

BOARD of SUPERVISORS



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MEMORANDUM

TO: Katy Tang, Director
Small Business Commission, City Hall, Room 448
FROM: John Carroll, Assistant Clerk, Board of Supervisors
DATE: August 2, 2023
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Budget and Finance Committee

The Board of Supervisors' Budget and Finance Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 203861 Police Code - Fees, Applications, and Conditions for Certain Entertainment Permits

Ordinance amending the Police Code to 1) waive initial license and filing fees through June 30, 2025, for certain Entertainment Permits for current or former holders of Just Add Music Permits; 2) waive initial license and filing fees for Entertainment Permits for applicants who are newly eligible to apply for those permits due to recent Planning Code amendments; 3) eliminate masked ball permits; 4) require applicants for Arcade, Ancillary Use, billiard and pool table, Place of Entertainment, Limited Live Performance, Fixed Place Outdoor Amplified Sound, and Extended-Hours Premises Permits to submit a new Permit application and filing fee if their existing application has not been granted, conditionally granted, or denied within 12 months of its submission; 5) authorize the Entertainment Commission Director ("Director") to issue billiard and pool table permits without a hearing, and provide that such permits may be suspended or revoked under the standards and procedures that apply to other Entertainment Permits; 6) eliminate the requirement that applicants for Place of Entertainment Permits disclose with their permit application criminal history information regarding certain individuals connected with the applicant business; 7) narrow the categories of new criminal charges, complaints, or indictments brought against a Place of Entertainment Permittee or its employees or agents that the Permittee must report, to only those charges, complaints or indictments that could be grounds for suspension of the Permit; and 8) allow the Director or the Entertainment Commission to require an applicant for a Limited Live Performance Permit to propose a Security Plan if necessary to protect the safety of persons and property or provide for the orderly dispersal of persons and traffic, to make compliance with the Security Plan a condition of the Permit, and to require revisions to the Security Plan as necessary.

Please return this cover sheet with the Commission's response to Brent Jalipa at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, California 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

___ No Comment
___ Recommendation Attached

Chairperson, Small Business Commission

CC: Offices of Chair Chan and Mayor Breed

1 [Police Code - Fees, Applications, and Conditions for Certain Entertainment Permits]

2

3 **Ordinance amending the Police Code to 1) waive initial license and filing fees through**
4 **June 30, 2025, for certain Entertainment Permits for current or former holders of Just**
5 **Add Music Permits; 2) waive initial license and filing fees for Entertainment Permits for**
6 **applicants who are newly eligible to apply for those permits due to recent Planning**
7 **Code amendments; 3) eliminate masked ball permits; 4) require applicants for Arcade,**
8 **Ancillary Use, billiard and pool table, Place of Entertainment, Limited Live**
9 **Performance, Fixed Place Outdoor Amplified Sound, and Extended-Hours Premises**
10 **Permits to submit a new Permit application and filing fee if their existing application**
11 **has not been granted, conditionally granted, or denied within 12 months of its**
12 **submission; 5) authorize the Entertainment Commission Director (“Director”) to issue**
13 **billiard and pool table permits without a hearing, and provide that such permits may be**
14 **suspended or revoked under the standards and procedures that apply to other**
15 **Entertainment Permits; 6) eliminate the requirement that applicants for Place of**
16 **Entertainment Permits disclose with their permit application criminal history**
17 **information regarding certain individuals connected with the applicant business; 7)**
18 **narrow the categories of new criminal charges, complaints, or indictments brought**
19 **against a Place of Entertainment Permittee or its employees or agents that the**
20 **Permittee must report, to only those charges, complaints or indictments that could be**
21 **grounds for suspension of the Permit; and 8) allow the Director or the Entertainment**
22 **Commission to require an applicant for a Limited Live Performance Permit to propose a**
23 **Security Plan if necessary to protect the safety of persons and property or provide for**
24 **the orderly dispersal of persons and traffic, to make compliance with the Security Plan**
25 **a condition of the Permit, and to require revisions to the Security Plan as necessary.**

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

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

9 Section 1. Articles 15, 15.1, and 15.2 of the Police Code are hereby amended by
10 deleting Section 1029 and revising Sections 1036.3, 1036.24, 1037, 1037.1, 1060, 1060.1.1,
11 1060.2, 1060.2.1, 1060.2.2, 1060.3, 1060.3.1, 1060.5.1, 1060.11, 1060.30, and 1070.2, to
12 read as follows:

13 ~~**SEC. 1029. MASKED BALLS.**~~

14 ~~(a) It shall be unlawful for any person, firm or corporation to give, hold or conduct any~~
15 ~~exhibition or entertainment known as a bal masque or masked ball, or by any other name where the~~
16 ~~persons attending thereat appear in fancy dress, or represent any character or personage with masks~~
17 ~~or dominoes, whether or not an admission fee is charged, without first having obtained a permit~~
18 ~~therefor from the Entertainment Commission; provided, however, that no permit is hereby required for~~
19 ~~private theatricals or private dancing parties, given or conducted by any person in his own dwelling~~
20 ~~house, nor for theatrical performances.~~

21 ~~(b) Applications for masked ball permits shall be filed with the Entertainment Commission on~~
22 ~~a form provided for said permit together with a nonrefundable fee. All such applications must contain~~
23 ~~the name or names of the person or persons, company, association or corporation which proposes to~~
24 ~~give such exhibition or entertainment, the place at which the same shall be held or given, and the date~~
25 ~~upon which the same is proposed to be held.~~

1 ~~(c) Every person, firm or corporation giving, holding or conducting any masked ball, for~~
2 ~~which a permit is required by this section, shall pay a license fee for each such entertainment or~~
3 ~~exhibition. The Tax Collector shall issue the license provided for in this section only upon the filing in~~
4 ~~his office of a written permit therefor from the Entertainment Commission.~~

5 **SEC. 1036.3. APPLICATION FOR PERMIT.**

6 Application for a mechanical amusement device permit required under ~~§~~subsection (b)
7 of Section 1036.2 shall be made to the Entertainment Commission in the case of an Arcade
8 Permit, or to the Director in the case of an Ancillary Bar Use Permit, on forms provided by the
9 Entertainment Commission, shall be signed by the applicant and be accompanied by payment
10 of the filing fee set forth in Section 2.26, except that the Ancillary Bar Use Permit shall not be
11 subject to the filing fee. If an applicant submits an application for an Arcade Permit or Ancillary Use
12 Permit, and the application is not granted, conditionally granted, or denied within 12 months, the
13 Director shall require the applicant to submit a new application for an Arcade Permit or Ancillary Use
14 Permit that shall be accompanied by the payment of a new filing fee, as set forth in Section 2.26, at the
15 time of submission of the new application. The application shall contain the following information
16 in addition to whatever additional information is deemed necessary by the Director or the
17 Entertainment Commission:

18 * * * *

19 **SEC. 1036.24. ARCADES AND ANCILLARY USE—~~OPERATING STANDARDS.~~**

20 ~~(a) Arcades. The following standards and regulations shall apply to the operation and~~
21 ~~maintenance of Arcades in the City.~~

22 ~~———(1) All mechanical amusement devices within the premises shall be visible to and~~
23 ~~supervised by an adult attendant or attendants, age 18 years or older. Said attendant(s) shall be~~
24 ~~present at all times when the arcade is open to the public.~~

1 ~~———— (2) The Permittee shall comply with security lighting requirements, token use~~
2 ~~requirements and such other reasonable requirements determined by the Entertainment Commission to~~
3 ~~be necessary to minimize danger to the community resulting from the operation of the arcade. These~~
4 ~~requirements shall be set forth in the permit or, in the event circumstances change, by appropriate~~
5 ~~amendment to the permit.~~

6 ~~———— (3) As a condition for obtaining a permit for mechanical amusement devices, the~~
7 ~~applicant shall be required to provide a master switch, switches, or fuse panel readily accessible to the~~
8 ~~Permittee, employees or agent of the Permittee and the Police Department, that can immediately turn~~
9 ~~off all mechanical amusement devices in the Arcade. The permit shall also specify that the applicant~~
10 ~~consents to and authorizes the Police Department to turn off all mechanical amusement devices at any~~
11 ~~time there is a clear and present danger to the public safety.~~

12 ~~(b) Ancillary Use. The~~ A Permittee for an Arcade Permit or an Ancillary Use Permit shall
13 comply with such reasonable requirements as determined by the Director or the Entertainment
14 Commission to be necessary to minimize danger to the community resulting from the operation
15 of the mechanical amusement devices. These requirements shall be set forth in the permit or,
16 in the event circumstances change, by appropriate amendment to the permit.

17 **SEC. 1037. BILLIARD AND POOL TABLES.**

18 (a) No person, firm, or corporation shall engage in business under the provisions of this
19 Section 1037 without first obtaining from the Director~~Entertainment Commission~~ a permit to
20 maintain and charge for the use of such billiard or pool or combination tables. Applications for
21 such permits shall be reviewed and decided by the Director without a hearing, but if the Director,
22 Entertainment Commission, and/or Police Department has received more than one complaint in the
23 preceding 12 months regarding the permit applicant and/or the subject premises, the Director shall
24 have discretion to refer the application to the Entertainment Commission for its determination whether
25 to grant, conditionally grant, or deny the permit. ~~such permits shall be issued annually, and may be~~

1 ~~revoked for cause at any time by the Entertainment Commission, and upon the revocation of such~~
2 ~~permit such license issued thereon shall immediately terminate and expire, and the Tax Collector shall~~
3 ~~not issue any license under the provisions of this Section unless the applicant therefor shall have first~~
4 ~~obtained a permit from the Entertainment Commission.~~

5 (b) Permits for billiard and pool tables may be suspended by the Director or the Entertainment
6 Commission or revoked by the Entertainment Commission in accordance with the standards and
7 procedures set forth in Sections 1060.20 through 1060.20.4, inclusive. Upon the revocation of such
8 permit, any license issued thereon shall immediately expire by operation of law, and the Tax Collector
9 shall not issue any license under the provisions of this Section unless the applicant shall have first
10 obtained a permit from the Director or the Entertainment Commission.

11 **SEC. 1037.1. FILING FEE APPLICATION.**

12 Applications for billiard or pool table permits shall be filed with the Entertainment
13 Commission on a form provided for said permit together with a nonrefundable fee. If an
14 applicant submits an application for a billiard or pool table permit, but the permit is not granted,
15 conditionally granted, or denied within 12 months, the Director shall require the applicant to submit a
16 new application for a billiard or pool table permit that shall be accompanied by the payment of a new
17 filing fee, as set forth in Section 2.26, at the time of submission of the new application.

18 **SEC. 1060. DEFINITIONS.**

19 For the purposes of this Article 15.1, unless otherwise provided in this Article, the
20 following words and phrases shall mean:

21 * * * *

22 _____ “Fixed Place Outdoor Amplified Sound Permit.” A permit allowing a Fixed Place
23 Amplified Sound Locale to use Amplified Sound Equipment outdoors.

24 _____ “Just Add Music (JAM) Permit.” A temporary permit for authorization to provide outdoor
25 entertainment or outdoor amplified sound on City sidewalks, City streets, and outdoor property that is

1 not in the public right-of-way, issued pursuant to the 27th Supplement to Mayoral Proclamation
2 Declaring the Existence of a Local Emergency Dated February 25, 2020, which Supplement is dated
3 September 25, 2020.

4 * * * *

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

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

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

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

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

22 (e) Patrons or members are admitted to the locale, except this requirement shall not
23 apply to a Plaza as identified in Administrative Code Chapter 94 or a Shared Space~~People Place~~
24 as identified in Administrative Code Chapter 94A.

25 * * * *

1 **SEC. 1060.1.1. LICENSE FEES.**

2 (a) Except as otherwise provided in this Section 1060.1.1, ~~E~~very person granted a Place of
3 Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified
4 Sound Permit by the Entertainment Commission shall pay to the Tax Collector an annual
5 license fee on or before March 31, in accordance with the provisions of Section 76.1 of the
6 Business and Tax Regulations Code.

7 (b) The amount of the license fee for the 2005-2006 fiscal year shall be as set forth in
8 Section 2.27 of this Code, and such amount shall be adjusted for inflation commencing with
9 the 2006-2007 fiscal year, and annually thereafter, in accordance with Section 2.31 of this
10 Code.

11 (c) Waiver of Initial License Fee.

12 (1) The initial license fee associated with Place of Entertainment Permits, Limited Live
13 Performance Permits, and Fixed Place Outdoor Amplified Sound Permits shall be waived as described
14 in this subsection (c).

15 (2) The following Persons shall be eligible for a waiver of the initial license fee to
16 which they would otherwise be subject under this Section 1060.1.1:

17 (A) A Person who previously held a JAM Permit, and who, during the time
18 period beginning January 1, 2023 and ending June 30, 2025, applies for a Place of Entertainment
19 Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit to continue
20 to provide outdoor entertainment and/or amplified sound in the same space as authorized by the JAM
21 Permit; and

22 (B) A Person who, due to Planning Code amendments that take effect on or after
23 January 1, 2023, becomes eligible to apply and applies for a Place of Entertainment Permit or Limited
24 Live Performance Permit on or before June 30, 2025.

1 (3) Any license fee that is waived pursuant to this subsection (c) but that has been paid
2 shall be refunded, without interest, upon request of the payor of the fee. Any refund request under this
3 subsection (c)(3) must be filed in writing with the Entertainment Commission within the later of June
4 30, 2024 and one year of payment of the fee.

5 (4) This provision shall not apply to a Person who is applying for an amendment to an
6 existing permit.

7 **SEC. 1060.2. FILING APPLICATION AND NOTICE TO OTHER CITY DEPARTMENTS FOR**
8 **PLACE OF ENTERTAINMENT PERMIT.**

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

13 (b) The Director shall send the application to the following departments, which shall
14 complete all necessary inspections or approvals and shall endeavor to report their
15 determinations to the Entertainment Commission within 20 City business days of receiving the
16 application.

17 (1) The Police Department;

18 (2) The Planning Department;

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

1 (4) The Department of Public Health, except that this subsection (b)(4) shall not
2 apply if the Person provides evidence of a permit to operate a food preparation and service
3 establishment on the premises, as required by Article 8 of the Health Code, current as of the
4 date of the Person's application for a Place of Entertainment Permit; and

5 (5) The Fire Department, except that this subsection (b)(5) shall not apply if the
6 Person provides evidence of a place of assembly permit for the premises, as required by
7 Chapter 1 of the San Francisco Fire Code, current as of the date of the Person's application
8 for a Place of Entertainment Permit.

9 (c) Waiver of Filing Fee.

10 (1) The following Persons shall be eligible for a waiver of the filing fee for a Place of
11 Entertainment Permit:

12 (A) A Person who previously held a JAM Permit and who, during the time
13 period beginning January 1, 2023 and ending June 30, 2025, applies for a new or amended Place of
14 Entertainment Permit to continue to provide outdoor entertainment and/or amplified sound in the same
15 outdoor space as authorized by the JAM Permit; and

16 (B) A Person who, due to Planning Code amendments that take effect on or after
17 January 1, 2023, becomes eligible to apply and applies for a Place of Entertainment Permit on or
18 before June 30, 2025.

19 (2) Any filing fee that is waived pursuant to this subsection (c) but that has been paid
20 shall be refunded, without interest, upon request of the payor of the fee to the Entertainment
21 Commission. Any refund request under this subsection (c) must be filed in writing with the
22 Entertainment Commission within the later of June 30, 2024 and one year of payment of the fee.

23 (d) If an applicant submits an application for a Place of Entertainment Permit, and the
24 application is not granted, conditionally granted, or denied within 12 months, the Director shall
25 require the applicant to submit a new application for a Place of Entertainment Permit that shall be

1 accompanied by the payment of a new filing fee, as set forth in Section 2.26, at the time of submission
2 of the new application.

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

5 (a) Every Person seeking a Limited Live Performance Permit, or an amendment to
6 such a permit, shall file an application with the Entertainment Commission upon a form
7 provided by the Entertainment Commission and, except as otherwise provided in this Section
8 1060.2.1, shall pay a filing fee as provided in Section 2.26 of this Code.

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

13 (c) Waiver of Filing Fee.

14 (1) The following Persons shall be eligible for a waiver of the filing fee for a Limited
15 Live Performance Permit:

16 (A) A Person who previously held a JAM Permit and who, during the time
17 period beginning January 1, 2023 and ending June 30, 2025, applies for a new or amended Limited
18 Live Performance Permit to continue to provide outdoor entertainment and/or amplified sound in the
19 same outdoor space as authorized by the JAM Permit; and

20 (B) A Person who, due to Planning Code amendments that take effect on or after
21 January 1, 2023, becomes eligible to apply and applies for a Limited Live Performance Permit on or
22 before June 30, 2025.

23 (2) Any filing fee that is waived pursuant to this subsection (c) but that has been paid
24 shall be refunded, without interest, upon request of the payor of the fee to the Entertainment
25

1 Commission. Any refund request under this subsection (c) must be filed in writing with the
2 Entertainment Commission within the later of June 30, 2024 and one year of payment of the fee.

3 (d) If an applicant submits an application for a Limited Live Performance Permit, and the
4 application is not granted, conditionally granted, or denied within 12 months, the Director shall
5 require the applicant to submit a new application for a Limited Live Performance Permit that shall be
6 accompanied by the payment of a new filing fee, as set forth in Section 2.26, at the time of submission
7 of the new application.

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

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

15 (b) The Director shall send the application to the Police Department, and the Planning
16 Department, ~~and the Department of Public Health~~. Those departments shall complete any
17 necessary inspections and report their determinations to the Entertainment Commission within
18 20 City business days of receiving the application.

19 (c) Waiver of Filing Fee.

20 (1) A Person who previously held a JAM Permit and who, during the time period
21 beginning January 1, 2023 and ending June 30, 2025, applies for a new or amended Fixed Place
22 Outdoor Amplified Sound Permit to continue to provide outdoor entertainment and/or amplified sound
23 in the same outdoor space as authorized by the JAM Permit shall be eligible for a waiver of the filing
24 fee for a Fixed Place Outdoor Amplified Sound Permit.

1 (2) Any filing fee that is waived pursuant to this subsection (c) but that has been paid
2 shall be refunded, without interest, upon request of the payor of the fee to the Entertainment
3 Commission. Any refund request under this subsection (c) must be filed in writing with the
4 Entertainment Commission within the later of June 30, 2024 and one year of payment of the fee.

5 (d) If an applicant submits an application for a Fixed Place Outdoor Amplified Sound Permit
6 for a premises, and the application is not granted, conditionally granted, or denied within 12 months,
7 the Director shall require the applicant to submit a new application for a Fixed Place Outdoor
8 Amplified Sound Permit for the premises that shall be accompanied by the payment of a new filing fee,
9 as set forth in Section 2.26, at the time of submission of the new application.

10 **SEC. 1060.3. APPLICATION FORM FOR PLACE OF ENTERTAINMENT PERMIT.**

11 An application for a Place of Entertainment permit shall specify the following and be
12 signed under penalty of perjury:

13 * * * *

14 ~~(j) For the Persons(s) whose disclosure is required under Subsections (b), (c), (e) and (f), all~~
15 ~~criminal charges, complaints or indictments in the preceding ten years which resulted in a conviction~~
16 ~~or a plea of guilty or no contest for the following laws: assault and battery (Cal. Penal Code § 240,~~
17 ~~242, 245); felony sexual assault; sexual battery (Cal. Penal Code § 243.4); rape (Cal. Penal Code §~~
18 ~~261); statutory rape (Cal. Penal Code § 261.5); discharging firearm (Cal. Penal Code § 246, 246.3);~~
19 ~~unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal.~~
20 ~~Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or~~
21 ~~vehicle right of way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); prostitution~~
22 ~~and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes~~
23 ~~for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290);~~
24 ~~loitering for lewd or lascivious purposes (Cal. Penal Code §§ 647(d), 647(h)); identify theft (Cal. Penal~~
25 ~~Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5);~~

1 ~~criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§~~
2 ~~11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control~~
3 ~~laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); or for conduct in~~
4 ~~another jurisdiction which if carried out in California would constitute an offense under one of the laws~~
5 ~~set forth in this Subsection (j).~~

6 ~~(k) All criminal charges, complaints or indictments in the preceding ten years which resulted~~
7 ~~in a conviction for the Person(s) whose disclosure is required under Subsections (b), (c), (e) and (f), for~~
8 ~~any other offense which is a felony or misdemeanor under the laws of this state, or for conduct in~~
9 ~~another jurisdiction which if carried out in California would constitute a felony or misdemeanor under~~
10 ~~the laws of this state, provided that this Subsection (k) applies only to offenses arising out of the~~
11 ~~operation of a nightclub, dance hall, cabaret, Place of Entertainment or an establishment that serves~~
12 ~~food or beverages.~~

13 ~~(l) For the information required by Subsections (j) and (k), a statement setting forth for each~~
14 ~~Person all charges under which convictions or pleas of guilty or no contest were obtained, any~~
15 ~~sentence imposed, and for each matter the date, name and location of the court; and if the Person was~~
16 ~~granted parole or probation, whether the Person successfully completed parole or probation.~~

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

21 **SEC. 1060.3.1. APPLICATION FORM FOR LIMITED LIVE PERFORMANCE PERMIT.**

22 An application for a Limited Live Performance Permit shall specify the following and be
23 signed under penalty of perjury:

24 * * * *

1 (i) A proposed Security Plan, as defined in Section 1060, if the Director or Entertainment
2 Commission determines that a Security Plan is necessary to protect the safety of persons and property
3 or to provide for the orderly dispersal of persons and traffic.

4 (j) Such further information as the ~~Entert~~ Entertainment Commission requires
5 regarding financial ~~—eial~~ and lease arrangements and management, authority, and operational
6 control of the Business or its premises when the information will assist the Commission in its
7 determination whether to grant or deny the permit.

8 **SEC. 1060.5.1. DETERMINATION OF APPLICATION FOR LIMITED LIVE PERFORMANCE**
9 **PERMIT.**

10 * * * *

11 (l) When granting a permit, or after issuance of a permit, the Director or Entertainment
12 Commission may require the applicant or Permittee, as a condition of the permit, to comply with an
13 approved Security Plan if the Director or Entertainment Commission determines a Security Plan is
14 necessary to protect the safety of persons and property or to provide for the orderly dispersal of
15 persons and traffic. If, after approving a Security Plan, the Director or Entertainment Commission
16 receives new information that provides a reasonable basis to determine that the Security Plan is
17 inadequate to protect the safety of persons and property and/or provide for the orderly dispersal of
18 persons and traffic, the Director or Entertainment Commission may require the applicant or Permittee
19 to revise the Security Plan to better protect the safety of persons and property and/or the orderly
20 dispersal of individuals and traffic.

21 **SEC. 1060.11. POLICE AND ENTERTAINMENT COMMISSION – INSPECTION.**

22 The Police Department and the Entertainment Commission, in addition to their several
23 other duties, shall have the authority to inspect any and all establishments that~~which~~ have been
24 issued a permit pursuant to this Article 15.1.

1 **SEC. 1060.30. PLACE OF ENTERTAINMENT PERMITTEES REQUIRED TO REPORT**
2 **CERTAIN INFORMATION.**

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

5 ~~————(1) Criminal charges, complaints, or indictments for conduct by the Permittee or~~
6 ~~employee or agent of the Permittee that could constitute grounds for suspension under subsection (a) of~~
7 ~~Section 1060.20.3 those persons described in Section 1060.3 (b), (c), (e) and (f) occurring after the~~
8 ~~filing of the permit application to the extent that they fall within the categories specified in Subsections~~
9 ~~(j), (k) and (l) of Section 1060.3.~~

10 ~~————(2) Criminal charges, complaints or indictments for any individual that the Permittee~~
11 ~~designates as Manager occurring after the filing of the permit application to the extent that they fall~~
12 ~~within the categories specified in Subsections (j), (k) and (l) of Section 1060.3.~~

13 * * * *

14 **SEC. 1070.2. FILING APPLICATION, NOTICE TO OTHER CITY DEPARTMENTS, AND**
15 **DEPARTMENTAL REPORTS.**

16 * * * *

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

22
23 Section 2. Effective Date; Retroactivity.

24 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
25 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not

1 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
2 Mayor’s veto of the ordinance.

3 (b) Upon the effective date of this ordinance, this ordinance shall be retroactive to
4 January 1, 2023.

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

12
13 Section 4. Removal of Expired Provisions from Code.

14 On or after December 31, 2025, or when all applications from JAM Permit holders for
15 new permits from the Entertainment Commission have been fully processed, whichever is
16 later, the City Attorney is authorized to remove the following subsections from the Police
17 Code: Sections 1060.1.1, subsection (c); 1060.2, subsection (c); 1060.2.1, subsection (c); and
18 1060.2.2, subsection (c). At that time, the City Attorney is also authorized to cause any
19 subsequent sections to be renumbered accordingly.

20
21 APPROVED AS TO FORM:
22 DAVID CHIU, City Attorney

23 By: /s/ Sarah Crowley
24 SARAH CROWLEY
Deputy City Attorney

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LEGISLATIVE DIGEST

[Police Code - Fees, Applications, and Conditions for Certain Entertainment Permits]

Ordinance amending the Police Code to 1) waive initial license and filing fees through June 30, 2025, for certain Entertainment Permits for current or former holders of Just Add Music Permits; 2) waive initial license and filing fees for Entertainment Permits for applicants who are newly eligible to apply for those permits due to recent Planning Code amendments; 3) eliminate masked ball permits; 4) require applicants for Arcade, Ancillary Use, billiard and pool table, Place of Entertainment, Limited Live Performance, Fixed Place Outdoor Amplified Sound, and Extended-Hours Premises Permits to submit a new Permit application and filing fee if their existing application has not been granted, conditionally granted, or denied within 12 months of its submission; 5) authorize the Entertainment Commission Director (“Director”) to issue billiard and pool table permits without a hearing, and provide that such permits may be suspended or revoked under the standards and procedures that apply to other Entertainment Permits; 6) eliminate the requirement that applicants for Place of Entertainment Permits disclose with their permit application criminal history information regarding certain individuals connected with the applicant business; 7) narrow the categories of new criminal charges, complaints, or indictments brought against a Place of Entertainment Permittee or its employees or agents that the Permittee must report, to only those charges, complaints or indictments that could be grounds for suspension of the Permit; and 8) allow the Director or the Entertainment Commission to require an applicant for a Limited Live Performance Permit to propose a Security Plan if necessary to protect the safety of persons and property or provide for the orderly dispersal of persons and traffic, to make compliance with the Security Plan a condition of the Permit, and to require revisions to the Security Plan as necessary.

Existing Law

Just Add Music (“JAM”) permits were authorized by the 27th Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020, which Supplement is dated September 25, 2020.

Police Code Section 1060.1.1 imposes an annual license fee on every person granted a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit by the Entertainment Commission. Police Code Section 1060.2 imposes a filing fee on every person applying to the Entertainment Commission for a Place of Entertainment permit or an amendment to such a permit. Police Code Section 1060.2.1 imposes a filing fee on every person applying to the Entertainment Commission for a Limited Live Performance Permit, or an amendment to such a permit. Police Code Section 1060.2.2 imposes a filing fee on every person applying to the Entertainment Commission for a Fixed Place Outdoor Amplified Sound Permit or an amendment to such a permit.

Police Code Section 1029 requires a permit from the Entertainment Commission for a masked ball.

Articles 15, 15.1, and 15.2 allow an application for an Entertainment permit to remain pending indefinitely, and do not impose a deadline beyond which an applicant must reapply and pay a new filing fee in order to move their application forward.

Police Code Section 1036.24 imposes various technical requirements for arcades and other “mechanical amusement devices” in the City, and also requires Arcade and Ancillary Use permittees to comply with reasonable requirements as determined by the Director to minimize danger to the public from the mechanical amusement devices.

Police Code Section 1037 requires anyone charging for the use of billiard or pool tables in their establishment to obtain a permit from the Entertainment Commission, and is silent as to whether the Director has authority to suspend the permit without referral to the Entertainment Commission.

Police Code Section 1060.3 requires an application for a Place of Entertainment permit to include certain criminal history information pertaining to certain people connected with the applicant business, including the applicant, the Manager, any person to whom the Department of Alcoholic Beverage Control has issued a license in connection with the applicant business, and any other person with authority or control over the business. And Police Code Section 1060.30 requires a Place of Entertainment permittee to notify the Entertainment Commission of new criminal matters that pertain to the individuals and fall within the categories required to be included with a permit application.

Police Code Sections 1060.3.1 and 1060.5.1 do not require an application for a Limited Live Performance Permit to include a proposed Security Plan and do not specifically authorize the Director or Entertainment Commission to require a Limited Live Performance permittee to comply with a Security Plan as a condition of their permit

Police Code Section 1060.11 requires the Police Department to inspect establishments with permits issued under Article 15.1, but does not explicitly require or authorize the Entertainment Commission to conduct such inspections.

Amendments to Current Law

This ordinance would amend Police Code Section 1060 to add a definition of Just Add Music (“JAM”) Permits.

This ordinance would also amend Police Code Section 1060.1.1 to waive the initial license fee for every person who previously held a JAM Permit, and who, between January 1, 2023 and June 30, 2025, applies for a new Place of Entertainment Permit, Limited Live Performance

Permit, or Fixed Place Outdoor Amplified Sound Permit to continue to provide outdoor entertainment and/or amplified sound in the same space as authorized by the JAM Permit. It would also waive the initial license fee for those permits for every person who, due to Planning Code amendments that take effect on or after January 1, 2023, becomes eligible to apply and applies for a Place of Entertainment Permit or Limited Live Performance Permit on or before June 30, 2025. License fees waived by this provision but already paid shall be refunded if requested within the later of June 30, 2024 and one year of payment of the fee.

This ordinance would also amend Police Code Sections 1060.2, 1060.2.1 and 1060.2.2 to waive the Entertainment Commission's filing fees for every person who previously held a JAM Permit, and who, between January 1, 2023 and June 30, 2025, applies for a new or amended Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit, respectively, to continue to provide outdoor entertainment and/or amplified sound in the same space as authorized by their JAM Permit. It would also waive the filing fee associated with those permits for every person who, due to Planning Code amendments that take effect on or after January 1, 2023, becomes eligible to apply and applies for a Place of Entertainment Permit or Limited Live Performance Permit on or before June 30, 2025. Filing fees waived by this provision but already paid shall be refunded if requested within the later of June 30, 2024 and one year of payment of the fee.

The ordinance would also eliminate Police Code Section 1029, eliminating the requirement for a masked ball permit.

The ordinance would also amend Police Code Sections 1036.3, 1037.1, 1060.2, 1060.2.1, 1060.2.2, and 1070.2 to require applicants for Arcade, Ancillary Use, billiard and pool table, Place of Entertainment, Limited Live Performance, Fixed Place Outdoor Amplified Sound, and Extended-Hours Premises Permits to submit a new Permit application and filing fee if their existing application has not been granted, conditionally granted, or denied within 12 months of its submission.

The ordinance would also amend Police Code Section 1036.24 to eliminate various technical requirements for arcades and other "mechanical amusement devices," and simply require that Arcade and Ancillary Use permittees to comply with reasonable requirements as determined by either the Director or the Entertainment Commission to minimize danger to the public from the mechanical amusement devices.

The ordinance would also amend Police Code Section 1037 to require that the Director, rather than the Entertainment Commission, review and act on billiard and pool permit applications, but to allow the Director discretion to refer an application to the Entertainment Commission if the Director, Entertainment Commission, and/or Police Department has received more than one complaint in the preceding 12 months regarding the permit applicant and/or subject premises. The ordinance would specify that the suspension and revocation procedures in Sections 1060.20 through 1060.20.4, inclusive, apply to these permits.

The ordinance would also amend Police Code section 1060.3 to remove the requirement that an application for a Place of Entertainment permit include certain criminal history information pertaining to certain people connected with the applicant business, including the applicant, the Manager, any person to whom the Department of Alcoholic Beverage Control has issued a license in connection with the applicant business, and any other person with authority or control over the business. And the ordinance would amend Police Code Section 1060.30 to require a Place of Entertainment permittee to notify the Entertainment Commission of new criminal matters that may constitute a basis for suspension of the permit.

The ordinance would also amend Police Code Section 1060.3.1 to require an application for a Limited Live Performance Permit to include a proposed Security Plan if the Director or Entertainment Commission find it necessary. It would amend Police Code Section 1060.51 to authorize the Director or Entertainment Commission to require a Limited Live Performance permittee to comply with a Security Plan as a condition of their permit.

The ordinance would also amend Police Code Section 1060.11 to authorize the Entertainment Commission, in addition to the Police Department, to inspect establishments with permits issued under Article 15.1.

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