

BOARD of SUPERVISORS



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MEMORANDUM

TO: Patrick O'Riordan, Director, Department of Building Inspection
William Scott, Chief, Police Department
Rich Hillis, Director, Planning Department
Daniel Tsai, Director, Department of Public Health
Dean Crispen, Fire Chief, Fire Department
Sarah Dennis-Phillips, Executive Director, Office of Economic and Workforce Development
Maggie Weiland, Executive Director, Entertainment Commission

FROM: Monique Crayton, Assistant Clerk, Public Safety and Neighborhood Services Committee, Board of Supervisors

DATE: May 27, 2025

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following ordinance request, introduced on May 20, 2025:

File No. 250537

Ordinance amending the Police Code to 1) increase the filing fee for One Time Outdoor Amplified Sound Permits; 2) eliminate permit requirements for ball or ring throwing games, dance halls, and masked balls; 3) eliminate referral of Place of Entertainment Permit applications to the Department of Building Inspection ("DBI"); 4) eliminate referral of Limited Live Performance and Fixed Place Outdoor Amplified Sound permits to the Planning Department; 5) relax public notice requirements on the applicant and the Entertainment Commission with respect to applications for Place of Entertainment, Limited Live Performance, and Fixed Place Amplified Sound permits; 6) require the Entertainment Commission

CC:
Office of Chair Dorsey
Tate Hanna, Department of Building Inspection
Sonya Harris, Department of Building Inspection
Lisa Ortiz, Police Department
Lili Gamero, Police Department
Rima Malouf, Police Department
Steven Lopez, Police Department
Diana Oliva-Aroche, Police Department
Sgt Stacy Youngblood, Police Department
Carl Nicita, Police Department
Aaron Starr, Planning Department

Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Ana Validzic, Department of Public Health
Theresa Ludwig, Fire Department
Anne Taupier, Office of Economic and Workforce Development
Alesandra Lozano, Office of Economic and Workforce Development
May Liang, Entertainment Commission

to hold a hearing on any application for a One Time Event Permit or One Time Outdoor Amplified Sound Permit in cases where an applicant has previously obtained 12 or more such permits in the same calendar year, rather than the preceding 12 months; 7) for Extended-Hours Permits, eliminate referral to DBI, and eliminate referral to the Department of Public Health and the Fire Department in cases where the applicant or permittee already holds valid permits from those departments; and 8) amend definitions relevant to noise limit enforcement.

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

[Police Code - Entertainment Permits]

Ordinance amending the Police Code to 1) increase the filing fee for One Time Outdoor Amplified Sound Permits; 2) eliminate permit requirements for ball or ring throwing games, dance halls, and masked balls; 3) eliminate referral of Place of Entertainment Permit applications to the Department of Building Inspection (“DBI”); 4) eliminate referral of Limited Live Performance and Fixed Place Outdoor Amplified Sound permits to the Planning Department; 5) relax public notice requirements on the applicant and the Entertainment Commission with respect to applications for Place of Entertainment, Limited Live Performance, and Fixed Place Amplified Sound permits; 6) require the Entertainment Commission to hold a hearing on any application for a One Time Event Permit or One Time Outdoor Amplified Sound Permit in cases where an applicant has previously obtained 12 or more such permits in the same calendar year, rather than the preceding 12 months; 7) for Extended-Hours Permits, eliminate referral to DBI, and eliminate referral to the Department of Public Health and the Fire Department in cases where the applicant or permittee already holds valid permits from those departments; and 8) amend definitions relevant to noise limit enforcement.

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

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

Section 1. The Police Code is hereby amended by revising Section 2.26 of Article 1; deleting Sections 1021, 1022, 1023, 1024, 1024.1, 1025, 1026, 1027, and 1028 of Article 15; revising Sections 1060.2, 1060.2.1, 1060.2.2. 1060.5, 1060.5.1, 1060.5.2, 1060.19, 1060.29, and 1060.29.2 of Article 15.1; revising Section 1070.2 of Article 15.2; and revising Section 2901 of Article 29, to read as follows:

SEC. 2.26. SCHEDULE OF PERMITS AND SERVICES; FILING AND SERVICE FEES.

The following filing and service fees, payable in advance to the City and County of San Francisco, are required when submitting applications for the specified permits to the Police Department or Entertainment Commission or when paying for the specified services, except as provided in Sections 1060.2, 1060.2.1, 1060.2.2, 1060.29, and 1060.29.2 of the Police Code, as may be amended from time to time:

TYPE OF PERMIT	FILING FEE
* * * *	
One Time Outdoor Amplified Sound (up to 4 hours)	435 558
Each additional hour	75
* * * *	

* * * *

~~[RODEOS; BALL/RING THROWING GAMES]~~

SEC. 1020. RODEO EXHIBITIONS AND SHOWS.

* * * *

~~SEC. 1021. BALL OR RING THROWING GAMES.~~

1 ~~—— (a) It shall be unlawful for a keeper of a ball or ring throwing game to operate said ball or~~
2 ~~ring throwing game without first having obtained a permit therefor from the Entertainment~~
3 ~~Commission.~~

4 ~~—— (b) Applications for ball or ring throwing permits shall be filed with the Entertainment~~
5 ~~Commission on a form provided for said permit together with a nonrefundable fee.~~

6 ~~—— (c) Every keeper of a ball or ring throwing game shall pay an annual license fee to the Tax~~
7 ~~Collector on or before March 31, in accordance with the provisions of Section 76.1 of the Business and~~
8 ~~Tax Regulations Code.~~

9
10 ~~[DANCES; DANCE HALLS; MASKED BALLS]~~

11
12 ~~—— **SEC. 1022. DEFINITIONS.**~~

13 ~~—— Unless the context specifically indicates otherwise, the following terms, as used in this Chapter,~~
14 ~~shall mean or include:~~

15 ~~—— (a) "Dance." Any gathering of persons in or upon any premises, other than a private home or~~
16 ~~residence or a class in which instruction in dancing is given for hire, where dancing is participated in.~~
17 ~~Dances, as defined herein, shall be classified in types as follows: "General" shall include any dance to~~
18 ~~which persons 18 years of age or older are admitted. "Special" shall include any dance to which no~~
19 ~~persons 15 years of age or younger or 21 years of age or older are admitted as participants.~~

20 ~~—— (b) "Dance Hall." Any building or place in which a dance is held.~~

21 ~~—— (c) "Person." Includes any person, co-partnership, firm, corporation, association, club, or any~~
22 ~~legal entity.~~

23 ~~—— (d) "Security Plan." A plan that (i) provides at least 1 security guard for 100 persons in~~
24 ~~attendance at the dance, (ii) secures a 50 foot perimeter in all directions around the location of the~~
25 ~~dance hall to prevent injury to persons and/or damage to property, and (iii) provides for the orderly~~

1 ~~disbursement of persons and traffic from the dance hall. The Entertainment Commission, in~~
2 ~~consultation with the San Francisco Police Department, shall develop rules and regulations~~
3 ~~implementing this section.~~

4
5 ~~——— **SEC. 1023. PERMIT REQUIRED.**~~

6 ~~——— (a) It shall be unlawful for any person to own, conduct, operate, or maintain, or to cause or to~~
7 ~~permit to be conducted, operated, or maintained any dance hall, or~~

8 ~~——— (b) to conduct, promote, or sponsor or to cause or to permit to be conducted, promoted, or~~
9 ~~sponsored any dance within the City and County of San Francisco without first having obtained a~~
10 ~~dance permit from the Entertainment Commission.~~

11 ~~——— (c) Any place or premises where a dance is to be held must conform to all existing health,~~
12 ~~safety, and fire ordinances of the City and County of San Francisco. Proof of such shall be provided by~~
13 ~~permit applicant at the time of application for a dance permit.~~

14 ~~——— (d) Any place or premises where a dance is to be held must have a Security Plan, except~~
15 ~~dances of a bona fide social character, to which admission is limited strictly on invitation of the person~~
16 ~~acting as host, and for which no fee, either by way of admission or in any other manner, is charged.~~
17 ~~Proof of such plan shall be provided by permit applicant at the time of application for a dance permit.~~

18 ~~——— (e) It shall be the responsibility of any owner or manager of any building or place that rents~~
19 ~~such a facility for use by others to inform any person planning to use the facility for a dance of the~~
20 ~~requirement to obtain a dance permit pursuant to this section.~~

21 ~~——— (f) This permit requirement does not apply if the location at which the dance is being held has~~
22 ~~a place of entertainment permit, the permit is valid, and the place of entertainment provides free~~
23 ~~drinking water as required by Section 1070.27.~~

24
25 ~~——— **SEC. 1024. APPLICATION FOR PERMIT.**~~

1 ~~Applications for said permit shall be made in writing to the Entertainment Commission and~~
2 ~~shall be made in such form and shall contain such information as the Entertainment Commission shall~~
3 ~~require. Every applicant for a permit may be required to furnish such evidence of criminal history and~~
4 ~~permit history as the Entertainment Commission shall require. In granting or denying a permit, the~~
5 ~~Entertainment Commission shall give particular consideration to the peace, order, and moral welfare~~
6 ~~of the public; provided, however, that only one type of dance, as enumerated in Section 1022(a) of this~~
7 ~~Chapter, shall be permitted in any dance hall on the same day, up to and including 2:00 a.m. of the~~
8 ~~following day. Upon application for a dance hall permit the Entertainment Commission shall set a time,~~
9 ~~date, and place for a public hearing thereon and shall cause a notice thereof to be conspicuously~~
10 ~~posted upon the premises concerned not less than 10 days before the date set for public hearing. The~~
11 ~~notice shall set forth the name of the applicant, the purpose for which the application is made, and the~~
12 ~~time, date, and place of the public hearing on the application.~~

13 ~~The Entertainment Commission may consider, but is not limited to the following factors in the issuing~~
14 ~~or granting of a permit:~~

- 15 ~~(1) The criminal history and permit history of the applicant;~~
16 ~~(2) Suitability of the premises in relation to the surrounding neighborhood;~~
17 ~~(3) Number of permits in the immediate vicinity;~~
18 ~~(4) Physical suitability of the premises with reference to floor space and lighting;~~
19 ~~(5) Proximity to bar facilities, if any;~~
20 ~~(6) Type of dance to be conducted.~~

21
22 ~~**SEC. 1024.1. FILING FEE.**~~

23 ~~Every person desiring a permit pursuant to Sections 1023 and 1024 of this Article shall file an~~
24 ~~application with the Entertainment Commission upon a form provided by the Entertainment~~
25 ~~Commission and shall pay a filing fee.~~

1
2 ~~SEC. 1025. LICENSE FEES.~~

3 ~~(a) Every person granted a dance hall permit by the Entertainment Commission shall pay to~~
4 ~~the Tax Collector an annual license fee on or before March 31, in accordance with the provisions of~~
5 ~~Section 76.1 of the Business and Tax Regulations Code.~~

6 ~~(b) The amount of the license fee for the 2024-2025 fiscal year shall be as set forth in Section~~
7 ~~2.27 of this Code, and such amount shall be adjusted for inflation commencing with the 2025-2026~~
8 ~~fiscal year, and annually thereafter, in accordance with Section 2.31 of this Code.~~

9 ~~(c) The provisions of Sections 1022-1026 shall not apply to any dance hall used exclusively for~~
10 ~~any of the following dances:~~

11 ~~(1) Dances of a bona fide social character, to which admission is limited strictly on~~
12 ~~invitation of the person acting as host, and for which no fee, either by way of admission or in any other~~
13 ~~manner, is charged.~~

14 ~~(2) Dances given by any public agency or by any educational, recreational, or social~~
15 ~~agency, or by any bona fide fraternal, charitable, or religious or benevolent or any other nonprofit~~
16 ~~organization having a regular membership association primarily for mutual social, mental, political,~~
17 ~~and civic welfare, to which admission is limited to members and guests, and revenue accruing~~
18 ~~therefrom to be used exclusively for the benevolent purposes of said organization.~~

19 ~~(3) Dances conducted by any dancing academy or dancing class in which instruction in~~
20 ~~dancing is given for hire.~~

21
22 ~~SEC. 1026. REGULATIONS.~~

23 ~~(a) Hours. "Special" dances shall be conducted only between the hours of 6:00 a.m. and 12:00~~
24 ~~midnight; "General" dances shall be conducted only between the hours of 6:00 a.m. and 2:00 a.m. of~~
25 ~~the following day; provided, however, the Entertainment Commission may, in the Entertainment~~

1 ~~Commission's discretion allow, by order permitting the same, the conduct of "General" and "Special"~~
2 ~~dances at hours other than the hours stated in this subsection.~~

3 ~~—— (b) Supervision. The Entertainment Commission may require that one or more private security~~
4 ~~officers or, with the permission of the Chief of Police, police officers, be employed by any person to~~
5 ~~whom a dance permit is granted, to supervise said dances.~~

6 ~~—— (c) Minors Prohibited; Exceptions. No person under 18 years of age shall enter or be, or shall~~
7 ~~be permitted to enter or be, in any dance hall at any time a "General" dance is being conducted therein,~~
8 ~~unless such person is accompanied by parent, guardian, or other person having the care and custody~~
9 ~~thereof.~~

10 ~~—— No person 16 or 17 years of age shall enter or be, or shall be permitted to enter or be, in any dance~~
11 ~~hall after 12:00 midnight where a "Special" dance is conducted unless said person is accompanied by~~
12 ~~parent, guardian, or other person having the care and custody thereof; provided however, that the~~
13 ~~dance hours are permitted by the Entertainment Commission as enumerated in Subsection (a) of this~~
14 ~~Section.~~

15 ~~—— No person under 16 years of age shall enter or be, or be permitted to enter or be, in any dance hall~~
16 ~~wherein a "Special" dance is being held unless said person is accompanied by parent, guardian, or~~
17 ~~other person having the care and custody thereof; provided however, the Entertainment Commission~~
18 ~~may, in the Entertainment Commission's discretion allow, by order permitting the same, said persons to~~
19 ~~attend a dance conducted, promoted or sponsored by a public agency or by an educational,~~
20 ~~recreational or social organization or agency which is incorporated in the State of California and~~
21 ~~which is exempt from taxation under the Internal Revenue laws of the United States as a bona fide~~
22 ~~fraternal, charitable, religious, benevolent or nonprofit organization having a regular membership~~
23 ~~associated primarily for mutual social, mental, political or civic welfare, and where admission to such~~
24 ~~dance is limited to members and guests and the revenue accruing from such dance is to be used~~
25 ~~exclusively for the benevolent purposes of said organization or agency.~~

1 ~~—— (d) Adults Prohibited. No person 21 years of age or older shall attend or be permitted to~~
2 ~~attend a "Special" dance as a participant therein.~~

3 ~~—— (e) Pass Out Checks Prohibited; Exceptions. No person admitted to a dance shall be permitted~~
4 ~~to leave and thereafter reenter the dance premises during the course of said dance, and no pass-out~~
5 ~~checks shall be issued unless required by the physical arrangements of the premises.~~

6 ~~—— (f) Free Drinking Water. If the location for which the dance hall permit is issued holds over~~
7 ~~500 persons the permit holder shall provide free cool drinking water to patrons by means of an~~
8 ~~automatic drinking fountain or by providing without charge cups of water at all beverage service~~
9 ~~locations, or both.~~

10
11 ~~—— **SEC. 1027. PENALTY.**~~

12 ~~—— Any person who violates any of the provisions of Sections 1023 to and including 1026 of this~~
13 ~~Chapter shall be guilty of an infraction. Any person who violates Sections 1023 through 1026 more~~
14 ~~than once in a 12 month period shall be guilty of an infraction or a misdemeanor, at the discretion of~~
15 ~~the prosecutor. A violation which is an infraction is punishable by a fine of not more than \$100. A~~
16 ~~violation which is a misdemeanor is punishable by a fine of not less than \$500 and not more than~~
17 ~~\$1000 or by imprisonment in the jail of the City and County for a term of not more than six months, or~~
18 ~~by both such fine and imprisonment.~~

19 ~~—— Additionally, any violation of the provisions of Sections 1023 to and including 1026 of this~~
20 ~~Chapter or Section 3305 of Article 33 by a permittee hereunder, or by a person in charge of the event,~~
21 ~~shall be deemed cause to revoke the dance permit, or to revoke or suspend a permit granted pursuant to~~
22 ~~Police Code Article 15.1 subject to a hearing by the Entertainment Commission.~~

23
24 **SEC. 1060.2. FILING APPLICATION AND NOTICE TO OTHER CITY**
25 **DEPARTMENTS FOR PLACE OF ENTERTAINMENT PERMIT.**

1 (a) Every Person seeking a Place of Entertainment permit or an amendment to such a
2 permit shall file an application with the Entertainment Commission upon a form provided by
3 the Entertainment Commission and, except as otherwise provided in this Section 1060.2, shall
4 pay a filing fee as provided in Section 2.26 of this Code.

5 (b) The Director shall send the application to the following departments, which shall
6 complete all necessary inspections or approvals and shall ~~endeavor to~~ report their
7 determinations to the Entertainment Commission within 20 City business days of receiving the
8 application.

9 (1) The Police Department;

10 (2) The Planning Department;

11 ~~————— (3) The Department of Building Inspection, except that this subsection (b)(3) shall not~~
12 ~~apply if either of the following occurs: (i) the Person provides evidence of the completion of a final~~
13 ~~inspection for an issued building permit for the premises, as required by Chapter 1A of the San~~
14 ~~Francisco Building Code, if the inspection was completed in the 12 months before the date of the~~
15 ~~Person's application for a Place of Entertainment Permit; or (ii) the Person provides evidence that the~~
16 ~~premises held a Place of Entertainment Permit within the 12 months before the date of the Person's~~
17 ~~application for a Place of Entertainment Permit;~~

18 (43) The Department of Public Health, except that this subsection (b)(43) shall
19 not apply if the Person provides evidence of a permit to operate a food preparation and
20 service establishment on the premises, as required by Article 8 of the Health Code, current as
21 of the date of the Person's application for a Place of Entertainment Permit; and

22 (54) The Fire Department, except that this subsection (b)(54) shall not apply if
23 the Person provides evidence of a place of assembly permit for the premises, as required by
24 Chapter 1 of the San Francisco Fire Code, current as of the date of the Person's application
25 for a Place of Entertainment Permit.

1 * * * *

2 **SEC. 1060.2.1 FILING APPLICATION AND NOTICE TO OTHER CITY**
3 **DEPARTMENTS FOR LIMITED LIVE PERFORMANCE PERMIT.**

4 (a) Every Person seeking a Limited Live Performance Permit, or an amendment to
5 such a permit, shall file an application with the Entertainment Commission upon a form
6 provided by the Entertainment Commission and, except as otherwise provided in this Section
7 1060.2.1, shall pay a filing fee as provided in Section 2.26 of this Code.

8 (b) The Director shall send the application to the Police Department ~~and the Planning~~
9 ~~Department, which Those departments~~ shall complete all necessary inspections and report their
10 determinations to the Entertainment Commission within 20 City business days of receiving the
11 application.

12 * * * *

13 **SEC. 1060.2.2. FILING APPLICATION AND NOTICE TO OTHER CITY**
14 **DEPARTMENTS FOR FIXED PLACE OUTDOOR AMPLIFIED SOUND PERMITS.**

15 (a) Every Person seeking a Fixed Place Outdoor Amplified Sound Permit or an
16 amendment to such a permit shall file an application with the Entertainment Commission upon
17 a form provided by the Entertainment Commission and shall pay the filing fee prescribed in
18 Section 2.26 of this Code, except as provided in this Section 1060.2.2 and Section 1060.19 of
19 this Article 15.1.

20 (b) The Director shall send the application to the Police Department ~~and the Planning~~
21 ~~Department, which Those departments~~ shall complete any necessary inspections and report their
22 determinations to the Entertainment Commission within 20 City business days of receiving the
23 application.

24 * * * *

1 **SEC. 1060.5. DETERMINATION OF APPLICATION FOR A PLACE OF**
2 **ENTERTAINMENT PERMIT.**

3 (a) The applicant shall file the application for a Place of Entertainment Permit with the
4 Director. The Director may require that the applicant or the applicant's agent file the
5 application in person. Upon determining that an application is complete, the Director shall
6 accept and file it and shall schedule a public hearing before the Entertainment Commission to
7 determine whether the permit should be granted. The Director shall provide written notice of
8 the hearing to the applicant by mail or to the applicant's agent by personal delivery at least 30
9 days before the date of the hearing. The Director shall promptly notify the Chief of Police or
10 the Chief's designee in writing of the application and the hearing date and shall promptly
11 transmit a copy of the application, including a copy of the security plan, to the Chief or the
12 Chief's designee. For purposes of this ~~§~~subsection (a), the Captain for the district where the
13 Place of Entertainment would be located, or the Captain's designee, is deemed the Chief's
14 designee unless the Chief of Police directs otherwise. Any Person may submit a written
15 request to the Director to receive notice of the hearing on a permit application.

16 (b) (1) The applicant shall cause a notice of the hearing to be conspicuously and
17 continuously posted for at least 30 days before the scheduled hearing date on the premises of
18 the Business. Where the Business is located in a neighborhood-commercial or mixed
19 residential district, as defined in Article 7 and 8 of the Planning Code, the applicant shall also
20 make a good faith effort to provide written notice ~~distribute leaflets~~ at each residence located
21 within 150 feet of the Business, unless the Entertainment Commission finds that a Business
22 located in a district is not likely to significantly generate nighttime noise and traffic to the
23 detriment of residences located in that immediate area. Applicants subject to the written notice
24 requirement ~~of distributing leaflets~~ shall ~~do so~~ provide such notice at least ~~30 days~~ two weeks before
25 the scheduled hearing date and ~~the distribution shall be done~~ in compliance with the provisions

1 of Article 5.7 (beginning with Section 184.69) of the Public Works Code. The Director shall
2 provide notice of the hearing ~~at least 30 days before the hearing~~ and a copy of the permit application
3 to any Person who has filed a written request for such notice, which notice may be given
4 electronically if the Person has provided electronic contact information, or by mail.

5 * * * *

6 **SEC. 1060.5.1. DETERMINATION OF APPLICATION FOR LIMITED LIVE**
7 **PERFORMANCE PERMIT.**

8 (a) The applicant shall file the application for a Limited Live Performance Permit with
9 the Director. The Director may require that the applicant or the applicant's agent file the
10 application in person. Upon determining that an application is complete, the Director shall
11 accept and file it and shall schedule a public hearing before the Entertainment Commission to
12 determine whether the permit should be granted. The Director shall provide written notice of
13 the hearing to the applicant by mail or to the applicant's agent by personal delivery at least 30
14 days before the date of the hearing.

15 (b) **Notices.**

16 (1) The applicant shall cause a notice of the hearing on a form provided by the
17 Entertainment Commission to be conspicuously and continuously posted on the premises of
18 the Business for at least 30 days before the scheduled hearing date. The Director shall
19 promptly provide notice of the hearing and a copy of the permit application to any Person who
20 has filed a written request for such notice, which notice may be given electronically if the
21 Person has provided electronic contact information, or by mail.

22 ~~————— (2) The Director shall provide a copy of all Limited Live Performance Permit~~
23 ~~applications and the corresponding public hearing notices within a specified geographic area to any~~
24 ~~Person who, in writing or by email, requests such and identifies the area. Such applications and notices~~
25

1 ~~shall be given at least 30 days prior to the date of the public hearings, or within 5 days after receipt of~~
2 ~~the request if the request is less than 30 days prior to the hearing.~~

3 (32) In the event of a continued hearing, the applicant shall cause notice of the
4 continued hearing to be conspicuously and continuously posted on the premises of the
5 Business for at least 10 days before the date of the continued hearing. The Director shall
6 promptly provide notice of the continued hearing electronically or by mail to any Person who
7 has filed a written request for such notice.

8 (43) The applicant shall file with the Commission a declaration under penalty of
9 perjury affirming compliance with the notice requirement of subsection (b)(1) and, if
10 applicable, subsection (b)(23), on the form provided by the Commission.

11 (54) The failure of the Director to provide the notice of the hearing to any
12 Person who filed a written request as provided in ~~Subsections~~subsection (b)(1) ~~and (2)~~ shall not
13 constitute grounds for invalidation of the actions of the Commission taken at the hearing.

14 * * * *

15 **SEC. 1060.5.2. DETERMINATION OF APPLICATION FOR FIXED PLACE**
16 **OUTDOOR AMPLIFIED SOUND PERMIT.**

17 (a) **Application.** The applicant shall file the application for a Fixed Place Outdoor
18 Amplified Sound Permit with the Director. The Director may require that the applicant or the
19 applicant's agent file the application in person. Upon determining that an application is
20 complete, the Director shall accept and file it and shall schedule a public hearing before the
21 Entertainment Commission to determine whether the permit should be granted. The Director
22 shall provide written notice of the hearing to the applicant by mail or to the applicant's agent
23 by personal delivery at least 30 days before the date of the hearing.

24 (b) **Notices.**

(1) The applicant shall cause a notice of the hearing to be conspicuously and continuously posted on the premises of the proposed Fixed Place Outdoor Amplified Sound Locale for at least 30 days before the scheduled hearing date. The Director shall promptly provide notice of the hearing and a copy of the permit application to any Person who has filed a written request for such notice, which notice may be given electronically if the Person has provided electronic contact information, or by mail.

~~————— (2) The Director shall provide a copy of all Fixed Place Outdoor Amplified Sound Permit applications and the corresponding public hearing notices within a specified geographic area to any Person who, in writing or by email, requests such and identifies the area. Such applications and notices shall be given at least 30 days prior to the date of the public hearings, or within 5 days after receipt of the request if the request is less than 30 days prior to the hearing.~~

(3) In the event of a continued hearing, the applicant shall cause notice of the continued hearing to be conspicuously and continuously posted on the premises for at least 10 days before the date of the continued hearing. The Director shall promptly provide notice of the continued hearing electronically or by mail to any Person who has filed a written request for such notice.

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

* * * *

SEC. 1060.19. PERMIT FEE; EXEMPTIONS.

(a) **Place of Entertainment, Limited Live Performance, and Fixed Place Outdoor Amplified Sound Permit Fee Exemptions.**

* * * *

1 (b) One Time Event and One Time Outdoor Amplified Sound Permit Fee Exemption
2 and Waiver.

3 (1) **Exemption.** The provisions of Section 1060.2 relating to a permit fee shall
4 not apply to a One Time Event or One Time Outdoor Amplified Sound Event permit
5 application filed by an entity that has received City funds specifically for the event that is the
6 subject of the permit application.

7 (2) **Fee Waivers.**

8 (A) **Individuals.** The Director may grant an individual applicant an
9 exemption from paying the filing fee for a One Time Event or One Time Outdoor Amplified
10 Sound Event Permit upon the applicant's filing under penalty of perjury a declaration of
11 financial hardship on the form provided by the Entertainment Commission. The form shall use
12 the indigency standards set out in California Government Code Section 68632, as amended
13 from time to time. The applicant shall submit the financial hardship declaration concurrently
14 with the permit application.

15 (B) **Nonprofit and Neighborhood Organizations.** The Director may
16 grant a nonprofit organization, or a neighborhood association, ~~or similar community-based group~~
17 an exemption from paying the filing fee for a One Time Event or One Time Outdoor Amplified
18 Sound Permit for an event if (i) the proposed event is free and open to the public, and (ii) the
19 filing fee is more than 25% of the total projected budget for the event.

20 * * * *

21
22 **SEC. 1060.29. ONE TIME EVENT PERMIT.**

23 * * * *

1 (d) (1) There shall be no limit on the number of One Time Event Permits a Person
2 may obtain. One Time Event Permits may be issued for events that will occur on consecutive
3 or non-consecutive days on the same premises.

4 (2) At any premises where events have occurred for a total of 12 or more days
5 within the same calendar year~~previous 12-month period~~, upon receipt of a permit application for a
6 One Time Event Permit, the Entertainment Commission, or its Director as delegated by the
7 Entertainment Commission, shall hold a hearing on the permit application to ensure that the
8 legal standards for granting the permit(s) are met, to determine what conditions, if any, may
9 be appropriate to place on the permit(s), and to ensure that the One Time Event Permit is not
10 being used by the applicant to function as a routine substitute for the applicant's securing
11 either the Place of Entertainment Permit or the Extended-Hours Permit when the applicant's
12 course of conduct indicates that either or both of those permits would be more appropriate to
13 seek. The Entertainment Commission, or its Director as delegated by the Entertainment
14 Commission, may, in its discretion, determine that a hearing is not required, if the available
15 evidence indicates that the application is likely to satisfy all of the requirements of this
16 subsection (d).

17 * * * *

19 **SEC. 1060.29.2. ONE TIME OUTDOOR AMPLIFIED SOUND PERMIT.**

20 * * * *

21 **(d) Duration and Number of Permits.**

22 * * * *

23 (2) **No More Than 12 Days Per Calendar Year For The Same Premises**
24 **Without Additional Review.** There shall be no limit on the number of One Time Outdoor
25 Amplified Sound Permits a Person may obtain. One Time Outdoor Amplified Sound Permits

1 may be issued for events that will occur on consecutive days on the same premises or on
2 non-consecutive days ~~within a 10-day period~~ on the same premises. At any premises where
3 ~~events One Time Outdoor Amplified Sound Permits have been issued~~ have occurred for a total of at
4 least 12 ~~days times~~ within the same calendar year ~~previous 12-month period~~, upon receipt of a
5 permit application for a One Time Outdoor Amplified Sound Permit, the Entertainment
6 Commission, or its Director as delegated by the Entertainment Commission, shall hold a
7 hearing on the permit application to ensure that the legal standards for granting the permit(s)
8 are met, to determine what conditions, if any, may be appropriate to place on the permit(s),
9 and to ensure that the One Time Outdoor Amplified Sound Permit is not intended to function
10 as a routine substitute for a Person's securing a Fixed Place Outdoor Amplified Sound Permit,
11 Place of Entertainment Permit, or Limited Live Performance Permit as applicable. The
12 Entertainment Commission, or its Director as delegated by the Entertainment Commission,
13 may, in its discretion, determine that a hearing is not required, if the available evidence
14 indicates that the application is likely to satisfy all of the requirements of this subsection (d)(2).

15 * * * *

16
17 **SEC. 1070.2. FILING APPLICATION, NOTICE TO OTHER CITY DEPARTMENTS,**
18 **AND DEPARTMENTAL REPORTS.**

19 (a) Every person seeking a permit or an amendment to a permit under this Article
20 shall file an application with the Entertainment Commission upon a form provided by the
21 Entertainment Commission and shall pay a filing fee as provided by Section 2.26 of this Code.

22 (b) The Director shall send the application to the following departments, which ~~the San~~
23 ~~Francisco Police Department, Fire Department, Department of Building Inspection, Department of~~
24 ~~Public Health, and Planning Department. Those departments~~ shall complete all necessary
25

1 inspections and report their determinations to the Entertainment Commission within 20 City
2 business days of receiving the application-;

3 (1) The Police Department;

4 (2) The Planning Department;

5 (3) The Department of Public Health, except that this subsection (b)(3) shall not apply
6 if the applicant provides evidence of a permit to operate a food preparation and service establishment
7 on the premises, as required by Article 8 of the Health Code, current as of the date of the Person's
8 application for an Extended-Hours Premises Permit; and

9 (4) The Fire Department, except that this subsection (b)(4) shall not apply if the
10 applicant provides evidence of a place of assembly permit for the premises, as required by Chapter 1 of
11 the San Francisco Fire Code, current as of the date of the Person's application for an Extended-Hours
12 Premises Permit.

13 (c) If an applicant submits an application for an Extended-Hours Premises Permit, and
14 the application is not granted, conditionally granted, or denied within 12 months, the Director
15 shall require the applicant to submit a new application for an Extended-Hours Premises
16 Permit that shall be accompanied by the payment of a new filing fee, as set forth in Section
17 2.26, at the time of submission of the new application.

18 * * * *

20 **SEC. 2901. DEFINITIONS.**

21 (a) "Ambient" means LAeq and LCeq values produced during a minimum ten-minute period
22 as measured with a type 1, precision level sound meter, using "A" and "C" frequency ~~the lowest sound~~
23 ~~level repeating itself during a minimum ten-minute period as measured with a type 1, precision sound~~
24 ~~level meter, using slow response and "A" weighting.~~ The minimum sound level shall be
25 determined with the noise source at issue silent, and in the same location as the

1 measurement of the noise level of the source or sources at issue. However, for purposes of
2 this ~~chapter~~Article 29, in no case shall the ambient be considered or determined to be less
3 than: (1) ~~Thirty-five~~35 dBA for interior residential noise, and (2) ~~Forty-five~~45 dBA in all other
4 locations. If a significant portion of the ambient is produced by one or more individual
5 identifiable sources of noise that contribute cumulatively to the sound level and may be
6 operating continuously during the minimum ten-minute measurement period, determination of
7 the ambient shall be accomplished with these separate identifiable noise sources silent or
8 otherwise removed or subtracted from the measured ambient sound level.

9 * * * *

10 (f) "Low frequency ambient" means the average, or LCeq value, produced during a ten-
11 minute period as measured with a type 1, precision sound level meter ~~lowest sound level repeating~~
12 ~~itself during a ten minute period as measured with a sound level meter, using slow response and "C"~~
13 ~~weighting~~. The ~~minimum~~ sound level shall be determined with the music or entertainment noise
14 source at issue silent, and in the same location as the measurement of the noise level of the
15 source or sources at issue. However, for purposes of this ~~eChapter~~Article 29, in no case shall
16 the ~~local~~low-frequency ambient be considered or determined to be less than: (1) ~~Forty-five~~45
17 dBC for interior residential noise, and (2) ~~Fifty-five~~55 dBC in all other locations. If a significant
18 portion of the ambient is produced by one or more individual identifiable sources that would
19 otherwise be operating continuously during the minimum ten-minute measurement period,
20 determination of the low-frequency ambient shall be accomplished with these separate
21 identifiable noise sources silent or otherwise removed or subtracted from the measured
22 ambient sound.

23 (g) "Noise level" means the LAeq or LCeq value produced during a minimum one-minute
24 period ~~maximum continuous sound level or repetitive peak sound level~~, produced by a source or
25 group of sources as measured with a type 1, precision sound level meter. In order to measure a

noise level, the controls of the sound level meter should be arranged to the setting appropriate to the type of noise being measured. ~~For example, the settings should be slow response for continuous noise sources and fast response for noises with rapid onset and decline.~~

* * * *

(n) "Sound level," expressed in decibels (dB), means a logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard S1.1, "Acoustic Terminology," paragraph 2.9, or successor reference. All references to dB in this ~~chapter~~Article 29 refer to the A-level or C-level weighting scale, abbreviated dBA or dBC, measured as set forth in this section.

* * * *

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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1 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the “Note” that appears under
6 the official title of the ordinance.

7
8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

10 By: /s/ Sarah Crowley
11 SARAH CROWLEY
12 Deputy City Attorney

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