25 and 1060.29, to read as follows:

13 **SEC. 1060.25. CRIMINAL AND ADMINISTRATIVE PENALTIES PENALTY.**

14 (a) CRIMINAL PENALTY. Any Person who violates Section 1060.1 of this Article
15 (requiring a valid permit to operate a Business) shall be deemed guilty of an infraction. Any Person
16 who violates Section 1060.1 of this Article more than once in a twelve-month period shall be guilty of
17 an infraction or a misdemeanor, at the discretion of the prosecutor.

18 (1) Each day a Person owns, conducts, operates, or maintains a Business without a valid
19 permit shall constitute a separate violation.

20 (2) A violation that is an infraction is punishable by a fine of not more than one hundred
21 dollars (\$100) for a first violation, two hundred dollars (\$200) for a second violation of the same
22 prohibition within one year, and five hundred dollars (\$500) for each additional violation of the same
23 prohibition within one year.

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1 (3) A violation that is a misdemeanor is punishable by a fine not to exceed one thousand
2 dollars (\$1000) or by imprisonment in the county jail for no more than six months, or by both such fine
3 and imprisonment.

4 (b) ADMINISTRATIVE PENALTY. The Director may issue administrative citations for the
5 violation of any condition imposed on a permit granted under this Article and any violation of Section
6 1060.31 or 1060.32 (governing Security Plans). San Francisco Administrative Code Chapter 100,
7 "Procedures Governing the Imposition of Administrative Fines," is hereby incorporated in its entirety
8 and shall govern the amount of fees and the procedure for imposition, enforcement, collection, and
9 administrative review of administrative citations issued under this Subsection (b).

10 ~~Any person who violates any provisions of this Article shall be deemed guilty of an infraction.~~
11 ~~Any person who violates this Article more than once in a 12-month period shall be guilty of an~~
12 ~~infraction or a misdemeanor, at the discretion of the prosecutor. A violation which is an infraction is~~
13 ~~punishable by a fine of not more than \$100. A violation which is a misdemeanor is punishable by a fine~~
14 ~~not to exceed \$1000 or by imprisonment in the County Jail for a period not to exceed six months, or by~~
15 ~~both such fine and imprisonment.~~

16 ~~Additionally, any violation of the provisions of this Article Section 3305 of Article 33 by a~~
17 ~~permittee hereunder shall be deemed cause to or to revoke or suspend a permit pursuant to Secs.~~
18 ~~1060.20 and/or 1060.23 of this Article.~~

19 **SEC. 1060.29. ONE TIME NIGHT EVENT PERMIT.**

20 (a) This Section provides a procedure for permitting a Person to conduct, maintain,
21 promote or sponsor Entertainment on the premises specified in the One Time Event Permit for a limited
22 number of one-day occurrences in a 12-month period, including operation between 2:00 a.m. and 6:00
23 a.m. No Person shall conduct, maintain, promote or sponsor Entertainment between 2:00 a.m. and
24 6:00 a.m. without a One Time Event Permit or an Extended-Hours Premises Permit. One Time Event
25 Permits may be issued for a premises that is subject to a Place of Entertainment Permit, but for which

1 no Extended-Hours Premises Permit has been issued, when the applicant proposes operating between
2 2:00 a.m. and 6:00 a.m.

3 (b) Except as otherwise provided in this Section, the Director may issue One Time Event
4 Permits and applicants may appeal the Director's denial of an application to the Entertainment
5 Commission.

6 (c) Each One Time Event Permit shall issue for no longer than one 24-hour period. There
7 shall be no limit on the number of One Time Event Permits a Person may obtain, provided that no more
8 than one permit per month is issued for the same premises. Notwithstanding this restriction, the
9 Director may grant One Time Event Permits for events that will occur on consecutive days on the same
10 premises, but shall not issue permits allowing events to occur for more than 12 days on the same
11 premises within any twelve-month period.

12 (d) The One Time Event Permit shall be subject to reasonable time, place, and manner
13 conditions, including but not limited to conditions on amplified sound, in-and-out privileges, admission
14 of minors, and lighting of the premises.

15 (e) Every Person seeking a permit pursuant to this Section shall file an application with the
16 Director and shall pay the filing fee provided in Section 2.26 of this Code. The applicant shall submit a
17 proposed Security Plan and any other information required for applications under Section 1060 as the
18 Director may require.

19 (f) An applicant for a One Time Event Permit who files an application at least 40 days
20 before the date of the proposed event shall have the right to appeal the Director's denial of the
21 application to the Entertainment Commission. Applicants who do not file at least 40 days before the
22 proposed event shall have no right to appeal a denial of the application to the Entertainment
23 Commission unless the Commission has sufficient time to schedule and provide notice of the hearing on
24 the matter for a regularly scheduled meeting. When an applicant files an application less than 40 days
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1 before the proposed event, the Director shall inform the applicant that there may be insufficient time
2 for the applicant to appeal the Director's denial to the Commission.

3 (g) The Director shall review the application for a One Night Event Permit according to the
4 standards set forth in Section 1060.5(f) and shall grant a permit unless the Director finds that denial is
5 warranted under any of the grounds set forth in Section 1060.5(f).

6 (h) The Director shall determine whether to grant or deny a One Night Event Permit within
7 10 days of receipt of a completed application. If the permit is denied, the Director shall state in writing
8 the reason for the denial and shall notify the applicant of the determination by mail or personal
9 delivery and electronically. The Director shall have the discretion to submit any application to the
10 Entertainment Commission for its determination whether to grant or deny a One Time Event Permit
11 under the provisions of this Section.

12 (i) The applicant may appeal the Director's decision to the Entertainment Commission by
13 filing a written request for review within five City business days of the Director's decision. The
14 Commission shall hear and decide the appeal as expeditiously as possible, but in no event later than 21
15 days after the date that the applicant filed the appeal. If the applicant has filed the application less
16 than 40 days before the proposed event and the Commission does not have sufficient time to provide the
17 required public notice of the appeal for a regularly scheduled meeting, the Commission is not required
18 to consider the matter.

19 (j) When granting a permit, the Director or Entertainment Commission, as appropriate,
20 shall require the applicant as a condition of the permit to comply with the approved Security Plan. If
21 after approving a Security Plan, the Director receives additional information that reasonably
22 demonstrates that the Security Plan is inadequate, the Director may require the Permittee to make
23 revisions to the Security Plan for the purpose of addressing the safety of persons and property.

24 (k) One Time Event Permits are not transferable. The Permit is valid only for the Person to
25 whom it is issued for the premises specified in the permit.

1 (l) An applicant may seek immediate judicial review pursuant to California Code of Civil
2 Procedure Section 1085 or Section 1094.8, as these provisions may be amended, including any
3 successor provisions, or any other procedure provided by law. The applicant may, but is not required
4 to, exhaust his or her administrative remedies before the Entertainment Commission and Board of
5 Appeals.

6 ~~(a) It shall be unlawful for any person without a valid Place of Entertainment permit to~~
7 ~~conduct, promote, or sponsor or to cause or to permit to be conducted, promoted, or sponsored any one~~
8 ~~night occurrence of "entertainment" as defined by this Article without first obtaining a One Night Event~~
9 ~~permit from the Entertainment Commission.~~

10 ~~(b) Any place or premises for which a permit to operate a one night event is sought must~~
11 ~~conform to all existing health, safety, zoning and fire ordinances of the City and County of San~~
12 ~~Francisco; must have a valid public eating place permit from the Department of Public Health, and is~~
13 ~~subject to all other requirements of this Article. The Entertainment Commission may issue a permit~~
14 ~~under this Section conditional upon the applicant receiving the other required permits.~~

15 ~~(c) Every person desiring a permit pursuant to this Article shall file an application with the~~
16 ~~Entertainment Commission upon a form provided by the Entertainment Commission and shall pay a~~
17 ~~filing fee. Every application for a permit under this Article shall be verified as provided in the~~
18 ~~California Code of Civil Procedure for the verification of pleadings.~~

19 ~~(d) Any place or premises where a one night event is to be held must have a Security Plan.~~
20 ~~Proof of such shall be provided by permit applicant at the time of application for a one night event~~
21 ~~permit.~~

22 ~~(e) The Entertainment Commission shall grant a permit pursuant to this Article unless it finds~~
23 ~~that:~~

24 ~~(i) The building, structure, equipment or location of the proposed one night event does not~~
25 ~~comply with or fails to meet all of the health, zoning, fire and safety requirements or standards of all~~

1 ~~the laws of the State of California or ordinances of the City and County of San Francisco applicable to~~
2 ~~such business operation; or~~

3 ~~(ii) The building, structure, equipment or location of the proposed one night event cannot~~
4 ~~adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated; or~~

5 ~~(iii) The building, structure, equipment or location of the proposed one night event lack~~
6 ~~adequate safeguards to prevent emissions of noise, glare, dust and odor that substantially interfere with~~
7 ~~the public health, safety and welfare or the peaceful enjoyment of neighboring property.~~

8 ~~(iv) The building, structure, or location of the proposed one night event does not have an~~
9 ~~adequate security plan as required by this Section.~~

10 ~~(f) An applicant whose application for a permit has been denied pursuant to this Section may~~
11 ~~appeal to the Board of Permit Appeals. The applicant is required to exhaust his or her administrative~~
12 ~~remedies before the Board of Appeals.~~

13 Section 12. The San Francisco Police Code is hereby amended by adding Sections
14 1060.30, 1060.31, 1060.32, and 1060.33, to read as follows:

15 **SEC. 1060.30. PLACE OF ENTERTAINMENT PERMITTEES REQUIRED TO REPORT**
16 **CERTAIN CHANGES; MAINTAIN SHAREHOLDER INFORMATION.**

17 (a) Every Place of Entertainment Permittee shall provide written notice to the
18 Entertainment Commission within 30 days after any of the following occurs:

19 (1) Information of any criminal conviction for those persons described in Section 1060.3(b)
20 through (f) where the conviction arose after the filing of the application to the extent that the conviction
21 falls within the categories specified in Subsections (j) and (k) of Section 1060.3.

22 (2) Information of any criminal conviction for any individual that the Permittee designates
23 as Manager after the filing of the application to the extent that the conviction falls within the categories
24 specified in Subsections (j) and (k) of Section 1060.3.

1 (b) Any corporation, other than a publicly traded corporation, holding a permit granted
2 under this Article shall maintain a record of its shareholders at the principal office of the corporation
3 in California and the record of its shareholders shall be available to the Entertainment Commission for
4 inspection. The corporation shall report within 30 days the issuance or transfer of any shares of stock
5 to any Person where the issuance or transfer results in the Person owning ten percent or more of the
6 corporate stock. A "publicly traded" corporation is a company that has issued securities through an
7 initial public offering which are traded on at least one stock exchange or over-the-counter market.

8 **SEC. 1060.31. APPROVAL REQUIRED FOR SECURITY PLANS.**

9 (a) Every Place of Entertainment shall have a Security Plan, as defined in Section 1060(n),
10 that has been approved by the Entertainment Commission or the Director, as required by this Article.
11 Compliance with the Security Plan approved under this Article is a condition of the permit.

12 (b) As of the effective date of this Section, the Entertainment Commission shall not approve
13 any permit or other application relating to a Place of Entertainment unless the applicant has a Security
14 Plan that has been approved by the Commission or the Director as provided in this Article or has
15 submitted a proposed Security Plan with the application. The Security Plan shall meet the
16 requirements of Section 1060(n) and any implementing rules and regulations and shall adequately
17 address the safety of persons and property and provide for the orderly dispersal of persons and traffic.

18 (c) Every Place of Entertainment Permittee that does not have a Security Plan approved by
19 the Entertainment Commission on the effective date of this Section shall submit a proposed Security
20 Plan to the Director.

21 (1) The Director shall mail notice of the requirements of this Section to each Permittee that
22 does not have a Security Plan approved by the Entertainment Commission on the effective date of this
23 Section.

24 (2) Each Permittee shall submit a proposed plan no later than 30 days from the date of the
25 Director's notice.

1 (3) The Director shall review each proposed plan and shall approve or disapprove it. When
2 disapproving a proposed plan, the Director shall notify the Permittee what changes are required to
3 obtain approval.

4 (4) If the Director disapproves the plan submitted by the Permittee, the Permittee may
5 appeal the Director's determination to the Entertainment Commission by submitting a written appeal to
6 the Secretary of the Commission within ten days of the Director's disapproval. When acting on an
7 appeal, the Commission may approve, overturn or modify the Director's determination. If the
8 Commission overturns the Director's order, the Permittee shall comply with the Security Plan as
9 submitted to the Director under Subsection (c). If the Commission modifies the order, it shall set forth
10 any changes to the plan that the Permittee shall be required to make and the Permittee shall comply
11 with the Security Plan required by the Commission.

12 (5) If the Permittee does not appeal the Director's disapproval of the proposed plan, the
13 Permittee shall comply with a Security Plan with any revisions required by the Director under
14 Subsection (c)(3) of this Section.

15 (d) The Entertainment Commission may suspend a Place of Entertainment permit as set
16 forth in Section 1060.20.1(a)(5) if the Permittee has failed to submit a proposed Security Plan.

17 (e) The Commission may suspend a Place of Entertainment permit as set forth in Section
18 1060.21.1(a)(6) for failure to comply with the approved plan.

19 (f) The suspension of a permit for violation of this Section may be appealed to the Board of
20 Appeals as provided in Section 1060.24.2.

21 **SEC.1060.32. DIRECTOR MAY REQUIRE PLACE OF ENTERTAINMENT**
22 **PERMITTEES TO REVISE A SECURITY PLAN.**

23 (a) The Director may issue an order directing a Place of Entertainment Permittee to revise
24 a Security Plan by making such revisions as the Director reasonably determines will address the safety
25 and traffic concerns that arise in either of the following circumstances:

1 (1) Conduct Constituting a Nuisance, as defined in Section 1060, has occurred on the
2 premises of, or on Any Sidewalk Abutting, the Place of Entertainment;

3 (2) The Security Plan for the Place of Entertainment is inadequate to address safety or
4 traffic concerns.

5 (b) The Director shall send the order to the Permittee setting forth the date of issuance of
6 the order and its effective date. The Director shall send this order to Permittee and the Manager by
7 mail or personal delivery and electronically.

8 (c) To provide the Permittee an opportunity to file an appeal, the Director's order shall not
9 take effect for ten City business days from the date that the order issues. Any Permittee directed to
10 revise a Security Plan under this Section may appeal the Director's decision within ten City business
11 days of the date that the order issues by filing a written request for review with the Secretary of the
12 Entertainment Commission. The Permittee shall not be required to comply with the Director's order
13 pending the Commission's action on the matter. If the Permittee withdraws the appeal, the order of the
14 Director shall take effect immediately upon the withdrawal of the appeal or upon the effective date of
15 the Director's order, whichever is later.

16 (d) When acting on the appeal, the Entertainment Commission may affirm, overturn or
17 modify the Director's order.

18 (1) If the Commission modifies the Director's order, it shall set forth any revisions to the
19 plan that the Commission deems appropriate to address traffic and safety problems related to
20 operation of the Business.

21 (2) If the Commission approves the Director's order, the Permittee shall comply with the
22 Security Plan as directed by the Director under Subsection (a) of this Section..

23 (e) The Entertainment Commission may suspend a Place of Entertainment Permit as set
24 forth in Section 1060.20.1(a)(5) if the Permittee has failed to submit a revised security plan. The
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1 Commission may suspend a permit as set forth in Section 1060.20.1(a)(6) if the Permittee fails to
2 comply with the approved revised Security Plan.

3 (f) The suspension of a permit for non-compliance with this Section may be appealed to the
4 Board of Appeals, as provided in Section 1060.24.2.

5 **SEC.1060.33. ENTERTAINMENT COMMISSION MAY ADOPT REGULATIONS.**

6 The Entertainment Commission may adopt regulations implementing the provisions of this
7 Article and Article 15.2 (Entertainment Commission – Extended-Hours Premises Permits, including
8 regulations governing the procedure for hearings before the Commission. The Commission may, in
9 consultation with the San Francisco Police Department, adopt regulations imposing additional
10 requirements for the Security Plans for the purpose of protecting the safety of persons and property.

11 Section 13. The San Francisco Business and Tax Regulations Code is hereby
12 amended by amending Sections 8 and 26, to read as follows:

13 **SEC. 8. METHOD OF APPEAL TO THE BOARD OF APPEALS.**

14 Except for variance decisions and place of entertainment, extended hours premises,
15 and loudspeaker permits issued by the Entertainment Commission, appeals to the Board of
16 Appeals shall be taken within 15 days from the making or entry of the order or decision from
17 which the appeal is taken. Appeals of variance decisions shall be taken within 10 days.

18 Appeals of the granting, denial, amendment, suspension, or revocation of a Place of Entertainment,
19 One Night Event, or Extended-Hours Premises Permit shall be taken within 10 days from the making of
20 the decision. Nothing in this Section is intended to require an appeal to the Board of Appeals if any
21 provision of Article 15.1 (Entertainment Regulations Permit and License Provisions) or Article 15.2
22 (Entertainment Regulations for Extended-Hours Premises) of the Police Code governing these permits
23 otherwise provides. Appeals shall be taken by filing a notice of appeal with the Board of
24 Appeals and paying to said Board at such time a filing fee as follows:

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1 (a) Zoning Administrator, Planning Department, Director of Planning and Planning
2 Commission.

3 (1) For each appeal from the Zoning Administrator's variance decision the fee shall
4 be \$400.

5 (2) For each appeal from any order, requirement, decision or other determination
6 (other than a variance) made by the Zoning Administrator, the Planning Department or
7 Commission or the Director of Planning, including an appeal from disapproval of a permit
8 which results from such an action, the fee shall be \$400.

9 (b) Department of Building Inspection.

10 (1) For each appeal from a Department of Building Inspection denial, conditional
11 approval or granting of a residential hotel or apartment conversion permit the fee shall be
12 \$350.

13 (2) For each appeal from the granting or denial of a building demolition, or other
14 permit (other than residential hotel conversion) the fee shall be \$100.

15 (3) For each appeal from the imposition of a penalty only the fee shall be \$200.

16 (c) Police Department Entertainment Commission.

17 (1) For each appeal from the denial or granting of a permit or license issued by the
18 Police Department or Entertainment Commission to the owner or operator of a business the
19 fee shall be \$250; for each such permit or license issued to an individual employed by or
20 working under contract to a business, the fee shall be \$100.

21 (2) For each appeal from the revocation or suspension of a permit or license by the
22 Police Department or Entertainment Commission the fee shall be \$250 for an entity or
23 individual.

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1 (d) Department of Public Works. For each appeal from the decision of the Director
2 of the Department of Public Works concerning street tree removal by a City agency,
3 commission, or department the fee shall be \$75.

4 (e) For each appeal from any other order or decision the fee shall be \$200.

5 (f) For requests for rehearing under Section 16 of this Article the fee shall be \$100.

6 (g) For requests for jurisdiction the fee shall be \$100.

7 (h) An exemption from paying the full fee specified in Subsections (a), (b), (c), (d),
8 (e), (f), and (g) herein may be granted upon the filing under penalty of perjury of a declaration
9 of indigency on the form provided and approved by the Board. All agencies of the City and
10 County of San Francisco are exempted from these fees.

11 Notice of appeal shall be in such form as may be provided by the rules of the Board of
12 Appeals.

13 On the filing of any appeal, the Board of Appeals shall notify in writing the department,
14 board, commission, officer or other person from whose action the appeal is taken of such
15 appeal. On the filing of any appeal concerning a structural addition to an existing building, the
16 Board of Appeals shall additionally notify in writing the property owners of buildings
17 immediately adjacent to the subject building.

18 The Board of Appeals shall fix the time and place of hearing, which shall be not less
19 than 10 nor more than 45 days after the filing of said appeal, and shall act thereon not later
20 than 60 days after such filing or a reasonable time thereafter. In the case of a fixed pedestal
21 newsrack permit, a place of entertainment permit or an extended-hours premises permit, the
22 Board of Appeals shall set the hearing not less than 15 days after the filing of said appeal,
23 shall act thereon not more than 30 days after such filing, and shall not entertain a motion for
24 rehearing. With respect to any decision of the Board of Appeals related to any "dwelling" in
25 which "protected class members" are likely to reside (each as defined in Administrative Code

1 Chapter 87), the Board of Appeals shall comply with the requirements of Administrative Code
2 Chapter 87 which requires, among other things, that the Board of Appeals not base any
3 decision regarding the development of such units on information which may be discriminatory
4 to any member of a "protected class." Pending decision by the Board of Appeals, the action
5 of such department, board, commission, officer or other person from which an appeal is taken
6 shall be suspended, excluding (1) actions of revocation or suspension of permit by the Director
7 of Public Health when determined by the Director to be an extreme public health hazard and
8 (2) actions by the Zoning Administrator or Director of the Department of Building Inspection
9 stopping work under or suspending an issued permit, and (3) actions taken by any department,
10 board, commission, officer or other person to suspend or revoke a permit when the suspending or
11 revoking authority makes a written determination that ongoing operation of the activity during the
12 appeal to the Board of Appeals would pose an immediate and serious threat to public safety shall be
13 suspended.

14 **SEC. 26. FACTS TO BE CONSIDERED BY DEPARTMENTS.**

15 (a) Subject to Subsection (b) below, in the granting or denying of any permit, or the
16 revoking or the refusing to revoke any permit, the granting or revoking power may take into
17 consideration the effect of the proposed business or calling upon surrounding property and
18 upon its residents, and inhabitants thereof; and in granting or denying said permit, or revoking
19 or refusing to revoke a permit, may exercise its sound discretion as to whether said permit
20 should be granted, transferred, denied or revoked.

21 (b) In the granting or denying of any permit, or the revoking or the refusing to revoke
22 any permit with respect to a "dwelling" in which "protected class members" are likely to reside
23 (each as defined in Administrative Code Chapter 87), the granting or revoking power shall
24 comply with the requirements of San Francisco Administrative Code Chapter 87 which
25 requires, among other things, that the granting or revoking power not base any decision

1 regarding the development of "dwellings" in which "protected class" members are likely to
2 reside on information which may be discriminatory to any member of a "protected class" (As
3 all such terms are defined in San Francisco Administrative Code Chapter 87).

4 (c) A department authorized to issue or transfer permits shall not issue or transfer a
5 permit to any person who does not have a current business tax registration certificate when
6 such person is required to obtain a business tax registration certificate pursuant to Section
7 1003 of Part III of the San Francisco Municipal Code.

8 (d) Notwithstanding Subsection (a) of this Section, the provisions of Article 15.1
9 (Entertainment Regulations Permit and License Provisions) and Article 15.2 (Entertainment
10 Regulations for Extended-Hours Premises) of the Police Code shall govern the granting, denial,
11 suspension and revocation of permits regulated under those Articles, not the standards set forth in
12 Subsection (a).

13 Section 14. In the event that a court or agency of competent jurisdiction holds that
14 federal or state law, rule or regulation invalidates any clause, sentence, paragraph or section
15 of Article 15.1 of the San Francisco Police Code or the application thereof to any person or
16 circumstances, it is the intent of the Board of Supervisors that the court or agency sever such
17 clause, sentence, paragraph, or section so that the remainder of Article 15.1 shall remain in
18 effect.

19 Section 15. In undertaking the enforcement of this ordinance, the City is assuming an
20 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its
21 officers and employees, an obligation for breach of which it is liable in money damages to any
22 person who claims that such breach proximately caused injury.

23
24 APPROVED AS TO FORM:
25 DENNIS J. HERRERA, City Attorney

By:

PAULA JESSON
Deputy City Attorney

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