

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

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

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

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

16 Section 1. The Planning Department has determined that the actions contemplated in  
17 this ordinance comply with the California Environmental Quality Act (California Public  
18 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the  
19 Board of Supervisors in File No. 160962 and is incorporated herein by reference. The Board  
20 affirms this determination.

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

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

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

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

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

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

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

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

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

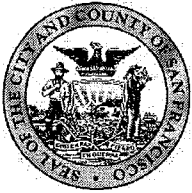
9 Section 3. Effective Date. This ordinance shall become effective 30 days after  
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
12 of Supervisors overrides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

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

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

22 By:   
23 FRANCESCA GESSNER  
24 Deputy City Attorney

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City and County of San Francisco

Tails  
Ordinance

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

File Number: 160962

Date Passed: November 01, 2016

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

October 17, 2016 Land Use and Transportation Committee - RECOMMENDED

October 25, 2016 Board of Supervisors - PASSED, ON FIRST READING


Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

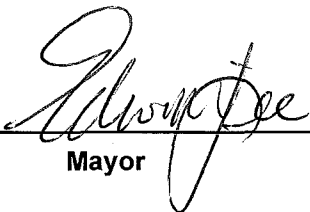
November 01, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160962

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/1/2016 by the Board of Supervisors of the City and County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

  
\_\_\_\_\_  
Mayor

11/2/2016  
\_\_\_\_\_  
Date Approved