


BOARD of SUPERVISORS



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MEMORANDUM

TO: Jocelyn Kane, Executive Director, Entertainment Commission
Acting Chief Toney Chaplin, Police Department

FROM:  Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: September 15, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Farrell on September 6, 2016:

File No. 160962

Ordinance amending the Police Code to allow the Director of the Entertainment Commission to extend from 10:00 p.m. until 11:00 p.m. the hours during which Live Performances may be presented at Limited Live Performance Locales in the Union Street Neighborhood Commercial District; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

c: Crystal Stewart, Entertainment Commission
Christine Fountain, Police Department
Sergeant Rachael Kilshaw, Police Department

1 [Police Code - Limited Live Performance Permits - Union Street Neighborhood Commercial
2 District]

3 **Ordinance amending the Police Code to allow the Director of the Entertainment**
4 **Commission to extend from 10:00 p.m. until 11:00 p.m. the hours during which Live**
5 **Performances may be presented at Limited Live Performance Locales in the Union**
6 **Street Neighborhood Commercial District; and affirming the Planning Department's**
7 **determination under the California Environmental Quality Act.**

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

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

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

21 Section 2. The Police Code is hereby amended by revising Section 1060.38.1, to read
22 as follows:

23 **SEC. 1060.38.1. EXTENSION OF EVENING HOURS LIMIT FOR LIMITED LIVE**
24 **PERFORMANCE PERMIT.**

25 (a) Notwithstanding Section 1060(r)(3), and except as provided in Subsection (b),
below, at any time after a year has elapsed since the granting of a Limited Live Performance

1 Permit, the Director may, upon application of the Permittee, extend the hours during which
2 Live Performances may be presented at the Limited Live Performance Locale to any time
3 between 10:00 p.m., and 11:00 p.m., inclusive, on the basis that there have been no
4 significant public safety or public nuisance concerns at or near the establishment attributed to
5 the operation of the Limited Live Performance Permit. If the Director denies the application for
6 an extension of hours, the Permittee may appeal the Director's decision to the Entertainment
7 Commission, and the process for notifying the Permittee of the Director's decision and
8 providing an appeal right to the Entertainment Commission shall parallel to the extent
9 applicable the notice and appeal process prescribed in Section 1060.20.2(b).

10 (b) No extension may be granted as provided in Subsection (a), above, for Limited
11 Live Performance Permits granted in the following areas: (1) the North Beach Neighborhood
12 Commercial District as defined in Planning Code Section 722.1; *and* (2) the Polk Street
13 Neighborhood Commercial District as defined in Planning Code Section 723.1; ~~the Union Street~~
14 ~~Neighborhood Commercial District as defined in Planning Code Section 725.1;~~ (3) the north and
15 south sides of Chestnut Street between the east side of Fillmore Street and the west side of
16 Divisadero Street; and (4) the north side of Lombard Street, between Fillmore Street and
17 Divisadero Street.

18 (c) Notwithstanding Subsection (a), above, a Live Performance involving recorded
19 music presented by a live disc jockey on the premises may not occur under a Limited Live
20 Performance Permit after 10:00 p.m. Nothing in this Subsection (c) shall interfere with Place
21 of Entertainment Permits or Extended-Hours Permits granted for Entertainment involving a
22 live disc jockey.

23 (d) If, following the Director's granting, pursuant to Subsection (a), an extension of
24 hours during which Live Performances may be presented at a Limited Live Performance
25 Locale, there are significant public safety or public nuisance concerns at or near the

1 establishment attributed to the operation of the Limited Live Performance Permit, the Director
2 may reduce the hours during which Live Performances may be presented at the
3 establishment to an earlier time, but no earlier than 10:00 p.m. The process for notifying the
4 Permittee of the Director's order and providing an appeal right to the Entertainment
5 Commission shall parallel to the extent applicable the notice and appeal process prescribed in
6 Section 1060.20.2(b).

7 (e) This Section shall not limit the permitting, suspension, revocation, or other powers
8 of the Director or Entertainment Commission.

9 Section 3. Effective Date. This ordinance shall become effective 30 days after
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
12 of Supervisors overrides the Mayor's veto of the ordinance.

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

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: 
23 FRANCESCA GESSNER
24 Deputy City Attorney

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