

1 [Notice of place of entertainment and after hours premises applications.]

2
3 **Ordinance amending San Francisco Police Code Section 1060.5 and 1070.5 to require**
4 **30 days notice of permit application for place of entertainment and after hours**
5 **premises**

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are *strikethrough italics Times New Roman*.
8 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

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

10 Section 1. The San Francisco Police Code is hereby amended by amending Section
11 1060.5, to read as follows:

12 Sec. SEC. 1060.5. DETERMINATION OF APPLICATION.

13 (a) When an application is filed for a new permit under this Article, the Chief of
14 Police shall fix a time and place for a public hearing thereon to determine whether issuance of
15 the permit would result in any of the conditions set forth in Subsection (e). The hearing must
16 be held within ~~25~~ 45 working days of the date the completed application is received.

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

23 (c) Not less than ~~10~~ 30 days before the date of such hearing, the Chief of
24 Police shall cause to be posted a notice of such hearing in a conspicuous place on the
25 property in which or on which the proposed place of entertainment is to be operated. Such

1 notice shall set forth the specific type of entertainment which the applicant intends to conduct.
2 Such posting of notice shall be carried out by the Police Department, and the applicant shall
3 maintain said notice as posted the required number of days. Notice of such hearing shall be
4 mailed by the Chief of Police at least 30 days prior to the date of such hearing to any person
5 who has filed a written request for such notice.

6 (d) At the hearing, the applicant and any other interested party, including the Police
7 Department or any other public agency, shall be allowed to introduce evidence and present
8 argument. The hearing officer shall issue a written statement of his or her conclusions to the
9 Chief of Police within 10 working days of the close of the hearing. The Chief of Police shall
10 make a final decision upon the application within five working days of receipt of the hearing
11 officer's statement, and the Chief of Police shall notify the applicant, and any other interested
12 party who has made a written request, of the final decision by first class mail.

13 (e) No time limit shall commence running until the submission of a completed
14 application. Upon the applicant's request, the Chief of Police shall continue the hearing to
15 allow the applicant opportunity to comply with the requirements of this Article or any other
16 state or local law. Upon the applicant's request, the Chief of Police shall also issue a
17 conditional approval of the permit application, pending approval of the permit by other City
18 agencies, if sufficient information has been provided to allow for adequate evaluation of the
19 proposal and if grounds for denial, as set forth in Subsection (f), are not present.

20 (f) The Chief of Police shall grant a permit pursuant to this Article unless he
21 or she finds that:

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

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

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

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

12 Section 3. The San Francisco Police Code is hereby amended by amending Section
13 1070.5, to read as follows:

14 SEC. 1070.5. DETERMINATION OF APPLICATION.

15 (a) When an application is filed for a new permit under this Article, the Chief
16 of Police shall fix a time and place for a public hearing thereon to determine whether issuance
17 of the permit would result in any of the conditions set forth in Subsection (e). The hearing
18 must be held within ~~25~~ 45 working days of the date the completed application is received.

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

1 (c) Not less than ~~10~~30 days before the date of such hearing, the Chief of
2 Police shall cause to be posted a notice of such hearing in a conspicuous place on the
3 property in which or on which the proposed extended-hours premises is to be operated. Such
4 notice shall set forth the specific type of entertainment which the applicant intends to conduct.
5 Such posting of notice shall be carried out by the Police Department, and the applicant shall
6 maintain said notice as posted the required number of days. Notice of such hearing shall be
7 mailed by the Chief of Police at least 30 days prior to the date of such hearing to any person
8 who has filed a written request for such notice.

9 (d) At the hearing, the applicant and any other interested party, including the
10 Police Department or any other public agency, shall be allowed to introduce evidence and
11 present argument. The hearing officer shall issue a written statement of his or her
12 conclusions to the Chief of Police within 10 working days of the close of the hearing. The
13 Chief of Police shall make a final decision upon the application within five working days of
14 receipt of the hearing officer's statement, and the Chief of Police shall notify the applicant, and
15 any other interested party who has made a written request, of the final decision by first class
16 mail.

17 (e) No time limit shall commence running until the submission of a completed
18 application. Upon the applicant's request, the Chief of Police shall continue the hearing to
19 allow the applicant opportunity to comply with the requirements of this Article or any other
20 State or local law. Upon the applicant's request, the Chief of Police shall also issue a
21 conditional approval of the permit application, pending approval of the permit by other City
22 agencies, if sufficient information has been provided to allow for adequate evaluation of the
23 proposal and if grounds for denial, as set forth in Subsection (f), are not present.

24 (f) The Chief of Police shall grant a permit pursuant to this Article unless he or she
25 finds that:


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

5 (ii) The building, structure, equipment or location of the proposed extended-
6 hours premises cannot adequately accommodate the type and volume of vehicle and
7 pedestrian traffic anticipated; or

8 (iii) The building, structure, equipment or location of the proposed extended-
9 hours premises lack adequate safeguards to prevent emissions of noise, glare, dust and odor
10 that substantially interfere with the public health, safety and welfare or the peaceful enjoyment
11 of neighboring property.

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

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

18 By: 
19 MARGARET W. BAUMGARTNER
20 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 021460

Date Passed:

Ordinance amending San Francisco Police Code Section 1060.5 and 1070.5 to require 30 days notice of permit application for place of entertainment and after hours premises.

October 15, 2002 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

October 21, 2002 Board of Supervisors — FINALLY PASSED


Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

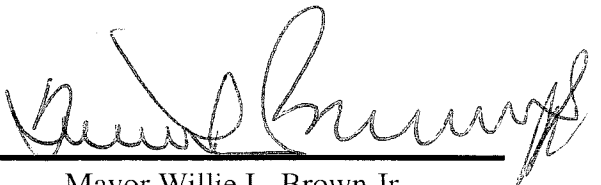
File No. 021460

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on October 21, 2002
by the Board of Supervisors of the City and
County of San Francisco.

NOV 01 2002

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Willie L. Brown Jr.