

1 [Entertainment Commission – Place of Entertainment Permits.]

2

3 **Ordinance amending the San Francisco Police Code Sections 1060, 1060.1, 1060.2,**  
4 **1060.3, 1060.5, 1060.20, 1060.23, 1060.24, 1060.25 and 1060.29; repealing Section**  
5 **1060.22; adding Sections 1060.23-1, 1060.30 and 1060.31, relating to the application,**  
6 **approval, amendment, suspension, revocation, and transfer of Place of Entertainment**  
7 **Permits and One Night Event Permits, including changes in penalties for violations of**  
8 **law, and amending the San Francisco Business and Tax Regulations Code by**  
9 **amending Section 8 to provide an additional category of permit suspension and**  
10 **revocation actions that are not suspended pending a decision by the Board of Appeal.**

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

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

15 Section 1. The San Francisco Police Code is hereby amended by amending Section  
16 1060, to read as follows:

17 **SEC. 1060. DEFINITIONS.**

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

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

24 (b) "Entertainment." The term "Entertainment" means any of the following, except when  
25 conducted as part of the social or educational activities of a bona fide nonprofit club or organization or

1 any elementary or secondary school (kindergarten through twelfth grade), or conducted in a private  
2 residence:

3 (1) Any act, play, review, pantomime, scene, song, dance act, song and dance act,  
4 or poetry recitation, conducted ~~or participated in by any professional entertainer~~ in or upon any  
5 premises to which patrons or members are admitted.

6 (2) ~~“Entertainment,” in addition, is defined to mean and include the~~ The playing ~~upon~~ or  
7 use ~~by any professional entertainer~~ of any instrument ~~that is~~ capable of producing or ~~can be~~ used  
8 to produce musical ~~sounds~~ or percussion sounds, including but not limited to, reed, brass,  
9 percussion, or string-like instruments, or karaoke, or recorded music presented by a live disc  
10 jockey on the premises.

11 (3)(c) ~~“Entertainment,” Continued. “Entertainment” also includes a~~ A fashion or style show  
12 ~~in which the models are professional entertainers, except when conducted by a bona fide nonprofit club~~  
13 ~~or organization as a part of the social activities of such club or organization, and when conducted~~  
14 ~~solely as a fundraising activity for charitable purposes.~~

15 (d) ~~“Professional Entertainer.” A person who is compensated for his or her performance.~~

16 (c)(e) “Entertainment,” Continued; Exhibition of Human Body. “Entertainment” also  
17 includes the act of any female professional entertainer, while visible to any customer, who  
18 exposes the breast or employs any device or covering which is intended to simulate the  
19 breast, or wears any type of clothing so that the breast may be observed.

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

25

1           (e)     ~~"Permittee."~~ The person to whom a permit has been issued under this Article. ~~(g)~~  
2     ~~"Operator."~~ ~~Any person operating a place of entertainment in the City and County of San Francisco,~~  
3     ~~including, but not limited to, the owner or proprietor of such premises, lessee, sublessee, mortgagee in~~  
4     ~~possession, permittee or any other person operating such place of entertainment or amusement.~~

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

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

15           (g)(j)   "Tax Collector." Tax Collector of the City and County of San Francisco.

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

23           (i)     ~~"Director."~~ The Executive Director of the Entertainment Commission or a person  
24     ~~designated by the Director to act on the his or her behalf.~~

25

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

3 **SEC. 1060.1. PERMIT REQUIRED.**

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

8 Any place or premises where a permit to operate is sought must conform to all existing  
9 health, safety, zoning and fire ordinances of the City and County of San Francisco, and must  
10 have a valid ~~public eating place permit permits as required by state and local law from the~~  
11 ~~Department of Public Health. The Entertainment Commission may issue a permit under this Section~~  
12 ~~conditional upon the applicant receiving the other required permits.~~

13 Any permit granted by the Entertainment Commission conditional upon the applicant  
14 ~~obtaining receiving~~ other required permits may be appealed to the Board of Permit Appeals.  
15 Such appeal must be filed within ten ~~(10)~~ days of the final decision of the Entertainment  
16 Commission issuing the conditional permit. Notwithstanding any provision to the contrary in  
17 Article 1 of the San Francisco Business and Tax Regulations Code, the provisions of this Article shall  
18 govern the approval, transfer, suspension, and revocation of permits by the Entertainment Commission  
19 and the Director, as well as the Board of Appeals when the decision is appealed to that body.

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

23 No person may operate a Place of Entertainment for which a conditional permit has been issued  
24 unless and until all required permits have been obtained. The Entertainment Commission may rescind  
25 conditional approval of a permit if the conditional permittee operates, or allows the operation of, a

1 Place of Entertainment before obtaining all required permits. Rescission of conditional approval shall  
2 not prejudice the right of a conditional permittee thereafter to apply for a permit.

3 No person may operate a Place of Entertainment for which a permit has been granted after it is  
4 revoked or rescinded, or for any period of time during which the permit has been suspended or is  
5 otherwise invalid under this Article or any other law.

6 Section 3. The San Francisco Police Code is hereby amended by amending Section  
7 1060.2, to read as follows:

8 **SEC. 1060.2. FILING.**

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

12 Section 4. The San Francisco Police Code is hereby amended by amending Section  
13 1060.3, to read as follows:

14 **SEC. 1060.3. APPLICATION FORM.**

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

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

20 (b) The name and ~~proposed business~~ address of the applicant. If the applicant is a  
21 corporation, the name of the corporation shall be set forth exactly as shown in its articles of  
22 incorporation; and the applicant shall also set forth the date and place of incorporation; the  
23 names and residence addresses of each of the officers, directors, and each stockholder  
24 owning ~~more than 10~~ ten percent or more of the stock of the corporation. If the applicant is a  
25 partnership, the application shall set forth the name and residence address of each of the

1 partners, including limited partners. If one or more of the partners is a corporation, the  
2 provisions of this Section pertaining to a corporate applicant apply. The applicant must also  
3 identify the person or persons to whom the Department of Alcoholic Beverage Control has issued a  
4 license for the premises.

5 (c) ~~Whether or not the applicant or any officer or director or member of applicant, as the~~  
6 ~~case may be, has ever been convicted of any crime except misdemeanor traffic violations. In addition to~~  
7 ~~the foregoing, any corporate applicant shall state whether or not any stockholder owning more than 10~~  
8 ~~percent of the stock of such corporation has ever been convicted of any crime except misdemeanor~~  
9 ~~traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be~~  
10 ~~made giving the name of the person so convicted, the place and court in which the conviction was had,~~  
11 ~~the specific charge under which the conviction was obtained, and the sentence imposed as the result of~~  
12 ~~said conviction.~~ (d) The name(s) and address(es) names and addresses of the persons person(s) who  
13 will have authority or control over the proposed Place of Entertainment place for which the permit  
14 is requested and a brief statement of the nature and extent of such authority or and control.

15 (d) The name(s) and address(es) of the person(s) who appear on any business registration  
16 certificate for the premises.

17 (e) The convictions for the person(s) whose disclosure is required under Subsections (b), (c)  
18 or (d) for any of the following offenses: bribery, forgery, perjury, prostitution, gambling, unlawful  
19 possession of a firearm, or furnishing alcohol to minors.

20 (f) The convictions for the person(s) whose disclosure is required under Subsections (b), (c)  
21 or (d) for any other offense which is a felony or misdemeanor under the laws of this state, and criminal  
22 convictions in another jurisdiction which, if committed in this state, would be a felony or misdemeanor,  
23 provided that this Subsection (f) applies only to offenses arising out of the operation of a Place of  
24 Entertainment, dance hall, cabaret, or an establishment that serves food or beverages.

25

1            (g) For the information required by Subsections (e) and (f), a statement setting forth for  
2            each person all charges under which convictions were obtained, any sentence imposed as the result of  
3            the convictions, the date of each conviction, and location and name of the court for each conviction.

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

11           (h) (f) A business plan for the proposed Place of Entertainment ~~place of entertainment,~~  
12           specifying the days and hours of operation;~~;~~ the number of patrons;~~;~~ the number~~s~~ of  
13           employees and their duties;~~;~~ ~~the identity of the manager or managers who shall be on premises~~  
14           ~~during all hours of operation~~ the names, telephone numbers, cell phone numbers, email addresses, fax  
15           numbers and any other contact information for the day-to-day managers of the business; ~~the types or~~  
16           ~~classes of entertainment (in terms of the types of instruments, numbers of performers and sound levels)~~  
17           ~~to be provided;~~ and the amount of parking, both on-site and off-site, to be provided. If sound  
18           amplification is to be used, the plan shall also include a specific description of the  
19           amplification system.

20           ~~(i)(g)~~ (1) The address to which notice, when required, is to be sent or mailed, and the  
21           name and address of a person authorized to accept service of process for the permittee, if not  
22           otherwise set forth herein and (2) contact information such as telephone and cell phone numbers,  
23           email addresses, and fax numbers for receipt of notice of proposed action under this Article for the  
24           suspension of a permit or for notice of proposed action or requirements regarding a security plan.

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

1           (j) A proposed security plan. (See definition in Section 1060(h).)

2           (k)(i) The Entertainment Commission may require further information as ~~it deems~~  
3 ~~necessary to a Place of Entertainment's financial and lease arrangements, and management, authority,~~  
4 ~~or operational control, when necessary for its review of the application.~~

5           Section 5. The San Francisco Police Code is hereby amended by amending Section  
6 1060.5, to read as follows:

7 **SEC. 1060.5. DETERMINATION OF APPLICATION.**

8           (a) When an application is filed for a Place of Entertainment Permit ~~new permit~~ under  
9 this Article, the Entertainment Commission shall fix a time and place for a public hearing  
10 thereon to determine whether issuance of the permit would result in any of the conditions set  
11 forth in Subsection (f) ~~(e)~~. The hearing must be held, ~~and a determination made,~~ within forty-five  
12 City business ~~45 working~~ days of the date the completed application is received.

13           (b) At the time of filing of an application, the applicant shall notify the Entertainment  
14 Commission of any outstanding requests for permits or approvals from other City departments  
15 relating to the premises of the proposed Place of Entertainment ~~place of entertainment~~. The  
16 Entertainment Commission shall notify those departments of the filing of the application.  
17 Those departments shall complete all necessary inspections and report their determinations  
18 to the Entertainment Commission within twenty City business ~~20 working~~ days of the filing of the  
19 application.

20           (c) Not less than thirty ~~30~~ days before the date of such hearing, the Entertainment  
21 Commission shall cause to be posted a notice of ~~the such~~ hearing in a conspicuous place on  
22 the property in which or on which the proposed Place of Entertainment ~~place of entertainment~~ is to  
23 be operated. ~~Such notice shall set forth the specific type of entertainment which the applicant intends~~  
24 ~~to conduct.~~ The Entertainment Commission shall carry out posting of the notice ~~Such posting of notice~~  
25 ~~shall be carried out by the Entertainment Commission,~~ and the applicant shall maintain said notice



1 as posted the required number of days. The Entertainment Commission shall mail notice of the  
2 hearing ~~Notice of such hearing shall be mailed by the Entertainment Commission~~ at least thirty ~~30~~  
3 days ~~before~~ ~~prior to~~ the date of ~~the such~~ hearing to any person who has filed a written request  
4 for such notice.

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

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

19 (f) The Entertainment Commission shall grant a permit pursuant to this Article  
20 unless it finds that:

21 (1)(i) The ~~building, structure, equipment or location of the~~ proposed Place of Entertainment  
22 ~~place of entertainment~~ does not comply with or fails to meet ~~all of~~ the health, zoning, fire, and  
23 safety requirements or standards of all ~~the~~ laws of the State of California and ~~or~~ ordinances of  
24 the City and County of San Francisco applicable to such business operation; or  
25

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

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

8           (4)(iv) ~~The building, structure, or location of the proposed one night event does not have an~~  
9 ~~adequate security plan as required by this Section. The permit applicant has not provided a security~~  
10 ~~plan that adequately addresses the need to protect the safety of persons and property and to provide for~~  
11 ~~the orderly dispersal of persons and traffic from the Place of Entertainment.~~

12           (5) ~~The applicant, any general partner, any officer or director, or any person with authority~~  
13 ~~to participate directly and regularly in management of the business has been convicted of or has~~  
14 ~~entered a plea of guilty or no contest within three years preceding the date that the application is filed~~  
15 ~~to either a felony or two misdemeanor violations of one or more of the following offenses: bribery,~~  
16 ~~forgery, perjury, prostitution, gambling, unlawful possession of a firearm, or furnishing alcohol to~~  
17 ~~minors.~~

18           (6) ~~The applicant, any general partner, any officer or director, or any person with authority~~  
19 ~~to participate directly and regularly in management of the business has been convicted or has entered a~~  
20 ~~plea of guilty or no contest within three years preceding the date that the application is filed to any~~  
21 ~~offense not set forth in Subsection (f)(5) of this Section which is a felony under the laws of this state, or~~  
22 ~~a criminal conviction in another jurisdiction which, if committed in this state, would be a felony or~~  
23 ~~misdemeanor, provided that this Subsection applies only to offenses arising out of the operation of a~~  
24 ~~Place of Entertainment, dance hall, cabaret, or an establishment that serves food or beverages.~~

1 (g) An applicant whose application for a permit or an amendment to a permit has been  
2 denied ~~pursuant to this Section~~ may seek immediate judicial review pursuant to California Code  
3 of Civil Procedure Section 1085 or Section ~~1094.5~~ 1094.8, as these provisions may be amended,  
4 including any successor provisions, or any other procedure provided by law. The applicant is not  
5 required to exhaust his or her administrative remedies before the Board of Appeals.

6 (h) If the Entertainment Commission does not act within the time limit required by Section  
7 1060.5(a), the Place of Entertainment Permit will be deemed approved.

8 Section 6. The San Francisco Police Code is hereby amended by amending Section  
9 1060.20, to read as follows:

10 **SEC. 1060.20. SUSPENSION AND REVOCATION.**

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

14 (1) The Place of Entertainment ~~place of entertainment~~ does not comply with or fails to  
15 meet ~~all of the~~ health, zoning, fire, and safety requirements or standards of all ~~the~~ laws of the  
16 State of California and ~~or~~ ordinances of the City and County of San Francisco applicable to  
17 such business operation; or

18 (2) The ~~establishment~~ Place of Entertainment has been operated in a manner that has  
19 harmed the public health, safety, or welfare by significantly increasing pedestrian traffic, the  
20 incidence of disorderly conduct, or the level of noise in the area in which the premises are  
21 located, and the permittee has failed, upon request after being requested by the Police  
22 Department or Entertainment Commission ~~to do so~~, to take reasonable steps to alleviate these  
23 conditions, such as providing additional off-street parking, security, soundproofing, restroom  
24 facilities, or refuse containers; or

1           (3)    The ~~proprietor or person or persons in charge thereof have violated, permitted the~~  
2 ~~violation, permittee has engaged in conduct, allowed another person or persons to engage in conduct,~~  
3 or failed to take reasonable steps ~~upon request of, after being requested by~~ the Police Department  
4 or Entertainment Commission ~~to do so~~, to halt conduct violations on the premises or in  
5 connection with the operation of the ~~establishment~~ Place of Entertainment that would constitute a  
6 violation of any of the following California laws ~~of the State of California~~: Penal Code code  
7 Sections 266h, 266i, 315, 316, 330, 337a, 647(b); Business and Professions Code Sections  
8 23300, 25602, 25631, 25657, 25658; Health and Safety Code Sections 11351, 11352, 11359,  
9 11360, 11378, 11379, 11378.5, 11379.5; or, the ~~permittee has proprietor or persons in charge~~  
10 ~~thereof have~~ implemented, maintained, or permitted any admission or related policy or practice  
11 which violates ~~Section 3305 of the~~ San Francisco Police Code Section 3305. Unless expressly  
12 provided otherwise, all statutory references in this Section shall refer to such statutes as amended from  
13 time to time and shall include successor provisions.

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

17           (5)    The permittee has failed to submit a proposed security plan or a revised security plan as  
18 required by Section 1060.31.

19           (6)    The permittee has failed to comply with the security plan approved for the Place of  
20 Entertainment.

21           (b)    The Entertainment Commission shall provide the permittee at least fifteen days written  
22 notice of the grounds for the proposed suspension or revocation, and of the date, time, and location of  
23 the public hearing at which the matter will be heard. The Entertainment Commission shall make its  
24 determination whether to suspend or revoke a permit within twenty-one City business days of the close  
25 of the hearing. The Entertainment Commission may adopt rules governing the procedures by which the

1 Commission hears and determines the suspension and revocation of permits issued under the terms of  
2 this Article, and may include a rule extending the time for making its determination after the close of  
3 the hearing.

4 ~~(c)(b)~~ The penalty for the first violation under Subsection (a)(1) through ~~(6)(5)~~ within a  
5 period of six months shall be suspension of said permit for a period of 30 up to thirty days. The  
6 penalty for the second violation of the same or any other provision of Subsection (a)(1) through (6)  
7 within a period of six months of the order of suspension for the first violation shall be suspension  
8 of said permit for a period of 60 up to sixty days. The penalty for the third and subsequent  
9 violations of the same or any other provision of Subsection (a)(1) through (6) within a period of six  
10 months of the order of suspension for the second or any subsequent violation shall be suspension of  
11 said permit for a period of 90 up to ninety days. For the purposes of this Subsection, calculation  
12 of the six months shall not include any period of time during which the permit was suspended.  
13 In determining the length of the suspension, the Entertainment Commission shall consider the  
14 seriousness and the frequency of the violation(s) in light of the effort taken to correct them and the  
15 impact of the violation(s) on the surrounding neighborhood.

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

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

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

22 (3) The permittee has sold or transferred ownership of the business without obtaining the  
23 approval required by, or in violation of, Section 1060.24 or permanently ceased operation of the  
24 business.

25

1            (e) A permittee whose permit has been suspended or revoked under this Section may seek  
2            immediate judicial review pursuant to California Code of Civil Procedure Section 1085 or Section  
3            1094.8, as these provisions may be amended, including any successor provisions, or any other  
4            procedure provided by law. The permittee is not required to exhaust his or her administrative remedies  
5            before the Board of Appeals.

6            ~~(f)(d)~~ A revocation pursuant to Subsection (d) ~~(e)~~ shall not prejudice the right of an  
7            applicant to apply for a new permit.

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

11           Section 7. The San Francisco Police Code is hereby amended by repealing Section  
12           1060.22:

13           **~~SEC. 1060.22. LICENSE FEES.~~**

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

17           ~~The license fee prescribed in this Section is due and payable on a calendar year basis starting~~  
18           ~~120 days after the effective date of this Article, prorated with regard to the calendar year on a monthly~~  
19           ~~basis. Fees for new licenses issued after the first day of January, 1971, or in any subsequent calendar~~  
20           ~~year shall be prorated with regard to the calendar year on a monthly basis.~~

21           Section 8. The San Francisco Police Code is hereby amended by amending Section  
22           1060.23, to read as follows:

23           **SEC. 1060.23. LIMITED SUSPENSION.**

24           (a) The Director may suspend any ~~Any~~ permit issued under the terms of this Article ~~may~~  
25           ~~be suspended for a period of up to seven 30 days by the Entertainment Commission if the Director the~~

1 ~~Entertainment Commission~~ determines, after providing the permittee with at least five days written  
2 notice and an opportunity to respond, a noticed hearing that one or more of the following have  
3 violation of the regulations or any provision of the Municipal Code has occurred.:

4 (1) The Place of Entertainment has exceeded the allowable noise emissions, as codified in  
5 Article 29 of the Police Code, on three separate dates within a three month time period. Written notice  
6 of the proposed suspension shall specify the dates, approximate times, and violations alleged and a  
7 copy of the noise emission reports for the alleged violations. Evidence that permittee has exceeded  
8 allowable noise emissions shall be based on reports taken by the San Francisco Police Department, the  
9 Entertainment Commission staff, or an agent of either in accordance with the measurement procedures  
10 set forth in Article 29 of the Police Code. The Director may not issue an order of limited suspension  
11 under Subsection (a)(1) unless the reports indicating the alleged noise violations have been  
12 communicated within two City business days of each occurrence to the permittee. Communication of  
13 the reports may be made in writing by delivering a copy personally or by fax or email. Alternatively,  
14 communication of the substance of the reports may be made verbally, either in person or by telephone.  
15 These communications shall be made to a person identified by the permittee as responsible for the day-  
16 to-day management of the business. Within three City business days of the communication, however  
17 made, the Director shall send a copy of each report via United States First Class Mail to the permittee,  
18 postage prepaid. The Director shall maintain on file a document setting forth the method by which the  
19 communications were made.

20 (2) The permittee has engaged in conduct that constitutes a nuisance, or has allowed or  
21 failed to take reasonable steps to halt the conduct of another person or persons that constitutes a  
22 nuisance. This Subsection applies only when the conduct occurred on the premises of, or on any  
23 sidewalk abutting, the Place of Entertainment; when the conduct continued after the Director notified  
24 the permittee of the problem; and when the Director has informed the permittee of corrective actions to  
25

1 address the problem and the permittee failed to take the corrective actions. For purposes of this

2 Subsection (a)(2):

3 (A) "Premises" include the immediately adjacent area that is owned, leased, or rented by  
4 the permittee.

5 (B) "Any sidewalk abutting a permitted premises" means the pedestrian-traveled right of  
6 way, not more than fifty feet from the premises, that is located between a permitted premises, including  
7 any immediately adjacent area that is owned, leased, or rented by the permittee, and a public street.

8 (C) For purposes of this Subsection (a)(2), conduct that constitutes a nuisance means any  
9 conduct that would constitute a violation of the following laws: disturbing the peace (Cal. Penal Code  
10 § 415); obstruction of pedestrian or vehicle right of way (Cal. Penal Code § 370); gambling (Cal.  
11 Penal Code §§ 330, 337(a)); prostitution (Cal. Penal Code §§ 266(h), 266(i), 315, 316, 647(b));  
12 loitering (Cal. Penal Code §§ 647(d), 647(h)); violation of laws regulating controlled substances (Cal.  
13 Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); public  
14 urination or defecation (San Francisco Police Code Art. 2, § 153); accumulation of filth (Cal. Health &  
15 Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Art. 29).

16 (D) "Corrective action" includes, but is not limited to, the following:

17 (i) Calling the local law enforcement agency in a timely manner.

18 (ii) Requesting those persons whose conduct constitutes a nuisance to cease the  
19 conduct, or ejecting those persons from the premises.

20 (iii) Revising the security plan for the Place of Entertainment, if the Director has  
21 approved the revisions.

22 (b) (1) To provide the permittee with an opportunity to file an appeal, an order of limited  
23 suspension issued by the Director shall not be effective for at least three City business days. A  
24 permittee may appeal to the Entertainment Commission an order of limited suspension issued by the  
25 Director by filing with the Commission Secretary a written request for review within three City



1 business days of service of the order. Service may be made by personal delivery, fax or email using the  
2 contact information provided by the permittee. Once a permittee files a request for review, the order is  
3 stayed pending the Commission's decision. If a permittee withdraws the appeal, the Director's order  
4 shall no longer be stayed and shall take effect on the date of the withdrawal. The Commission shall  
5 hear and decide an appeal of the Director's order within ten City business days of the date the request  
6 for review is filed. The Commission may affirm, overturn, or modify the Director's order. When the  
7 Commission affirms the Director's order, the order takes effect the day after the Commission's action.  
8 When the Commission modifies the Director's order, the order as modified by the Commission shall  
9 take effect the day after the Commission's action.

10 (2) If no appeal of the Director's order is filed, the order shall take effect the day after the  
11 time to appeal has passed or at any earlier day to which the permittee and the Director agree in  
12 writing.

13 (3) Notwithstanding the provisions of Subsections (b)(1) and (2) relating to the effective  
14 date of orders of limited suspension, after issuing an order of limited suspension, the Director shall  
15 allow a permittee to submit a plan of corrective action. If the permittee submits such a plan and the  
16 Director approves it, the Director shall stay the order for a period of time that the Director deems  
17 reasonable for the permittee to comply with the plan.

18 (4) When the permittee has appealed the Director's order to the Commission, the  
19 Commission may, if it deems appropriate to do so, include in its action on the matter approval of a plan  
20 of correction. Where the Commission has affirmed the Director's order or has approved a modified  
21 order of limited suspension, the Commission may direct that the order be stayed to provide the  
22 permittee time to comply with a plan of correction.

23 (5) If the Director determines that the permittee has complied with the plan of correction by  
24 the deadlines set forth in the plan, the Director shall vacate the order. If the Director determines that  
25 the permittee has failed to comply with any substantial element of the plan of correction, including any

1 deadline, the stay shall no longer be in effect and the permit shall be suspended for the period of time  
2 set forth in the order of suspension, effective on the date set forth by the Director in a written notice to  
3 the permittee.

4 (6) The Director may initiate orders of limited suspension under this Section against a  
5 Place of Entertainment no more than three times in any twelve-month period. Each order of limited  
6 suspension may include multiple violations under Subsection (a)(1)-(2).

7 (c) When a final order of limited suspension has been issued, the permittee may seek  
8 immediate judicial review pursuant to California Code of Civil Procedure Section 1085 or Section  
9 1094.8, as these provisions may be amended, including any successor provisions, or any other  
10 procedure provided by law. The permittee is not required to exhaust his or her administrative remedies  
11 before the Board of Appeals.

12 (d) This Section shall not be construed to limit or proscribe any power or authority vested in  
13 any other public officer or entity with respect to places of entertainment, including the Entertainment  
14 Commission.

15 Section 9. The San Francisco Police Code is hereby amended by adding Section  
16 1060.23-1, to read as follows:

17 **SEC. 1060.23-1. SUSPENSION FOR PUBLIC SAFETY.**

18 (a) The Director may suspend any permit issued under the terms of this Article for up to 72  
19 hours if the Director determines, after providing the Permittee with at least 8 hours written notice and  
20 an opportunity to respond, that the Permittee has engaged in conduct on the premises of, or on any  
21 sidewalk abutting, the Place of Entertainment that constitutes a public nuisance, or has allowed or  
22 failed to take reasonable steps to halt the conduct of another person or persons that constitutes a public  
23 nuisance.

24 Conduct that constitutes a public nuisance within the meaning of this Subsection means conduct  
25 that meets off of the following: (1) the conduct would constitute a violation of laws prohibiting

1 disturbance of the peace, possession or sale of illegal drugs, public drunkenness, drinking in public,  
2 gambling, prostitution, sale of stolen goods, theft, robbery, assault, battery, vandalism, illegal  
3 possession or use of a weapon; (2) the conduct has resulted in serious bodily injury or death; and (3)  
4 continued operation of the Place of Entertainment poses a serious threat to public safety.

5 For purposes of this Section:

6 (1) "Premises" include the building or buildings for which a Permit has been issued and  
7 any immediately adjacent area that is owned, leased, or rented by the permittee.

8 (2) "Any sidewalk abutting a permitted premises" means the pedestrian-traveled right of  
9 way, not more than fifty feet from the premises, that is located between a permitted premises, including  
10 any immediately adjacent area that is owned, leased, or rented by the permittee, and a public street.

11 (b) Unless it provides otherwise, the order of emergency suspension issued under this  
12 Section shall take effect immediately and shall remain in effect for 72 hours.

13 (c) The Director may vacate an order of emergency suspension if the Director determines  
14 that operation of the Place of Entertainment before expiration of the emergency suspension order will  
15 not pose a danger to the public because additional information demonstrates that the conduct was not  
16 related to the operation of the Place of Entertainment, the Permittee has taken steps to correct the  
17 problem giving rise to the suspension, or other circumstances warrant such action.

18 (d) When a final order of emergency suspension has been issued, the permittee may seek  
19 immediate judicial review pursuant to California Code of Civil Procedure Section 1085 or Section  
20 1094.8, as these provisions may be amended, including any successor provisions, or any other  
21 procedure provided by law. The permittee is not required to exhaust his or her administrative remedies  
22 before the Board of Appeals.

23 (e) The authority granted to the Director under this Section shall not in any way restrict the  
24 authority of the Director to suspend a permit under any other provision of this Article or the authority  
25

1 of any other public officer or entity to take action with respect to places of entertainment, including the  
2 Entertainment Commission.

3 Section 10. The San Francisco Police Code is hereby amended by amending Section  
4 1060.24, to read as follows:

5 **SEC. 1060.24. SALE OF BUSINESS PROHIBITED; PERMIT AMENDMENT FOR PARTIAL**  
6 **TRANSFER OF OWNERSHIP; AND AMENDMENT OF PERMIT CONDITIONS** ~~**TRANSFER**~~  
7 ~~**OF PERMIT.**~~

8 (a) The owner or owners of a business for which a Place of Entertainment Permit has been  
9 issued shall not transfer all ownership interest in the business to any other person. If the owner or  
10 owners make such a transfer, they shall surrender the permit to the Entertainment Commission within  
11 seven days. No permit shall be transferable except with the written consent of the Entertainment  
12 Commission. An application for such a transfer shall be in writing and shall be accompanied by the  
13 same filing fee as for an initial application. The written application for such transfer shall contain the  
14 same information as requested herein for an initial application for such a permit.

15 (b) No permit issued under this Article is transferable to any other person. The partial  
16 transfer of ownership of a business for which a Place of Entertainment Permit has been issued is  
17 permitted as set forth in this Section.

18 (c) No person shall partially transfer the ownership of any business for which a Place of  
19 Entertainment Permit has been issued without filing an application for an amended permit and  
20 obtaining approval as required by this Section. No approval is required if the transfer does not result  
21 in any person having an ownership interest of ten percent or more.

22 (d) No person shall engage in a major transfer of ownership without the approval of the  
23 Entertainment Commission. "A major transfer of ownership" means a transfer that results in a person  
24 owning fifty percent or more of the business, regardless of the form of ownership. An application to  
25 amend a permit for a major transfer of ownership shall be in writing and shall be accompanied by the

1 filing fee required by Section 2.26 of this Code. The written application shall contain the same  
2 information as requested herein for an initial application. The Commission shall take action on  
3 applications for a major transfer of ownership as set forth in Section 1060.5 within forty-five City  
4 business days of receipt of the application. The Commission may extend this period up to ten  
5 additional City business days. A person whose application has been denied may seek immediate  
6 judicial review pursuant to California Code of Civil Procedure Section 1085 or Section 1094.8, as  
7 these provisions may be amended, including any successor provisions, or any other procedure provided  
8 by law.

9 (e) No person shall engage in a minor transfer of ownership without the approval of the  
10 Director. "A minor transfer of ownership" means a transfer that results in a person owning at least ten  
11 percent but less than fifty percent of the business, regardless of the form of ownership. An application  
12 to amend a permit for a minor change in ownership shall be in writing and shall be accompanied by the  
13 filing fee required by Section 2.26 of this Code. The application shall contain the same information as  
14 requested herein for an initial application, or such portion as the Director may require. The Director  
15 shall act on completed applications within fifteen days. The Director shall approve the application  
16 unless he or she determines that denial is warranted under any of the grounds set forth in Section  
17 1060.5(f). In the case of a denial, the applicant may appeal to the Entertainment Commission by filing  
18 with the Commission Secretary a written request for review within seven City business days of the date  
19 the Director sent the decision via United States First Class Mail to the permittee, postage prepaid. The  
20 Commission shall hear and decide the appeal within forty-five City business days of the date the  
21 request for review is filed. The Commission may extend this period up to ten additional City business  
22 days. The Commission shall take action on applications for a major transfer of ownership as set forth  
23 in Section 1060.5. An applicant whose application has been denied may seek immediate judicial review  
24 pursuant to California Code of Civil Procedure Section 1085 or Section 1094.8, as these provisions  
25 may be amended, including any successor provisions, or any other procedure provided by law.

1           (f) The Entertainment Commission may revoke a permit for a business if its ownership has  
2 been transferred without the approval required by, or in violation of, this Section. (See Section  
3 1060.20(d)(3).)

4           (g) A permittee may not operate a Place of Entertainment in any manner inconsistent with  
5 any condition that the Entertainment Commission has imposed on the permit. A permittee may request  
6 an amendment to a permit to remove or change any such condition by filing a request with the  
7 Secretary of the Commission and paying the fee required under Police Code Section 2.26. The  
8 Entertainment Commission shall take action on any such applications as provided in Section 1060.5  
9 within forty-five City business days of receipt of the request. The Commission may extend this period  
10 up to ten additional City business days. An applicant whose application has been denied by the  
11 Commission may seek immediate judicial review pursuant to California Code of Civil Procedure  
12 Section 1085 or Section 1094.8, as these provisions may be amended, including any successor  
13 provisions, or any other procedure provided by law.

14           (h) The provisions governing changes in ownership shall not apply to a publicly traded  
15 company. A publicly traded company is a company that has issued securities through an initial public  
16 offering which are traded on at least one stock exchange or over-the-counter market.

17           Section 11. The San Francisco Police Code is hereby amended by amending Section  
18 1060.25 to read as follows:

19 **SEC. 1060.25. PENALTY.**

20           (a) Any person engaging in the following conduct ~~who violates any provisions of this~~  
21 Article shall be ~~deemed~~ guilty of an infraction. Any person who engages in the following conduct  
22 ~~violates this Article~~ more than once in a ~~12-twelve~~-month period shall be guilty of an infraction or  
23 ~~a~~-misdemeanor, at the discretion of the prosecutor.;

24           (1) Owns, conducts, operates, or maintains a Place of Entertainment or a one night event  
25 without a valid permit as required by this Article, or

1           (2) Transfers ownership of a business for which a Place of Entertainment Permit has been  
2 issued under this Article in violation of, or without obtaining the approval required by, Section  
3 1060.24.

4           (b) Each day a person owns, conducts, operates, or maintains a Place of Entertainment or  
5 one night event without a valid permit shall constitute a separate violation.

6           (c) A violation which is an infraction is punishable by a fine of not more than one  
7 hundred dollars (\$100) for a first violation, two hundred dollars (\$200) for a second violation of the  
8 same prohibition within one year, and five hundred dollars (\$500) for each additional violation of the  
9 same prohibition within one year.

10          (d) A violation which is a misdemeanor is punishable by a fine not to exceed one  
11 thousand dollars (\$1000) or by imprisonment in the county jail ~~County Jail~~ for no more than a  
12 period not to exceed six months, or by both such fine and imprisonment.

13          (e) Additionally, any violation of the provisions of this Article ~~or Section 3305 of Article~~  
14 33 by a permittee ~~hereunder~~ shall be deemed cause to ~~or to~~ revoke or suspend a permit as set  
15 forth in pursuant to Secs. 1060.20 and/or 1060.23 of this Article.

16          Section 12. The San Francisco Police Code is hereby amended by amending Section  
17 1060.29 to read as follows:

18 **SEC. 1060.29. ONE NIGHT EVENT PERMIT.**

19          (a) To allow a person to conduct or furnish entertainment on premises for which a Place of  
20 Entertainment Permit has not been issued, the Director may issue a One Night Event Permit, subject to  
21 the requirements of this Section. There shall be no limit on the number of One Night Event Permits a  
22 person may obtain, provided that no more than one permit per month is issued for the same premises.  
23 The Entertainment Commission may issue One Night Event Permits for events that will take place on  
24 the same premises more than once a month, but shall not issue permits for more than twelve events on  
25 the same premises within any twelve-month period. It shall be unlawful for any person to conduct,

1 ~~promote, or sponsor or to cause or to permit to be conducted, promoted, or sponsored any one night~~  
2 ~~occurrence of "entertainment" as defined by this Article without first obtaining a One Night Event~~  
3 ~~permit from the Entertainment Commission.~~

4 (b) Any ~~place or~~ premises for which a One Night Event Permit ~~permit to operate a one~~  
5 ~~night event~~ is sought must conform to the all-existing health, safety, zoning, and fire requirements  
6 or standards of all laws of the State of California and ordinances of the City and County of San  
7 Francisco. ~~must have a valid public eating place permit from the Department of Public Health,~~ The  
8 permit applicant shall be required to obtain all required permits, including any permit required  
9 by the Department of Public Health. The Director Entertainment Commission may issue a permit  
10 under this Section conditional upon the applicant receiving the other required permits.

11 (c) Every person ~~seeking~~ desiring a One Night Event Permit ~~permit~~ pursuant to this  
12 Section Article shall file an application for each event with the Director Entertainment Commission  
13 upon a form provided by the Director Entertainment Commission and shall pay a filing fee as  
14 provided in Section 2.26 of this Code. Every application for a permit under this Article shall be  
15 verified as provided in the California Code of Civil Procedure for the verification of pleadings.  
16 Applications shall be filed at least forty days before the proposed date of the one night event in order to  
17 provide sufficient time pursuant to Subsection (f) for action by the Director and review on appeal by the  
18 Commission if the Director denies the application. Notwithstanding the foregoing, applications may be  
19 filed up to two weeks before the proposed date of the one night event and, in such cases, the Director  
20 shall inform the applicant that there may be insufficient time for the applicant to file an appeal with the  
21 Commission if the Director denies the application.

22 (d) Any place or premises where a one night event is to be held must have a  
23 Security Plan. Proof of such shall be provided by permit applicant at the time of application for  
24 a One Night Event Permit ~~one night event permit~~.

25



1 (e) The Director Entertainment Commission shall grant a permit pursuant to this Article  
2 unless the Director ~~finds~~ that:

3 ~~(1)(i)~~ The building, structure, equipment or location of the proposed one night event  
4 does not comply with or fails to meet ~~all of~~ the health, zoning, fire, and safety requirements or  
5 standards of all ~~the~~ laws of the State of California and ~~or~~ ordinances of the City and County of  
6 San Francisco applicable to such business operation; or

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

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

14 ~~(4)(iv) The building, structure, or location of the proposed one night event does not have an~~  
15 ~~adequate security plan as required by this Section~~ The permit applicant has not provided a security plan  
16 that adequately addresses the need to protect the safety of persons and property and to provide for the  
17 orderly dispersal of persons and traffic from the One Night Event.

18 (f) The Director shall determine whether to grant or deny a One Night Event Permit within  
19 fourteen days of receipt of a completed application. If the permit is denied, the Director shall state in  
20 writing the reason for the denial and shall have the decision served on the applicant within one City  
21 business day. Service may be made by personal delivery, fax or email using the contact information  
22 provided by the applicant. In addition, the Director shall send a copy of the decision via United States  
23 First Class Mail to the applicant, postage prepaid. The permit applicant may appeal the Director's  
24 decision to the Entertainment Commission by filing a request for review within three City business days  
25

1 of service of the Director's decision. The Commission shall hear and decide the appeal within twenty  
2 City business days.

3 (g) Notwithstanding Police Code Article 15.2, the Entertainment Commission may issue a  
4 One Night Event Permit for an event to which persons are admitted or allowed to remain upon the  
5 premises between 2:00 a.m. and 6:00 a.m. For any event for which such a permit is issued, the  
6 permittee shall not be required to obtain an Extended-Hours Premises Permit under Article 15.2. The  
7 One Night Event Permit shall be subject to reasonable time, place, and manner conditions including  
8 but not limited to conditions on amplified sound, in-and-out privileges, admission of minors, and  
9 lighting of the premises.

10 (h) Under this Section, a person with a Place of Entertainment Permit wishing to operate  
11 between 2:00 a.m. and 6:00 a.m. for one night events may apply, no more than twelve times a year, for  
12 a One Night Event Permit for the premises for which the Place of Entertainment Permit has been  
13 issued.

14 (i) ~~(f)~~ An applicant whose application for a permit has been denied pursuant to this  
15 Section may seek immediate judicial review pursuant to California Code of Civil Procedure Section  
16 1085 or Section 1094.8, as these provisions may be amended, including any successor provisions, or  
17 any other procedure provided by law appeal to the Board of Permit Appeals. The applicant shall be  
18 required to exhaust his or her administrative remedies before the Entertainment Commission unless the  
19 applicant has timely filed an appeal and been notified by the Commission Secretary that there is  
20 insufficient time for the Commission to consider and act on the appeal. The applicant is not required  
21 to exhaust his or her administrative remedies before the Board of Appeals.

22 Section 13. The San Francisco Police Code is hereby amended by adding Sections  
23 1060.30 and 1060.31, to read as follows:

24  
25

1 **SEC. 1060.30. PERMITTEES REQUIRED TO REPORT INFORMATION.**

2 (a) Every permittee shall file a verified report, as defined by Section 1060.4, with the  
3 Entertainment Commission within thirty days after any of the following occurs:

4 (1) Any change in the name, address, or contact information of persons identified by the  
5 permittee as day-to-day managers of the business and any change in the name or address of the person  
6 authorized to accept service.

7 (2) Any criminal conviction information, for those persons described in Section  
8 1060.3(b),(c) and (d) and for persons whose information is required to be reported under this Section  
9 to the extent that the conviction falls within the categories specified in those provisions.

10 (b) Any corporation holding a Place of Entertainment Permit shall maintain a record of its  
11 shareholders at the principal office of the corporation in California and the record of its shareholders  
12 shall be available to the Entertainment Commission for inspection. The corporation shall report within  
13 thirty days the issuance or transfer of any shares of stock to any person where the issuance or transfer  
14 results in the person owning ten percent or more of the corporate stock.

15 **SEC. 1060.31. SECURITY PLANS.**

16 (a) Each Place of Entertainment shall have a security plan, as defined in Section 1060(h),  
17 that has been approved by the Entertainment Commission or the Director, as required by this Article.

18 (b) The Entertainment Commission shall not approve or conditionally approve any  
19 application for a Place of Entertainment Permit under this Article unless a security plan has been  
20 submitted in connection with such application. The security plan must meet the requirements of Section  
21 1060(h) and any implementing rules and regulations, adequately addressing the need to protect the  
22 safety of persons and property and providing for the orderly dispersal of persons and traffic from the  
23 Place of Entertainment.

24 (c) Every Place of Entertainment that does not have a security plan reviewed and approved  
25 by the Entertainment Commission shall submit a proposed security plan to the Director. The Director

1 shall mail notice to each such permittee no later than ninety days from the effective date of this Section  
2 to inform such persons of the requirements of this Section. Any permittee subject to the requirements of  
3 this Subsection shall submit a proposed security plan no later than thirty days from the date of the  
4 Director's written notice.

5 (d) The Director shall review each proposed plan submitted pursuant to Subsection (c) and  
6 shall approve or disapprove it. The Director shall provide written notice of the decision to the  
7 permittee. If the Director approves, the permittee shall comply with the plan immediately upon receipt  
8 of notice of the Director's approval. If the Director disapproves, the Director's decision shall set forth  
9 in the written decision any further changes required in order to obtain approval. The permittee shall  
10 either revise the security plan as directed and file it with the Director within ten days of receipt of the  
11 Director's decision or appeal the Director's decision to the Entertainment Commission by filing a  
12 written request with the Secretary of the Commission within ten days of the date that the permittee  
13 receives notice of the Director's disapproval. A permittee who has timely appealed the Director's  
14 decision shall not be required to comply with the proposed plan or the Director's revisions pending the  
15 Commission's action on the appeal. When acting on an appeal under this Subsection, the Commission  
16 may affirm the Director's decision, or it may overturn it, in which case the Commission shall set forth  
17 any changes to the plan that the permittee shall be required to make. If the Commission affirms the  
18 Director's decision, the permittee shall file a revised plan with the Director consistent with the  
19 Director's decision within three City business days of the Commission's action. If the Commission  
20 overturns the Director's decision, the permittee shall revise the plan consistent with the Commission's  
21 determination and file it with the Director within three City business days of the Commission's  
22 determination.

23 (e) If the Director determines that conduct constituting a nuisance under Section  
24 1060.23(a)(2) has occurred on the premises of, or on any sidewalk abutting, the Place of  
25 Entertainment, or that a Place of Entertainment is attracting such a large number of persons that its

1 current security plan is inadequate to address safety or traffic concerns, and further determines that a  
2 revised security plan will address the problem in whole or in part, the Director may issue an order  
3 directing the permittee to make such revisions as the Director reasonably determines will address the  
4 safety and traffic concerns. To provide the permittee with an opportunity to file an appeal, the  
5 Director's order shall not be effective for ten City business days from the date that it is transmitted to  
6 the permittee. Any permittee directed to change a security plan under this Subsection may appeal the  
7 Director's decision within ten City business days of the date that the order was transmitted to the  
8 permittee by filing a written request for review with the Entertainment Commission. The permittee  
9 shall not be required to comply with the Director's order pending the Commission's action on the  
10 matter. If the permittee withdraws the appeal, the order of the Director shall take effect immediately  
11 upon the withdrawal. The terms "premises" and "any sidewalk abutting" as set forth in this Subsection  
12 shall be defined as set forth in Section 1060.23(a)(2)(A) and (B).

13 (f) The permittee shall comply with the security plan as approved under this Article. The  
14 Entertainment Commission may suspend a permit as set forth in Section 1060.20(a)(6) if the permittee  
15 fails to comply with the approved security plan.

16 (g) The Entertainment Commission may suspend a permit as set forth in Section  
17 1060.20(a)(5) if the permittee has failed to submit a proposed or revised security plan as required by  
18 this Section until such time as the permittee complies with the requirement.

19 Section 14. The San Francisco Business and Tax Regulations Code is hereby  
20 amended by amending Section 8, to read as follows:

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

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

1 Appeals shall be taken by filing a notice of appeal with the Board of Appeals and paying to  
2 said Board at such time a filing fee as follows:

3 (a) Zoning Administrator, Planning Department, Director of Planning and Planning  
4 Commission.

5 (1) For each appeal from the Zoning Administrator's variance decision the fee shall be  
6 \$400.

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

11 (b) Department of Building Inspection.

12 (1) For each appeal from a Department of Building Inspection denial, conditional  
13 approval or granting of a residential hotel or apartment conversion permit the fee shall be  
14 \$350.

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

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

18 (c) Police Department Entertainment Commission.

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

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

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

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

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

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

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

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

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

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

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

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

By: \_\_\_\_\_  
VIRGINIA DARIO ELIZONDO  
Deputy City Attorney