

1 [Place of Entertainment Permits and Board of Appeals Procedures.]

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3 **Ordinance amending the San Francisco Police Code by amending Sections 2.26, 1060,**

4 **1060.1, 1060.2, 1060.3, 1060.5, 1060.24, 1060.25 and 1060.29, by adding Sections**

5 **1060.20.1, 1060.20.2, 1060.20.3, 1060.20.4, 1060.24.1, 1060.24.2, 1060.29.1, 1060.30,**

6 **1060.31, 1060.32, 1060.33, and 1060.34, by repealing Sections 1060.4, 1060.20, and**

7 **1060.22, and by adding new Sections 1060.4 and 1060.20, relating to the application,**

8 **approval, amendment, suspension, revocation, and transfer of Place of Entertainment**

9 **Permits and One Night Event Permits (now called "One Time Event Permits"), including**

10 **changes in penalties, and amending the San Francisco Business and Tax Regulations**

11 **Code by amending Sections 8 and 26 to provide the time for appealing to the Board of**

12 **Appeals, to provide an additional category of permit suspension and revocation**

13 **actions that are not suspended pending a decision by the Board of Appeals, and to**

14 **clarify the standards governing the review of permits.**

15 Note: Additions are *single-underline italics Times New Roman*;
16 deletions are *strikethrough italics Times New Roman*.
17 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

19 Section 1. The San Francisco Police Code is hereby amended by amending Section
20 2.26, to read as follows:

21 **SEC. 2.26. SCHEDULE OF PERMITS AND FILING FEES.**

22 The following filing fees, payable in advance to the City and County of San Francisco,
23 are required when submitting applications for permits to the Police Department or
24 Entertainment Commission:

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1	TYPE OF PERMIT FILING FEE	
2	Permit Amendment/Additional Partner.....	\$ 81
3	Amusement Park.....	871
4	Antique Shop.....	558
5	Auto Wrecker.....	664
6	Ball or Ring Throwing Games.....	477
7	Balloon and Kite Advertising.....	367
8	Billiard Parlor.....	456
9	Bingo Games.....	112
10	Amendment to Permit.....	112
11	Circus.....	648
12	Closing-Out Sale.....	413
13	Dance Hall Keeper.....	1,401
14	Amendment to Permit.....	660
15	One Night Dance.....	\$ 40
16	Dealer in Firearms and/or Ammunition.....	961
17	Renewal.....	218
18	Discharge of Cannon.....	400
19	Distributor of Advertising	
20	Class A.....	524
21	Class B.....	459
22	Driverless Auto Rental.....	631
23	Encounter Studio	
24	Owner.....	725
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1	Employee.....	202
2	Escort Service	
3	Owner.....	709
4	Employee.....	202
5	Extended Hours Permit.....	1,500
6	Amendment to Permit.....	660
7	Fortuneteller.....	357
8	Funeral Procession Escort.....	224
9	Insignia and Uniform.....	13
10	General Soliciting Agent.....	252
11	Itinerant Show.....	680
12	Itinerant Show/Nonprofit [Fee set by Police Code Section 1017.2]	100
13	Junk Dealer.....	945
14	Junk Gatherer	
15	Resident.....	439
16	Nonresident.....	370
17	Licensed Tour Guide.....	272
18	Loudspeaker.....	416
19	Vehicle.....	416
20	Masked Ball.....	779
21	Massage Establishment.....	1,684
22	Masseur/Masseuse.....	202
23	Trainee.....	202
24	Mechanical Amusement Devices.....	568
25		

1	Mechanical Contrivance.....	568
2	Miniature Golf Course.....	586
3	Mobile Caterer.....	775
4	Additional Stop.....	73
5	Assistant.....	73
6	Transfer of Stop.....	73
7	Museum.....	645
8	Nude Models in Public Photographic Studio	
9	Owner.....	704
10	Employee.....	202
11	One <i>Time Night</i> Event	255
12	Outcall Massage.....	462
13	Pawnbroker.....	763
14	Peddler	
15	Fish, Vegetables, Fruit.....	525
16	Food for Human Consumption.....	525
17	Nonfood.....	330
18	Employee.....	77
19	Pedicab Driver.....	77
20	Pedicab Owner	
21	First Pedicab.....	372
22	Each Additional Pedicab.....	84
23	Photographer, Public Place	
24	Owner.....	429
25		

1	Solicitor.....	77
2	Photographic Solicitor	
3	Owner.....	429
4	Employee.....	77
5	Place of Entertainment.....	1,500
6	Amendment to Permit.....	660
7	Poker.....	894
8	Amendment to Permit.....	79
9	Public Bathhouse.....	1,122
10	Public Outcry Sales.....	716
11	Pushcart Peddler.....	594
12	Recreational Equipment Vendor.....	408
13	Rodeo Exhibition/Wild West Show.....	651
14	Second Hand Dealer.....	558
15	Second Hand Dealer, Auto Accessories.....	558
16	Shooting Gallery.....	723
17	Skating Rink.....	693
18	Street Photographer	
19	Owner.....	379
20	Solicitor.....	231
21	Tow Car Driver.....	198
22	Tow Car Firm.....	575
23	Trade-In Dealer.....	713
24	Valet Parking	
25		

1	Fixed Location.....	535
2	Annual Special Event.....	350
3	Vehicle for Hire, Nonmotorized.....	644

4
5 Section 2. The San Francisco Police Code is hereby amended by amending Sections
6 1060, 1060.1, 1060.2 and 1060.3, to read as follows:

7 **SEC. 1060. DEFINITIONS.**

8 For the purposes of this Article, unless otherwise provided in this Article, the following
9 words and phrases shall mean and include:

10 (a) "Any Sidewalk Abutting the Premises." The sidewalk not more than 50 feet from the
11 premises of the Business that is located between the premises and a public street. For purposes of this
12 definition, "premises" includes any immediately adjacent area that is owned, leased, or rented by the
13 permit applicant or Permittee.

14 (b) "Bona Fide Nonprofit Club or Organization." Any fraternal, charitable, religious,
15 benevolent, or other nonprofit organization for mutual social, mental, political, or civic welfare, to
16 which admission is limited to members and guests if the revenue accruing therefrom is used exclusively
17 for the benevolent purposes of said organization or agency, and if the organization or agency is exempt
18 from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable,
19 religious, benevolent or nonprofit organization.

20 (c) "Business." The enterprise for which a permit is sought or has been issued under this
21 Article, whether operated on a for-profit or not-for-profit basis.

22 (d) "Conduct that Constitutes a Nuisance." Any conduct that would constitute a violation of
23 the following laws: assault and battery (Cal. Penal Code §240, 242, 245); sexual battery (Cal. Penal
24 Code §243.4); discharging firearm (Cal. Penal Code §246, 246.3); unlawful weapons (Cal. Penal
25 Code §12020; S.F. Police Code §1291); disturbing the peace (Cal. Penal Code § 415, 416, 417);

1 unlawful threats (Cal. Penal Code §422); obstruction of pedestrian or vehicle right of way (Cal. Penal
2 Code § 370); gambling (Cal. Penal Code §§ 330, 337a); prostitution (Cal. Penal Code §§ 266h, 266i,
3 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration
4 Act (Cal. Penal Code §290); loitering for lewd or lascivious purposes (Cal. Penal Code §647(d));
5 loitering on private property without lawful business (Cal. Penal Code §647(h); identify theft (Cal.
6 Penal Code §530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code
7 §667.5); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379,
8 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§
9 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code
10 §153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions
11 (San Francisco Police Code Section 49 or Article 29).

12 (e) "Corrective Action." Action which includes, but is not limited to, the following:

13 (1) Requesting assistance from the local law enforcement agency in a timely manner
14 regarding the conduct.

15 (2) Requesting those individuals engaging in Conduct that Constitutes a Nuisance to cease
16 the conduct, or ejecting those Persons from the premises.

17 (3) Revising the Security Plan, subject to approval by the Entertainment Commission or the
18 Director as provided under this Article.

19 (f) "Director." The Executive Director of the Entertainment Commission or individual
20 designated by the Director to act on his or her behalf.

21 (g) "Entertainment." Any of the following, except when conducted in a private residence:

22 (1) Any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry
23 recitation, conducted in or upon any premises to which patrons or members are admitted.

24

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1 (2) The playing or use of any instrument capable of producing or used to produce musical
2 or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments,
3 or karaoke, or recorded music presented by a live disc jockey on the premises.

4 (3) A fashion or style show.

5 (4) The act of any female entertainer, while visible to any customer, who exposes the breast
6 or employs any device or covering which is intended to simulate the breast, or wears any type of
7 clothing so that the breast may be observed.

8 (h) "Manager." The individual authorized by the Permittee to exercise discretionary power
9 to organize, direct, carry out or control the operations of the Business.

10 (i) "Permittee." The Person to whom a permit has been issued under this Article.

11 (j) "Person." Any person, individual, firm, partnership, joint venture, association, social
12 club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver,
13 trustee, syndicate, or any other group or combination acting as a unit excepting the United States of
14 America, the State of California, and any political subdivision of either.

15 (k) "Place of Entertainment." Every premises to which patrons or members are admitted
16 which serves food, beverages, or food and beverages, including but not limited to alcoholic beverages,
17 for consumption on the premises and wherein Entertainment as defined in Subsection (g) is furnished
18 or occurs upon the premises.

19 (l) "Sale of the Business" or "Sell the Business." The sale or other transfer of the
20 ownership interest in a Business that results in a Person (who did not already have such a percentage
21 interest) owning 50% or more of the Business, regardless of the form of ownership.

22 (m) "Security Guard." A person who has a valid Proprietary Private Security Officer
23 registration document issued by the California Department of Consumer Affairs or is a Patrol Special
24 Police Officer appointed by the Police Commission or an assistant to a Patrol Special Police Officer.

1 (n) "Security Plan." A plan that adequately addresses the safety of persons and property by
2 (i) providing at least one Security Guard for every 100 individuals anticipated to be present at any one
3 time during Entertainment events on the premises of the Business, (ii) securing the sidewalk for a 100-
4 foot radius in all directions around the premises of the Business to prevent injury to persons and/or
5 damage to property, and (iii) providing for the orderly dispersal of individuals and traffic from the
6 premises of the Business and within 100 feet of any door that patrons use to enter or exit the premises.
7 The phrase "100 feet" in (iii) of this Subsection (n) means 100 feet from the door in both directions on
8 the same side of the street as the premises of the Business. The plan shall include sufficient staff with
9 the requisite experience to implement the plan.

10 (o) "Tax Collector." Tax Collector of the City and County of San Francisco.

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

15 ~~—— (b) "Entertainment." Any act, play, review, pantomime, scene, song, dance act, song~~
16 ~~and dance act, or poetry recitation, conducted or participated in by any professional entertainer in or~~
17 ~~upon any premises to which patrons or members are admitted.~~

18 ~~"Entertainment," in addition, is defined to mean and include the playing upon or use by any~~
19 ~~professional entertainer of any instrument that is capable of or can be used to produce musical sounds~~
20 ~~or percussion sounds, including but not limited to, reed, brass, percussion or string like instruments, or~~
21 ~~recorded music presented by a live disc jockey on the premises.~~

22 ~~—— (c) "Entertainment," Continued. "Entertainment" also includes a fashion or style show~~
23 ~~in which the models are professional entertainers, except when conducted by a bona fide nonprofit club~~
24 ~~or organization as a part of the social activities of such club or organization, and when conducted~~
25 ~~solely as a fundraising activity for charitable purposes.~~

1 ~~—— (d) "Professional Entertainer." A person who is compensated for his or her~~
2 ~~performance.~~

3 ~~—— (e) "Entertainment," Continued; Exhibition of Human Body. "Entertainment" also~~
4 ~~includes the act of any female professional entertainer, while visible to any customer, who exposes the~~
5 ~~breast or employs any device or covering which is intended to simulate the breast, or wears any type of~~
6 ~~clothing so that the breast may be observed.~~

7 ~~—— (f) "Person." Any person, individual, firm, partnership, joint venture, association,~~
8 ~~social club, fraternal organization, joint stock company, corporation, estate, trust, business trust,~~
9 ~~receiver, trustee, syndicate or any other group or combination acting as a unit excepting the United~~
10 ~~States of America, the State of California, and any political subdivision of either thereof.~~

11 ~~—— (g) "Operator." Any person operating a place of entertainment in the City and County~~
12 ~~of San Francisco, including, but not limited to, the owner or proprietor of such premises, lessee,~~
13 ~~sublessee, mortgagee in possession, permittee or any other person operating such place of~~
14 ~~entertainment or amusement.~~

15 ~~—— (h) "Bona Fide Nonprofit Club or Organization." Any fraternal, charitable, religious~~
16 ~~or benevolent, or any other nonprofit organization having a regular membership association primarily~~
17 ~~for mutual social, mental, political and civic welfare, to which admission is limited to members and~~
18 ~~guests and revenue accruing therefrom shall be used exclusively for the benevolent purposes of said~~
19 ~~organization and which organization or agency is exempt from taxation under the Internal Revenue~~
20 ~~laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit~~
21 ~~organization.~~

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

25 ~~—— (j) "Tax Collector." Tax Collector of the City and County of San Francisco.~~

1 ~~(k) "Security Plan." A plan that (i) provides at least 1 security guard for every 100~~
2 ~~persons authorized by the Occupancy Permit, (ii) secures a 50-foot perimeter in all directions around~~
3 ~~the location of the Place of Entertainment to prevent injury to persons and/or damage to property, and~~
4 ~~(iii) provides for the orderly disbursement of persons and traffic from the Place of Entertainment. The~~
5 ~~Entertainment Commission, in consultation with the San Francisco Police Department, shall develop~~
6 ~~rules and regulations implementing this section.~~

7 **SEC. 1060.1. PERMIT REQUIRED.**

8 (a) It shall be unlawful for any Person ~~person~~ to own, conduct, operate, or maintain~~or~~
9 ~~to participate therein~~, or to cause or permit to be conducted, operated, or maintained, any Place
10 ~~of Entertainment~~ place of entertainment or One Time Event in the City and County of San
11 Francisco without first having obtained the required ~~a~~ permit from the Director or Entertainment
12 Commission.

13 (b) It shall be unlawful for any Person to conduct, operate or maintain, or cause or permit
14 to be conducted, operated, or maintained, a Place of Entertainment or One Time Event for which a
15 permit has been granted (1) after the permit has been revoked or is otherwise invalid or (2) for any
16 period of time during which the permit has been suspended.

17 (c) It shall be unlawful for any Person who is required to surrender a permit upon the sale
18 of a Business as required under Section 1060.24(b) to fail to do so.

19 ~~Any place or premises where a permit to operate is sought must conform to all existing health,~~
20 ~~safety, zoning and fire ordinances of the City and County of San Francisco, and must have a valid~~
21 ~~public eating place permit from the Department of Public Health. The Entertainment Commission may~~
22 ~~issue a permit under this Section conditional upon the applicant receiving the other required permits.~~

23 ~~Any permit granted by the Entertainment Commission conditional upon the applicant receiving~~
24 ~~other required permits may be appealed to the Board of Permit Appeals. Such appeal must be filed~~
25

1 *within ten (10) days of the final decision of the Entertainment Commission issuing the conditional*
2 *permit.*

3 *Any conditional permit granted by the Entertainment Commission will expire nine (9) months*
4 *from the date of the final decision of the Entertainment Commission, if all other required permits have*
5 *not been received.*

6 **SEC. 1060.2. FILING APPLICATION, NOTICE TO OTHER CITY DEPARTMENTS,**
7 **AND DEPARTMENTAL REPORTS.**

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

12 *(b) The Director shall send the application to the San Francisco Police Department, Fire*
13 *Department, Department of Building Inspection, Department of Public Health, and Planning*
14 *Department. Those departments shall complete all necessary inspections and report their*
15 *determinations to the Entertainment Commission within 20 City business days of receiving the*
16 *application.*

17 **SEC. 1060.3. APPLICATION FORM.**

18 *~~Operators under any permit issued pursuant to this Article shall be limited to the terms of the~~*
19 *~~application.~~ Except as otherwise provided herein, an application for a permit pursuant to the*
20 *provisions of this Article shall specify the following and be signed under penalty of perjury:*

21 *(a) The name and street address of the Business for which the permit is sought.*

22 *(b) The name and address of the applicant as follows:*

23 *(1) If the applicant is a corporation, the name of the corporation exactly as shown in its*
24 *articles of incorporation; the date and place of incorporation; and the name and address of each*
25 *officer and director.*

1 (2) If the applicant is a Person other than a publicly traded company, the name and
2 address of every Person that directly or indirectly owns or controls 10% or more of the assets,
3 ownership interests or voting interests in that Person.

4 (c) The name of and contact information for the Manager who shall directly, or through
5 designees, be on the premises during all hours of operation.

6 (d) The name and address of each Person who appears on the business registration
7 certificate for the Business for which a permit is sought.

8 (e) The name and address of each Person to whom the Department of Alcoholic Beverage
9 Control has issued a license for the Business for which a permit is sought.

10 (f) The names and addresses of the Persons who have or will have authority or control over
11 the Business and a brief statement of the nature and extent of such authority and control, if the
12 applicant has not otherwise provided this information in the application.

13 (g) The name and address of the Person authorized to accept service of process.

14 (h) A plan for the Business specifying the days and hours of operation, the number of
15 employees and their duties, the number of patrons, a statement certifying that the Business shall comply
16 with the maximum occupancy load for the space as established under the San Francisco Building and
17 Fire Codes, and the amount of parking, both on and off-site, to be provided. If sound amplification is to
18 be used, the plan shall also include a specific description of the amplification system.

19 (i) A proposed Security Plan as defined in Section 1060(n).

20 (j) For the Persons(s) whose disclosure is required under Subsections (b), (c), (e) and (f),
21 all criminal charges, complaints or indictments in the preceding five years which resulted in a
22 conviction or a plea of guilty or no contest for the following laws: assault and battery (Cal. Penal Code
23 §240, 242, 245); sexual battery (Cal. Penal Code §243.4); discharging firearm (Cal. Penal Code §246,
24 246.3); unlawful weapons (Cal. Penal Code §12020; S.F. Police Code §1291); disturbing the peace
25 (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code §422); obstruction of pedestrian

1 or vehicle right of way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a);
2 prostitution (Cal. Penal Code §§ 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is
3 required under the Sex Offender Registration Act (Cal. Penal Code §290); loitering for lewd or
4 lascivious purposes (Cal. Penal Code §§ 647(d), 647(h)); identify theft (Cal. Penal Code §530.5); a
5 violent felony warranting enhancement of a prison term (Cal. Penal Code §667.5); drug offenses (Cal.
6 Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of
7 Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657,
8 25658); or for conduct in another jurisdiction which if carried out in California would constitute an
9 offense under one of the laws set forth in this Subsection (j).

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

17 (l) For the information required by Subsections (j) and (k), a statement setting forth for
18 each Person all charges under which convictions or pleas of guilty or no contest were obtained, any
19 sentence imposed, and for each matter the date, name and location of the court.

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

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

1 ~~(b) The name and proposed business address of the applicant. If the applicant is a corporation,~~
2 ~~the name of the corporation shall be set forth exactly as shown in its articles of incorporation; and the~~
3 ~~applicant shall also set forth the date and place of incorporation; the names and residence addresses of~~
4 ~~each of the officers, directors, and each stockholder owning more than 10 percent of the stock of the~~
5 ~~corporation. If the applicant is a partnership, the application shall set forth the name and residence~~
6 ~~address of each of the partners, including limited partners. If one or more of the partners is a~~
7 ~~corporation, the provisions of this Section pertaining to a corporate applicant apply.~~

8 ~~(c) Whether or not the applicant or any officer or director or member of applicant, as the case~~
9 ~~may be, has ever been convicted of any crime except misdemeanor traffic violations. In addition to the~~
10 ~~foregoing, any corporate applicant shall state whether or not any stockholder owning more than 10~~
11 ~~percent of the stock of such corporation has ever been convicted of any crime except misdemeanor~~
12 ~~traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be~~
13 ~~made giving the name of the person so convicted, the place and court in which the conviction was had,~~
14 ~~the specific charge under which the conviction was obtained, and the sentence imposed as the result of~~
15 ~~said conviction.~~

16 ~~(d) The names and addresses of the persons who have authority or control over the place for~~
17 ~~which the permit is requested and a brief statement of the nature and extent of such authority and~~
18 ~~control.~~

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

1 ~~(f) A business plan for the proposed place of entertainment, specifying the days and hours of~~
2 ~~operation, the number of patrons, the numbers of employees and their duties, the identity of the~~
3 ~~manager or managers who shall be on premises during all hours of operation, the types or classes of~~
4 ~~entertainment (in terms of the types of instruments, numbers of performers and sound levels) to be~~
5 ~~provided, and the amount of parking, both on site and off site, to be provided. If sound amplification is~~
6 ~~to be used, the plan shall also include a specific description of the amplification system.~~

7 ~~(g) The address to which notice, when required, is to be sent or mailed, and the name and~~
8 ~~address of a person authorized to accept service of process, if not otherwise set forth herein.~~

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

10 ~~(i) The Entertainment Commission may require further information as it deems necessary.~~

11 Section 3. The San Francisco Police Code is hereby amended by repealing Section
12 1060.4.

13 ~~**SEC. 1060.4 VERIFICATION OF APPLICATION.**~~

14 ~~Every application for a permit under this Article shall be verified as provided in the California~~
15 ~~Code of Civil Procedure for the verification of pleadings.~~

16 Section 4. The San Francisco Police Code is hereby amended by adding Section
17 1060.4, to read as follows:

18 ~~**SEC. 1060.4. NOTICE REQUIREMENTS AND CONTACT INFORMATION.**~~

19 ~~(a) Unless otherwise provided in this Article, the following definitions apply.~~

20 ~~(i) To provide notice "electronically" means to send written notice by email, facsimile or in~~
21 ~~any other manner that the Director designates as appropriate to transmit written information other~~
22 ~~than by mail or personal delivery.~~

23 ~~(ii) To "mail" notice or give notice "by mail" means depositing the notice in a sealed~~
24 ~~envelope or package, clearly labeled to identify the individual to whom it is sent, in a post office,~~
25 ~~mailbox, or other facility regularly maintained by the United States Postal Service, by First Class Mail,~~

1 with postage prepaid. The requirement that notice be mailed within a specified period of time means
2 that the notice is deposited in the mail within that period of time.

3 (iii) "Personally deliver" or "personal delivery" means delivering notice or causing notice to
4 be delivered in person.

5 (iv) "Notice" means notice of a hearing, decision, action required of an applicant for a
6 permit or a Permittee, or any other information that this Article requires to be given or which the
7 Entertainment Commission or the Director find appropriate in implementing the provisions of this
8 Article.

9 (b) Applicants for a permit and Permittees shall provide information necessary to enable
10 the Entertainment Commission and the Director to give notice under this Article. Applicants and
11 Permittees shall provide the Director in writing with a street address where the applicant and
12 Permittee receive mail from the United States Postal Service, and with any email address, facsimile
13 number or other information necessary to enable notice to be sent to the applicant and Permittee
14 electronically. The applicant and Permittee shall keep the information required by this Section current
15 by informing the Director in writing of any change. When the Commission or Director mails or
16 personally delivers notice or sends notice electronically to the applicant or Permittee in accordance
17 with the information most recently provided in writing by that Person, such action shall satisfy the
18 requirements of this Article with respect to how notice is given.

19 (c) In some circumstances, this Article requires notice to the Manager. The Permittee shall
20 provide a telephone and/or cell phone number and a facsimile number or email address for the
21 transmission of notice to the Manager. The Permittee shall keep current the contact information for the
22 Manager and shall notify the Director in writing of any change in this information. The Manager may
23 designate other individuals to whom notice is to be given for any periods of the Manager's absence or
24 unavailability by providing this information in writing to the Director. When the Commission or
25 Director mails or personally delivers notice or sends notice electronically to the Manager, or to any

1 individual designated by the Manager to receive notice in place of the Manager, in accordance with the
2 information most recently provided in writing by the Permittee for the Manager, or by the Manager for
3 his or her designee, such action shall satisfy the requirements of this Article that notice be given to the
4 Manager.

5 (d) The Director may require applicants, Permittees and Managers to provide different or
6 additional contact information for receipt of notice as communication technologies change.

7 (e) A Permittee may change the name and/or address of the individual provided by the
8 Permittee in the permit application to accept service of process by providing written notice to the
9 Director.

10 Section 5. The San Francisco Police Code is hereby amended by amending Section
11 1060.5, to read as follows:

12 **SEC. 1060.5. DETERMINATION OF APPLICATION FOR A PLACE OF**
13 **ENTERTAINMENT PERMIT.**

14 (a) The applicant shall file the application for a Place of Entertainment Permit with the
15 Director. The Director may require that the applicant or the applicant's agent file the application in
16 person. Upon determining that an application is complete, the Director shall accept and file it and
17 shall schedule a public hearing before the Entertainment Commission to determine whether the permit
18 should be granted. The Director shall provide written notice of the hearing to the applicant by mail or
19 to the applicant's agent by personal delivery at least 30 days before the date of the hearing. Any
20 Person may submit a written request to the Director to receive notice of the hearing on a permit
21 application.

22 (b)(1) The applicant shall cause a notice of the hearing to be conspicuously and continuously
23 posted for at least 30 days before the scheduled hearing date on the premises of the Business. Where
24 the Business is located in a neighborhood-commercial or mixed residential district, as defined in
25 Articles 7 and 8 of the San Francisco Planning Code, the applicant shall also make a good faith effort

1 to distribute leaflets at each residence located within 150 feet of the Business, unless the Entertainment
2 Commission finds that a Business located in a district is not likely to significantly generate nighttime
3 noise and traffic to the detriment of residences located in that immediate area. Applicants subject to
4 the requirement of distributing leaflets shall do so at least 30 days before the scheduled hearing date
5 and the distribution shall be done in compliance with the provisions of Article 57 (beginning with
6 Section 184.69) of the San Francisco Public Works Code. The Director shall provide notice of the
7 hearing at least 30 days before the hearing to any Person who has filed a written request for such
8 notice, which notice may be given electronically if the Person has provided electronic contact
9 information, or by mail.

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

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

18 (c) At the hearing on the application, the applicant and any other interested party, including
19 the Police Department or any other public agency, may introduce evidence and present argument
20 relating to the standards for review under Subsection (f) of this Section.

21 (d)(1) The Entertainment Commission shall hold a hearing and determine whether to grant or
22 deny the permit within 45 City business days of the date that the applicant has submitted a complete
23 application under Section 1060.5(a), except that this 45 day period shall be extended for such period or
24 periods of time that apply under the following circumstances:

1 (i) If the Entertainment Commission finds that an extension of time is necessary to obtain
2 additional information for its review of the application under the standards set forth in Subsection (f) of
3 this Section, the time period shall be extended for an additional amount of time as the Commission
4 determines appropriate, up to 15 additional days; and

5 (ii) Upon the applicant's request, the Entertainment Commission shall continue the hearing
6 for an additional period of time to allow the applicant an opportunity to comply with the requirements
7 of this Article, in which case the time period is extended for that additional period; and

8 (iii) If the applicant fails to post or maintain notice of the hearing, or make a good faith
9 effort to distribute leaflets to residences, as required by Subsection (b) of this Section, the Director
10 shall have the hearing before the Entertainment Commission continued for such period or periods of
11 time that the Director determines necessary for the applicant to comply with the posting requirement,
12 in which case the time period is extended for that additional period or periods of time; and

13 (iv) If the Director finds that the Commission is unable to meet during the 45 day time
14 period or any permitted time extension due to exigent circumstances, the time period shall be extended
15 until the Commission is able to meet; the Commission shall consider the matter at the first meeting that
16 it conducts following such circumstances.

17 (e)(1) If the permit applicant has not obtained all permits required for the Business from other
18 City departments by the date of the hearing on the application, the Entertainment Commission may
19 grant a conditional permit pending the issuance of the other required City permits; provided, however,
20 the Commission shall take this action only if sufficient information has been provided to allow for
21 adequate evaluation of the application and if grounds for denial, as set forth in Subsection (f), are not
22 present. Any permit conditionally granted by the Entertainment Commission under this
23 Subsection(e)(1) may be appealed to the Board of Appeals. Any such appeal shall be filed within 10
24 days of the decision of the Entertainment Commission's conditionally granting the permit. No Person
25

1 may operate a Business for which a permit has been conditionally granted unless and until the Person
2 has obtained all permits and authorizations required from other City departments.

3 (2) If the Entertainment Commission does not grant, conditionally grant or deny the permit
4 for a Place of Entertainment within the time required by Subsection (d)(1) of this Section, including any
5 extensions of time provided for in Subsection (d)(1), the permit sought by the applicant shall be deemed
6 granted, conditioned on the requirements that the Permittee obtain all required permits from other City
7 departments within nine months and comply with all the requirements of this Article. The time by
8 which the Entertainment Commission must act commences on the date that the applicant has filed a
9 completed application under Section 1060.5(a).

10 (f) The Entertainment Commission shall grant or conditionally grant a permit for a Place
11 of Entertainment pursuant to this Article unless it finds that:

12 (1) The premises or the proposed operation of the Business does not comply with the health,
13 zoning, fire and safety requirements of the laws of the State of California or ordinances of the City and
14 County of San Francisco applicable to the Business; or

15 (2) Notwithstanding the mitigation provided under the Security Plan submitted by the
16 applicant, the building, structure, equipment or location of the proposed Business cannot adequately
17 accommodate the type and volume of vehicle and pedestrian traffic anticipated; or

18 (3) The premises or the proposed operation of the Business lacks adequate safeguards to
19 prevent emissions of noise, glare, dust and odor that would substantially interfere with the public
20 health, safety and welfare or the peaceful enjoyment of neighboring property; or

21 (4) The permit applicant has not provided a Security Plan that adequately addresses the
22 safety of persons and property and provides for the orderly dispersal of individuals and traffic.

23 (g) When the Commission grants or conditionally grants a permit, it shall require the
24 applicant as a condition of the permit to comply with the Security Plan that has been approved as
25

1 provided under this Article. The Commission may impose additional reasonable time, place and
2 manner conditions on the permit.

3 (h) If a Permittee has been conditionally granted a permit but has not obtained all of the
4 permits required from other City departments within nine months from the date that the Entertainment
5 Commission conditionally granted the permit, the conditionally granted permit shall expire by
6 operation of law and be void.

7 (i) When considering whether to grant a permit application or to suspend or revoke a
8 permit under this Article, the Commission and the Director may consider any previous denial of a
9 permit application or previous suspension or revocation of a permit, under this Article or Article 15.2,
10 for the same permit applicant or Permittee when the circumstances warranting the previous action are
11 relevant to the current determination.

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

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

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

1 ~~the Entertainment Commission, and the applicant shall maintain said notice as posted the required~~
2 ~~number of days. Notice of such hearing shall be mailed by the Entertainment Commission at least 30~~
3 ~~days prior to the date of such hearing to any person who has filed a written request for such notice.~~

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

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

17 ~~(f) The Entertainment Commission shall grant a permit pursuant to this Article unless it finds~~
18 ~~that:~~

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

23 ~~(ii) The building, structure, equipment or location of the proposed place of entertainment~~
24 ~~cannot adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated; or~~
25

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

4 ~~(iv) The building, structure, or location of the proposed one night event does not have an~~
5 ~~adequate security plan as required by this Section.~~

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

10 Section 6. The San Francisco Police Code is hereby amended by repealing Section
11 1060.20:

12 ~~**SEC. 1060.20. SUSPENSION AND REVOCATION.**~~

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

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

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

1 (3) — ~~The proprietor or person or persons in charge thereof have violated, permitted the~~
2 ~~violation, or failed to take reasonable steps, after being requested by the Police Department or~~
3 ~~Entertainment Commission to do so, to halt violations on the premises or in connection with the~~
4 ~~operation of the establishment of any following laws of the State of California: Penal code Sections~~
5 ~~266h, 266i, 315, 316, 330, 337a, 647(b); Business and Professions Code Sections 23300, 25602, 25631,~~
6 ~~25657, 25658; Health and Safety Code Sections 11351, 11352, 11359, 11360, 11378, 11379, 11378.5,~~
7 ~~11379.5; or, the proprietor or persons in charge thereof have implemented, maintained or permitted~~
8 ~~any admission or related policy or practice which violates Section 3305 of the San Francisco Police~~
9 ~~Code.~~

10 (4) — ~~The proprietor or persons in charge thereof have violated or permitted the violation of~~
11 ~~any other provision of this Article or of the permit, on the premises or in connection with the operation~~
12 ~~of the establishment.~~

13 (b) — ~~The penalty for the first violation under Subsection (a) within a period of six months~~
14 ~~shall be suspension of said permit for a period of 30 days. The penalty for the second violation within a~~
15 ~~period of six months shall be suspension of said permit for a period of 60 days. The penalty for the third~~
16 ~~and subsequent violations within a period of six months shall be suspension of said permit for a period~~
17 ~~of 90 days. For the purposes of this Subsection, calculation of the six months shall not include any~~
18 ~~period of time during which the permit was suspended.~~

19 (c) — ~~Any permit issued under the terms of this Article may be revoked at any time by the~~
20 ~~Entertainment Commission if the Entertainment Commission determines after a noticed public hearing~~
21 ~~that any of the following conditions exist:~~

22 (1) — ~~The permittee has knowingly made any false, misleading or fraudulent statement of~~
23 ~~material fact in the application for a permit;~~

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

25 (3) — ~~The permittee has permanently ceased operation of the business.~~

1 ~~(d) — revocation pursuant to Subsection (c) shall not prejudice the right of an applicant to~~
2 ~~apply for a new permit.~~

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

6 Section 7. The San Francisco Police Code is hereby amended by adding Sections
7 1060.20, 1060.20.1, 1060.20.2, 1060.20.3, and 1060.20.4, to read as follows:

8 **SEC. 1060.20. SUSPENSION.**

9 (a) Permits issued under this Article may be suspended by the Entertainment Commission
10 and the Director as follows

11 (1) The Entertainment Commission may suspend a permit issued under this Article as
12 provided in Section 1060.20.1.

13 (2) The Director may issue an order of limited suspension as provided in Section 1060.20.2,
14 which order the Permittee may appeal to the Entertainment Commission.

15 (3) The Director may issue an order of suspension for public safety as provided in Section
16 1060.20.3, which order is not appealable to the Entertainment Commission.

17 (4) The Entertainment Commission and the Director have independent authority to suspend
18 permits; the action of one does not limit action by the other.

19 (b) Every Permittee shall request emergency medical services when any person who has
20 been injured on the premises of the Business needs emergency medical services. The failure to request
21 such services, when such a request would have been reasonable under the circumstances, shall be
22 grounds for suspension of the permit. The Entertainment Commission and Director may allow any
23 circumstances involving the operation of the Business that relate to the injury as evidence supporting
24 suspension of a permit, but may not allow the request itself as evidence to support suspension.

1 (c) When considering whether to grant a permit application or to suspend or revoke a
2 permit under this Article, the Commission and the Director may consider any previous denial of a
3 permit application or previous suspension or revocation of a permit, under this Article or Article 15.2,
4 for the same permit applicant or Permittee when the circumstances warranting the previous action are
5 relevant to the current determination.

6 **SEC. 1060.20.1. SUSPENSION BY THE ENTERTAINMENT COMMISSION.**

7 (a) GROUNDS FOR SUSPENSION. The Entertainment Commission may suspend any
8 permit issued under this Article under any of the following circumstances:

9 (1) The premises or operation of the Business does not comply with the health, zoning, fire,
10 and safety requirements of the laws of the State of California and ordinances of the City and County of
11 San Francisco applicable to the Business; or

12 (2) The Permittee or an employee or agent of the Permittee has operated the Business:

13 (i) In a manner that has harmed the public health, safety, or welfare by significantly
14 increasing pedestrian congestion, the incidence of disorderly conduct, or the level of noise in the area
15 in which the premises are located, and

16 (ii) The Permittee has refused or failed, upon request by the Police Department,
17 Entertainment Commission or the Director, to take reasonable steps to alleviate these conditions, such
18 as providing additional off-street parking, security, soundproofing, restroom facilities, or refuse
19 containers; or

20 (3)(i) The Permittee or any employee or agent of the Permittee has engaged in conduct on the
21 premises of the Business, or in connection with the operation of the Business, that would constitute a
22 violation of any of the following laws: assault and battery (Cal. Penal Code §§240, 242, 245); sexual
23 battery (Cal. Penal Code §243.4); discharging firearm (Cal. Penal Code §§246, 246.3); unlawful
24 weapons (Cal. Penal Code §12020; S.F. Police Code §1291); disturbing the peace (Cal. Penal Code
25 §§415, 416, 417); unlawful threats (Cal. Penal Code §422); obstruction of pedestrian or vehicle right

1 of way (Cal. Penal Code §370); gambling (Cal. Penal Code §§330, 337a); prostitution (Cal. Penal
2 Code §§266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex
3 Offender Registration Act (Cal. Penal Code §290); loitering for lewd or lascivious purposes (Cal.
4 Penal Code §647(d)); loitering on private property without lawful business (Cal. Penal Code §647(h));
5 identify theft (Cal. Penal Code §530.5); a violent felony warranting enhancement of a prison term (Cal.
6 Penal Code §667.5); drug offenses (Cal. Health & Safety Code §§11351, 11352, 11359, 11360, 11378,
7 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions
8 Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police
9 Code §153); accumulation of filth (Cal. Health & Safety Code §17920.3(j)); or excessive noise
10 emissions (San Francisco Police Code Section 49 or Article 29); or
11 (ii) The Permittee has failed to take reasonable steps within the Permittee's control upon the
12 request of the Police Department, the Entertainment Commission or the Director to halt conduct on the
13 premises of the Business, or in connection with the operation of the Business, that would constitute a
14 violation of the laws set forth in Section (a)(3)(i) of this Section; or
15 (iii) The Permittee in the operation of the Business has implemented, maintained, or
16 permitted an admission or related policy or practice prohibited by San Francisco Police Code Section
17 3305 (prohibiting discrimination); or
18 (4) The Permittee or any employee or agent of the Permittee has violated any requirement
19 of this Article or any other applicable ordinance, any regulation adopted pursuant to this Article, or
20 any condition placed on the permit; or
21 (5) The Permittee has failed to submit a proposed Security Plan as required by Section
22 1060.31; or
23 (6) The Permittee or any agent or employee of the Permittee has failed to comply with an
24 approved Security Plan as required by Section 1060.31 or a revised Security Plan as required by
25 Section 1060.32.

1 **(b) HEARING PROCEDURE AND DETERMINATION.** *The Entertainment Commission*
2 *shall give the Permittee and the Manager written notice of a hearing to determine whether to suspend a*
3 *permit. The notice shall set forth the grounds for the proposed suspension and the date, time and*
4 *location of the hearing.*

5 **(c) PERIOD OF SUSPENSION.** *The Entertainment Commission may suspend a permit for*
6 *the periods of time set forth in this Subsection (c).*

7 **(i)** *For the first violation under Subsection (a)(1) through (6) of this Section, for up to 30*
8 *days.*

9 **(ii)** *For the second violation of the same or any other provision of Subsection (a)(1) through*
10 *(6) within six months of the order of suspension for the first violation, for up to 60 days.*

11 **(iii)** *For the third and subsequent violation of the same or any other provision of Subsection*
12 *(a)(1) through (6) within six months of the order of suspension for the second or any subsequent*
13 *violation, for up to 90 days.*

14 **(iv)** *For the purpose of Subsections (c)(ii) and (iii) of this Section, calculation of the six*
15 *months shall not include any period of time during which the permit was suspended.*

16 **(v)** *In determining the length of the suspension, the Entertainment Commission shall*
17 *consider the seriousness and the frequency of the violation(s) in light of the effort taken to correct them*
18 *and the impact of the violation(s) on the surrounding neighborhood.*

19 **SEC. 1060.20.2. LIMITED SUSPENSION BY THE DIRECTOR; APPEAL TO**
20 **ENTERTAINMENT COMMISSION.**

21 **(a) GROUNDS FOR SUSPENSION.** *The Director may suspend any permit issued under*
22 *this Article for a period of up to seven days if the Director determines, after providing the Permittee*
23 *and the Manager at least five days written notice and an opportunity to respond, that any of the*
24 *circumstances set forth in either Subsection (a)(1) or (2) of this Section has occurred. Each order of*
25 *limited suspension may include multiple violations under Subsections (a)(1) and (2) of this Section.*

1 The Director shall provide the written notice required under this Subsection either by mail and
2 electronically or by personal delivery.

3 (1) The Business has exceeded the allowable noise emissions under Section 49 or Article 29
4 of the San Francisco Police Code, or as required under any condition imposed on the permit, on three
5 separate days within a three month time period. The Director may suspend a permit under this
6 Subsection (a)(1) only if:

7 (i) The San Francisco Police Department, the Director, or an authorized agent of either
8 has issued a noise emission report for each violation showing noise levels that exceed those allowed
9 under Section 49 or Article 29 of the San Francisco Police Code, or as required under any condition
10 imposed on the permit, and

11 (ii) The Director has provided notice of the issuance of each noise emission report to the
12 Permittee or the Manager electronically or by mail within three City business days of its issuance.

13 (2) The Permittee or any employee or agent of the Permittee has engaged in Conduct that
14 Constitutes a Nuisance or the Permittee has failed to take reasonable steps within the Permittee's
15 control to halt another Person from engaging in Conduct that Constitutes a Nuisance. "Conduct that
16 Constitutes a Nuisance" means any conduct that would constitute a violation of the following laws:
17 assault and battery (Cal. Penal Code §240, 242, 245); sexual battery (Cal. Penal Code §243.4);
18 discharging firearm (Cal. Penal Code §246, 246.3); unlawful weapons (Cal. Penal Code §12020; S.F.
19 Police Code §1291); disturbing the peace (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal.
20 Penal Code §422); obstruction of pedestrian or vehicle right of way (Cal. Penal Code § 370); gambling
21 (Cal. Penal Code §§ 330, 337a); prostitution (Cal. Penal Code §§ 266h, 266i, 315, 316, 647(b)); sex
22 crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code
23 §290); loitering for lewd or lascivious purposes (Cal. Penal Code §647(d)); loitering on private
24 property without lawful business (Cal. Penal Code §647(h)); identify theft (Cal. Penal Code §530.5); a
25 violent felony warranting enhancement of a prison term (Cal. Penal Code §667.5); drug offenses (Cal.

1 Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of
2 Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657,
3 25658); public urination or defecation (San Francisco Police Code §153); accumulation of filth (Cal.
4 Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section
5 49 or Article 29).

6 This Subsection (a)(2) applies only when both of the following apply:

7 (i) The conduct occurred on the premises of, or on Any Sidewalk Abutting the Premises of,
8 the Business, and

9 (ii) The conduct continued after the Director had notified the Permittee of the problem and
10 informed the Permittee of Corrective Action, as defined in Section 1060, to address the problem, but the
11 Permittee failed to take the Corrective Action.

12 (b)(1) ISSUANCE OF ORDER; RIGHT TO APPEAL TO COMMISSION. On the day that the
13 Director issues an order of limited suspension, the Director shall send the order to the Permittee and
14 Manager by mail or electronically. The order shall state the date that the order issued and the date
15 that it takes effect. To provide the Permittee with an opportunity to file an appeal to the Entertainment
16 Commission, an order of limited suspension shall not take effect for at least five City business days
17 from the date that the Director issues the order.

18 (2) A Permittee may appeal an order of limited suspension to the Entertainment
19 Commission by filing with the Commission Secretary a written request for review within five City
20 business days of the date that the Director has issued the order. The filing of an appeal stays the order
21 pending the Commission's decision. If a Permittee withdraws the appeal, the Director's order shall no
22 longer be stayed and shall take effect on the date of the withdrawal or the date that the order was to
23 take effect, whichever is later.

24
25

1 (3) The Commission may affirm, overturn, or modify the Director's order. When the
2 Commission affirms or modifies the Director's order, the order takes effect the day following the day of
3 the hearing at which the Commission made its determination.

4 (4) If the Permittee does not file a timely appeal of the Director's order, the order shall take
5 effect the day after the time to appeal has expired or the effective date set forth in the order, whichever
6 is later; provided, however, that the Director and the Permittee may agree in writing to an earlier
7 effective date.

8 (5) The Entertainment Commission may adopt a regulation establishing a procedure which
9 would allow the Director or the Commission, or both, to stay and vacate an order of limited suspension
10 if the Permittee submits and complies with a plan to address the problems that gave rise to the
11 suspension.

12 (c) The Director may initiate orders of limited suspension under this Section against a
13 Permittee for a Business at a single location no more than three times in any twelve-month period.

14 **SEC. 1060.20.3. SUSPENSION FOR PUBLIC SAFETY BY THE DIRECTOR.**

15 (a) GROUNDS FOR SUSPENSION. The Director may suspend any permit issued under
16 this Article for up to 72 hours if the Director determines, after providing the Permittee at least 8 hours
17 written notice and an opportunity to respond, that any of the circumstances set forth in Subsection
18 (a)(1)(i) or (ii) of this Section has occurred on the Premises of, or on Any Sidewalk Abutting the
19 Premises of, the Business, that such conduct has resulted in serious bodily injury or death, and that
20 continued operation of the Business poses a serious threat to public safety.

21 (1)(i) The Permittee or any employee or agent of the Permittee has engaged in conduct that
22 would constitute a violation of any of the following laws: assault and battery (Cal. Penal Code §§240,
23 242, 245); sexual battery (Cal. Penal Code §243.4); discharging firearm (Cal. Penal Code §§246,
24 246.3); unlawful weapon (Cal. Penal Code §12020; S.F. Police Code §1291); disturbing the peace
25

1 (Cal. Penal Code §§ 415, 416, 417); unlawful threats (Cal. Penal Code §422); a violent felony
2 warranting enhancement of a prison term (Cal. Penal Code §667.5); or

3 (ii) The Permittee has failed to take reasonable steps within the Permittee's control to halt
4 the conduct of another Person that would constitute a violation of any law described in Subsection
5 (a)(1)(i) of this Section.

6 (b) NOTICE OF PROPOSED ORDER. The Director shall provide the written notice
7 required under Subsection (a) of this Section to the Permittee and the Manager by personal delivery
8 and electronically.

9 (c) EFFECTIVE DATE AND TIME OF ORDER. The order of suspension for public safety
10 issued under this Section shall take effect at the date and time stated in the order.

11 (d) DIRECTOR MAY VACATE ORDER. The Director may vacate an order of suspension
12 for public safety if the Director determines that operation of the Business before expiration of the
13 suspension order will not pose a danger to the public because additional information demonstrates that
14 the conduct was not related to the operation of the Business, the Permittee has taken adequate steps to
15 correct the problem giving rise to the suspension, or other circumstances warrant such action.

16 **SEC. 1060.20.4. REVOCATION OF A PERMIT.**

17 (a) GROUNDS FOR REVOCATION. The Entertainment Commission may revoke any
18 Place of Entertainment or One Time Event Permit issued under this Article if it determines after a
19 public hearing that any of the following conditions exist:

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

22 (2) The Permittee has failed to pay any fee or charge required under this Article.

23 (b) HEARING BY COMMISSION. The Entertainment Commission shall give the Permittee
24 and the Manager written notice of a hearing to determine whether to revoke a permit. The notice shall
25 set forth the grounds for the proposed revocation and the date, time and location of the hearing.

1 (c) APPLICATION FOR PERMIT AFTER REVOCATION. The revocation of a permit
2 under this Article shall not preclude the Permittee from applying for a new permit under this Article.

3 (d) When considering whether to grant a permit application or to suspend or revoke a
4 permit under this Article, the Commission and the Director may consider any previous denial of a
5 permit application or previous suspension or revocation of a permit, under this Article or Article 15.2,
6 for the same permit applicant or Permittee when the circumstances warranting the previous action are
7 relevant to the current determination.

8
9 Section 8. The San Francisco Police Code is hereby amended by repealing Section
10 1060.22:

11 ~~**SEC. 1060.22. LICENSE FEES.**~~

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

15 ~~*The license fee prescribed in this Section is due and payable on a calendar year basis starting*~~
16 ~~*120 days after the effective date of this Article, prorated with regard to the calendar year on a monthly*~~
17 ~~*basis. Fees for new licenses issued after the first day of January, 1971, or in any subsequent calendar*~~
18 ~~*year shall be prorated with regard to the calendar year on a monthly basis.*~~

19 Section 9. The San Francisco Police Code is hereby amended by amending Section
20 1060.24, to read as follows:

21 ~~**SEC. 1060.24. PLACE OF ENTERTAINMENT PERMITS NOT TRANSFERABLE;**~~
22 ~~**PERMIT MUST BE SURRENDERED UPON SALE OF BUSINESS; PERMIT AMENDMENT**~~
23 ~~**REQUIRED TO CHANGE PARTNERS OR OTHER OWNERS TRANSFER OF PERMIT.**~~

24 (a) No Person may transfer a Place of Entertainment Permit issued under this Article to any
25 other Person.

1 **(b)** *If a Place of Entertainment Permittee Sells the Business, the Permittee shall promptly*
2 *surrender the permit to the Director. If the Permittee fails to surrender the permit to the Director, the*
3 *Director may, after giving the Permittee notice by mail and electronically of the proposed action and*
4 *an opportunity to respond, revoke the permit.*

5 **(c)** *Notwithstanding Subsections (a) and (b) of this Section, a Permittee may change*
6 *partners, shareholders, or other owners of a Business provided that (1) the sale or other transfer of*
7 *ownership results in a Person owning no more than 50% of the Business, regardless of the form of*
8 *ownership, and (2) the Permittee obtains an amendment to the Permit as provided in this Section. If*
9 *the transfer of ownership does not result in any Person (who did not already have such a percentage*
10 *interest) having an ownership interest of ten percent or more, the Permittee is not required to obtain a*
11 *permit amendment.*

12 **(d)** *A Permittee seeking to amend a permit as required under this Section shall pay the filing*
13 *fee for Permit Amendment/Additional Partner set forth in Section 2.26 of this Code. The applicant*
14 *shall provide that portion of the information sought under Section 1060.3 for an application that the*
15 *Director requires.*

16 **(e)** *The Director shall determine within 30 days of the filing of a complete application to*
17 *amend a permit whether to approve it. The Director shall approve the application unless he or she*
18 *determines that denial is warranted under any of the grounds set forth in Section 1060.5(f) and shall*
19 *notify the Permittee and Manager of the approval electronically and either by mail or personal*
20 *delivery.*

21 **(f)** *If the Director determines that disapproval of the application may be warranted under*
22 *Section 1060.5(f), the Director shall schedule a hearing on the matter for the next regularly scheduled*
23 *meeting of the Entertainment Commission. The Director shall promptly provide written notice of the*
24 *hearing to the Permittee and the Manager by mail and electronically.*

1 (g) The Entertainment Commission shall determine whether to approve the application
2 according to the standards governing the initial application set forth in Section 1060.5(f).

3 ~~No permit shall be transferable except with the written consent of the Entertainment~~
4 ~~Commission. An application for such a transfer shall be in writing and shall be accompanied by the~~
5 ~~same filing fee as for an initial application. The written application for such transfer shall contain the~~
6 ~~same information as requested herein for an initial application for such a permit.~~

7 Section 10. The San Francisco Police Code is hereby amended by adding Sections
8 1060.24.1 and 1060.24.2, to read as follows:

9 **SEC. 1060.24.1. COMPLIANCE WITH CONDITIONS; AMENDMENT OF PERMIT TO**
10 **CHANGE CONDITIONS.**

11 No Permittee shall operate a Business in any manner inconsistent with any condition imposed
12 on the permit. A Permittee may request an amendment to a permit to remove or change a condition by
13 filing a request with the Secretary of the Commission and paying the fee for an Amendment to a Permit
14 required under Police Code Section 2.26. The Entertainment Commission shall conduct a hearing and
15 determine whether to approve the application to amend the permit according to the procedures
16 governing the initial application as set forth in Section 1060.5 and the standards set forth in Section
17 1060.5(f).

18 **SEC. 1060.24.2. APPEALS TO THE BOARD OF APPEALS.**

19 (a) The following actions taken under this Article may be appealed to the Board of Appeals:
20 The granting or denial of a permit, including a conditionally granted permit, or an amendment to a
21 permit, and the suspension or revocation of a permit. Any such appeal shall be filed within ten days
22 from the date of the decision, as provided in Section 8 of the San Francisco Business and Tax
23 Regulations Code.

24 (b) Notwithstanding the provisions of Subsection (a) of this Section, the Permittee or permit
25 applicant may seek immediate judicial review of the actions described in Subsection (a) of this Section

1 pursuant to California Code of Civil Procedure Section 1085 or Section 1094.8, as these provisions
2 may be amended, including any successor provisions, or any other procedure provided by law; the
3 Permittee or permit applicant is not required to exhaust his or her administrative remedies before the
4 Entertainment Commission or before the Board of Appeals.

5 Section 11. The San Francisco Police Code is hereby amended by amending Sections
6 1060.25 and 1060.29, to read as follows:

7 **SEC. 1060.25. CRIMINAL AND ADMINISTRATIVE PENALTIES PENALTY.**

8 (a) CRIMINAL PENALTY. Any person who violates any provisions of this Article
9 Section 1060.1 of this Article (requiring a valid permit to operate) shall be deemed guilty of a
10 misdemeanor and upon conviction such person shall be punished by a fine of not to exceed \$1,000 or
11 by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and
12 imprisonment. Each day a Person conducts, operates, or maintains a Business without a valid permit
13 shall constitute a separate violation. ~~an infraction. Any person who violates this Article more than~~
14 once in a 12 month period shall be guilty of an infraction or a misdemeanor, at the discretion of the
15 prosecutor. A violation which is an infraction is punishable by a fine of not more than \$100. A violation
16 which is a misdemeanor is punishable by a fine not to exceed \$1000 or by imprisonment in the County
17 Jail for a period not to exceed six months, or by both such fine and imprisonment.

18 (b) ADMINISTRATIVE PENALTY.

19 (1) The Director may issue administrative citations for the violation of any condition
20 imposed on a permit granted under this Article and any violation of Section 1060.31 or 1060.32
21 (governing Security Plans). San Francisco Administrative Code Chapter 100, "Procedures Governing
22 the Imposition of Administrative Fines," is hereby incorporated in its entirety and shall govern the
23 amount of fees and the procedure for imposition, enforcement, collection, and administrative review of
24 administrative citations issued under this Subsection (b). The Director shall impose fines for violations

25

1 of any permit condition and any violation of Section 1060.31 or 1060.32 as set forth in Section 100.5(a)
2 of the San Francisco Administrative Code.

3 (2) Notwithstanding Subsection (b)(1) of this Section, the procedure governing the appeal
4 of a citation set forth in San Francisco Administrative Code Chapter 100 is revised as provided in this
5 Subsection (b)(2). The Controller may designate the Director of the Department of Public Works as a
6 hearing officer under San Francisco Administrative Code Section 100.7, but shall designate such
7 officer for no more than one appeal a month and for no more than 12 times in a 12-month period.

8 ~~Additionally, any violation of the provisions of this Article Section 3305 of Article 33 by a~~
9 ~~permittee hereunder shall be deemed cause to or to revoke or suspend a permit pursuant to Secs.~~
10 ~~1060.20 and/or 1060.23 of this Article.~~

11 **SEC. 1060.29. ONE TIME NIGHT EVENT PERMIT.**

12 (a) This Section provides a procedure for permitting a Person to conduct, maintain,
13 promote or sponsor Entertainment on the premises specified in the One Time Event Permit for a limited
14 number of one-day occurrences in a 12-month period, including operation between 2:00 a.m. and 6:00
15 a.m. No Person shall conduct, maintain, promote or sponsor Entertainment between 2:00 a.m. and
16 6:00 a.m. without a One Time Event Permit or an Extended-Hours Premises Permit. One Time Event
17 Permits may be issued for a premises for which a Place of Entertainment Permit has been issued, but
18 for which no Extended-Hours Premises Permit has been issued, when the applicant proposes operating
19 between 2:00 a.m. and 6:00 a.m. For purposes of One Time Event Permits, the word "premises" means
20 the area or structure where the event for which a permit is sought occurs.

21 (b) Except as otherwise provided in this Section, the Director may issue One Time Event
22 Permits and applicants may appeal the Director's denial of an application to the Entertainment
23 Commission.

24 (c) Each One Time Event Permit shall issue for no longer than one 24-hour period. There
25 shall be no limit on the number of One Time Event Permits a Person may obtain, provided that no more

1 than one permit per month is issued for the same premises. Notwithstanding this restriction, the
2 Director may grant One Time Event Permits for events that will occur on consecutive days on the same
3 premises or on non-consecutive days within a ten-day period on the same premises, but shall not issue
4 permits allowing events to occur for more than 12 days on the same premises within any twelve-month
5 period.

6 (d) The One Time Event Permit shall be subject to reasonable time, place, and manner
7 conditions, including but not limited to conditions on amplified sound, in-and-out privileges, admission
8 of minors, and lighting of the premises.

9 (e) Every Person seeking a permit pursuant to this Section shall file an application with the
10 Director no less than seven days before the proposed event and shall pay the filing fee provided in
11 Section 2.26 of this Code. The applicant shall submit a proposed Security Plan and any other
12 information required for applications under Section 1060 as the Director may require. The Director
13 shall send the application no later than seven days before the date of the proposed event to those City
14 departments with jurisdiction over the matter, including, as appropriate, the San Francisco Police
15 Department, Fire Department, Department of Building Inspection and Department of Public Health.
16 These departments shall complete all necessary inspections and report their determinations to the
17 Director within three City business days of receiving the application.

18 (f) An applicant for a One Time Event Permit who files an application at least 40 days
19 before the date of the proposed event shall have the right to appeal the Director's denial of the
20 application to the Entertainment Commission. The Director shall act on applications filed at least 40
21 days before the event within a time period that allows for an appeal to the Commission. Applicants
22 who do not file at least 40 days before the proposed event shall have no right to appeal a denial of the
23 application to the Entertainment Commission unless the Commission has sufficient time to schedule
24 and provide notice of the hearing on the matter for a regularly scheduled meeting. When an applicant
25

1 files an application less than 40 days before the proposed event, the Director shall inform the applicant
2 that there may be insufficient time for the applicant to appeal the Director's denial to the Commission.

3 (g) The Director shall review applications for a One Night Event Permit according to the
4 standards set forth in Section 1060.5(f) and shall grant a permit unless the Director finds that the
5 application was filed less than seven days before the proposed event, denial is warranted under any of
6 the grounds set forth in Section 1060.5(f), or another application has been submitted and a permit
7 issued for the same premises during the same time period. The Director shall decide whether to grant
8 or deny a complete application promptly after the date by which other City departments are required to
9 report on the proposed application under Subsection (e). If another application has been submitted for
10 the same time and place and is still pending, the Director shall deny the application unless the
11 applicant requests that it remain open until the Director has determined whether to grant or deny any
12 earlier-filed application. When multiple applicants submit complete applications for the same time and
13 place, the Director shall make determinations on them in the order in which they were received.

14 (h) If the permit is denied, the Director shall state in writing the reason for the denial and
15 shall notify the applicant of the determination electronically and either by mail or personal delivery.
16 The Director shall have the discretion to submit any application to the Entertainment Commission for
17 its determination whether to grant or deny a One Time Event Permit under the provisions of this
18 Section.

19 (i) The applicant may appeal the Director's decision to the Entertainment Commission by
20 filing a written request for review within five City business days of the Director's decision. The
21 Commission shall hear and decide the appeal as expeditiously as possible, but in no event later than 21
22 days after the date that the applicant filed the appeal. If the applicant has filed the application less
23 than 40 days before the proposed event and the Commission does not have sufficient time to provide the
24 required public notice of the appeal for a regularly scheduled meeting, the Commission is not required
25 to consider the matter.

1 (j) When granting a permit, the Director or Entertainment Commission, as appropriate,
2 shall require the applicant as a condition of the permit to comply with the approved Security Plan. If
3 after approving a Security Plan, the Director receives additional information that reasonably
4 demonstrates that the Security Plan is inadequate, the Director may require the Permittee to make
5 revisions to the Security Plan for the purpose of addressing the safety of persons and property.

6 (k) One Time Event Permits are not transferable. The Permit is valid only for the Person to
7 whom it is issued for the premises specified in the permit.

8 (l) An applicant may seek immediate judicial review of an adverse decision by the Director
9 under this Section pursuant to California Code of Civil Procedure Section 1085 or Section 1094.8, as
10 these provisions may be amended, including any successor provisions, or any other procedure provided
11 by law. The applicant may, but is not required to, exhaust his or her administrative remedies before the
12 Entertainment Commission and Board of Appeals.

13 ~~(a) It shall be unlawful for any person without a valid Place of Entertainment permit to~~
14 ~~conduct, promote, or sponsor or to cause or to permit to be conducted, promoted, or sponsored any one~~
15 ~~night occurrence of "entertainment" as defined by this Article without first obtaining a One Night Event~~
16 ~~permit from the Entertainment Commission.~~

17 ~~(b) Any place or premises for which a permit to operate a one night event is sought must~~
18 ~~conform to all existing health, safety, zoning and fire ordinances of the City and County of San~~
19 ~~Francisco; must have a valid public eating place permit from the Department of Public Health, and is~~
20 ~~subject to all other requirements of this Article. The Entertainment Commission may issue a permit~~
21 ~~under this Section conditional upon the applicant receiving the other required permits.~~

22 ~~(c) Every person desiring a permit pursuant to this Article shall file an application with the~~
23 ~~Entertainment Commission upon a form provided by the Entertainment Commission and shall pay a~~
24 ~~filing fee. Every application for a permit under this Article shall be verified as provided in the~~
25 ~~California Code of Civil Procedure for the verification of pleadings.~~

1 ~~(d) Any place or premises where a one night event is to be held must have a Security Plan.~~
2 ~~Proof of such shall be provided by permit applicant at the time of application for a one night event~~
3 ~~permit.~~

4 ~~(e) The Entertainment Commission shall grant a permit pursuant to this Article unless it finds~~
5 ~~that:~~

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

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

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

15 ~~(iv) The building, structure, or location of the proposed one night event does not have an~~
16 ~~adequate security plan as required by this Section.~~

17 ~~(f) An applicant whose application for a permit has been denied pursuant to this Section may~~
18 ~~appeal to the Board of Permit Appeals. The applicant is required to exhaust his or her administrative~~
19 ~~remedies before the Board of Appeals.~~

20 Section 12. The San Francisco Police Code is hereby amended by adding Section
21 1060.29.1, to read as follows:

22 **SEC. 1060.29.1. SPECIAL PERMIT PROCEDURE FOR ONE TIME EVENTS FOR**
23 **DESIGNATED DAYS.**

24 (a) The City has experienced difficulties meeting its basic duty to provide police, fire and
25 emergency medical services (all "essential services") throughout the City on those occasions such as

1 New Year's Eve, Halloween and the 4th of July where multiple simultaneous or overlapping events
2 attract large crowds. The Board of Supervisors finds that the adoption of a special permit procedure
3 for the review and processing of applications for One Time Events permits for these occasions will help
4 ensure sufficient essential services to protect the safety of all residents of and visitors to the City, while
5 accommodating special events to the extent consistent with the City's basic public safety obligations.
6 By authorizing the adoption of a special permit procedure, the Board intends to encourage applicants
7 to apply for One Time Events Permits sufficiently in advance of the event to enable the City to plan for
8 the provision of essential services. Applicants who apply later may have to bear the additional cost of
9 increased security that the City could have avoided with more advance notice. In addition, the Board is
10 authorizing the Commission to place reasonable limits on the number of One Time Event Permits
11 issued on these designated days to the extent that the Commission determines necessary to ensure
12 public safety.

13 (b) The Entertainment Commission may adopt a special permit procedure for One Time
14 Events occurring on those designated days for which the Commission finds a substantial risk that the
15 approval of multiple, simultaneous or overlapping One Time Events would (i) require the diversion of
16 so great a number of police officers to police the events as to prevent adequate police protection to the
17 rest of the City or (ii) result in a concentration of persons and vehicles that would unduly interfere with
18 the proper delivery of essential services in the City. In making this determination, the Commission
19 shall consider the need for the delivery of essential services both on the day of the event and until 6:00
20 a.m. the next day.

21 (c) If the Entertainment Commission elects to adopt a special permit procedure under this
22 Section, it shall first consult with the San Francisco Police Department.

23 (d) This Section empowers the Entertainment Commission to designate no more than 12
24 days in a calendar year when the special permit procedure shall apply to applications for One Time
25 Event Permits.

1 (e) The Commission must adopt the procedure for each calendar year no later than
2 November 1 of the preceding year. The Commission may adopt a procedure for multiple calendar
3 years, in which case it may amend the procedure so long as it acts no later than November 1 preceding
4 January 1 of the year to which the amended procedure applies.

5 (f) The provisions of this Section supplement those set forth in Section 1060.29. Under the
6 special permit procedure authorized under this Section, the following additional provisions apply:

7 (1) For applications filed 40 days or more before the proposed event, the Commission may
8 not disapprove the application on the ground that the City does not have adequate time to plan for the
9 provision of essential services, although the Commission may disapprove an application under
10 Subsection (f)(3) of this Section.

11 (2) For applications filed less than 40 days before the proposed event, the Commission may

12 (A) Impose conditions on the permit that would not have been necessary had the applicant
13 given the City more time to prepare for the delivery of essential services for the event and for the City
14 as a whole on the day of the event. The conditions may require the applicant to bear additional costs
15 for increased security, including requiring the applicant to hire and deploy Security Guards or
16 implement other security measures for increased crowd control purposes and for monitoring to detect
17 and stop illegal or dangerous behavior in connection with the event; or

18 (B) Disapprove the application on the ground that the applicant filed too late to give the
19 City adequate time to plan for the provision of essential services for the day of the event without
20 compromising the safety and security of the rest of the City where alternative conditions cannot
21 sufficiently mitigate the public safety and security problems that the event poses.

22 (3) The Commission may disapprove an application for a One Time Event Permit for events
23 proposed for one of the days designated under this Section, irrespective of the date of the filing, where
24 (i) the conduct of the event, when considered in light of all other events occurring on the day of the
25 event, will require the diversion of so great a number of police officers to properly police the event as

1 to impair the capacity of the City to provide adequate police protection to the rest of the City and (ii)
2 the Commission is unable to fashion conditions with which the applicant must comply that will address
3 the public safety and security problems that the event poses. For purposes of this Subsection (f)(3), the
4 "day of the event" includes until 6:00 a.m. after the designated day.

5 (g) The special permit procedure may limit the number of permits issued for the designated
6 days when the Commission finds a substantial risk that approval of all applications for One Time
7 Events for that day would (i) require the diversion of so great a number of police officers to properly
8 police all the events as to prevent adequate police protection to the rest of the City and (ii) the
9 Commission is unable to fashion conditions with which the applicant must comply that will address the
10 public safety and security problems that the event poses. If the Commission limits the number of
11 permits, the Commission may authorize approval of applications on a first-come first-served basis,
12 selection by lottery, or other method that is objective and fair and unrelated to the content of the
13 Entertainment provided. In addition, the Commission may include a schedule of limits that vary
14 depending on the size and location as they affect congestion that could impede prompt delivery of
15 essential services.

16 (h) The authority to impose conditions on days designated by the Commission under this
17 Section includes the authority to require Permittees to comply with the conditions both on the
18 designated day and until 6:00 a.m. the next day.

19 (i) The Commission shall provide at least 10 days notice of the hearing to adopt or amend
20 the special permit procedure. The Commission may provide notice electronically to Businesses then
21 operating under a permit issued by the Commission and may, in addition, provide such additional
22 notice as it deems best calculated to reach the entertainment community.

23 (j) The Director shall post on the Commission's website the special permit procedure adopted
24 by the Commission. The Director may also provide notice electronically to Businesses then operating
25

1 under a permit issued by the Commission and such other notice that the Director determines is best
2 calculated to reach the entertainment community.

3 (k) The Entertainment Commission may delegate to the Director the authority to exercise all
4 powers that this section creates except the power to adopt and amend a special procedure for One Time
5 Event permits for designated days.

6 Section 13. The San Francisco Police Code is hereby amended by adding Sections
7 1060.30, 1060.31, 1060.32, 1060.33, and 1060.34, to read as follows:

8 **SEC. 1060.30. PLACE OF ENTERTAINMENT PERMITTEES REQUIRED TO REPORT**
9 **CERTAIN INFORMATION.**

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

12 (1) Criminal charges, complaints or indictments for those persons described in Section
13 1060.3 (b), (c), (e) and (f) occurring after the filing of the permit application to the extent that they fall
14 within the categories specified in Subsections (j), (k) and (l) of Section 1060.3.

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

18 (b) Every Person holding a Place of Entertainment Permit, other than a publicly traded
19 corporation, shall maintain a record of the name and address of every Person who directly or
20 indirectly owns or controls 10% or more of the assets, ownership interests or voting interests in the
21 Person holding the Permit, which shall be known as a "record of principal owners," and shall make the
22 information available to the Entertainment Commission upon request. Every Person subject to this
23 Subsection (b) shall report any change to the record of principal owners within 30 days of the
24 transaction that effects the change. A "publicly traded" corporation is a company that has issued
25

1 securities through an initial public offering which are traded on at least one stock exchange or over-
2 the-counter market.

3 **SEC. 1060.31. APPROVAL REQUIRED FOR SECURITY PLANS.**

4 (a) Every Place of Entertainment shall have a Security Plan, as defined in Section 1060(n),
5 that has been approved by the Entertainment Commission or the Director, as required by this Article.
6 Compliance with the Security Plan approved under this Article is a condition of the permit.

7 (b) As of the effective date of this Section, the Entertainment Commission shall not approve
8 any permit or other application relating to a Place of Entertainment unless the applicant has a Security
9 Plan that has been approved by the Commission or the Director as provided in this Article or has
10 submitted a proposed Security Plan with the application. The Security Plan shall meet the minimum
11 requirements of Section 1060(n) and any implementing rules and regulations. The Commission shall
12 disapprove any Security Plan that it determines does not adequately address the safety of persons and
13 property and provide for the orderly dispersal of persons and traffic, notwithstanding the compliance of
14 the proposed Security Plan with the minimum requirements of Section 1060(n).

15 (c) Every Place of Entertainment Permittee that does not have a Security Plan approved by
16 the Entertainment Commission on the effective date of this Section shall submit a proposed Security
17 Plan to the Director.

18 (1) The Director shall mail notice of the requirements of this Section to each Permittee that
19 does not have a Security Plan approved by the Entertainment Commission on the effective date of this
20 Section.

21 (2) Each Permittee shall submit a proposed plan no later than 30 days from the date of the
22 Director's notice. Upon receiving a proposed plan, the Director shall send a copy to the San Francisco
23 Police Department, which shall have 10 City business days to review and make recommendations to the
24 Director.

1 (3) The Director shall review each proposed plan and, after reviewing any
2 recommendations submitted by the San Francisco Police Department, shall approve or disapprove it.
3 When disapproving a proposed plan, the Director shall notify the Permittee what changes are required
4 to obtain approval.

5 (4) If the Director disapproves the plan submitted by the Permittee, the Permittee may
6 appeal the Director's determination to the Entertainment Commission by submitting a written appeal to
7 the Secretary of the Commission within ten days of the Director's disapproval. Upon receiving an
8 appeal, the Commission shall promptly notify the San Francisco Police Department. When acting on
9 an appeal, the Commission may approve, overturn or modify the Director's determination. If the
10 Commission overturns the Director's order, the Permittee shall comply with the Security Plan as
11 submitted to the Director under Subsection (c). If the Commission modifies the order, it shall set forth
12 any changes to the plan that the Permittee shall be required to make and the Permittee shall comply
13 with the Security Plan required by the Commission.

14 (5) If the Commission approves the Director's order or if the Permittee does not appeal the
15 Director's disapproval of the proposed plan, the Permittee shall comply with the Security Plan that
16 includes the revisions required by the Director under Subsection (c)(3) of this Section.

17 (d) The Entertainment Commission may suspend a Place of Entertainment permit as set
18 forth in Section 1060.20.1(a)(5) if the Permittee has failed to submit a proposed Security Plan.

19 (e) The Commission may suspend a Place of Entertainment permit as set forth in Sections
20 1060.20.1(a)(5) and 1060.20.1(a)(6) for failure to comply with the plan as required under this Article.

21 (f) The suspension of a permit for violation of this Section may be appealed to the Board of
22 Appeals as provided in Section 1060.24.2.

1 **SEC.1060.32. DIRECTOR MAY REQUIRE A PERMITTEE TO COMPLY WITH A**
2 **REVISED SECURITY PLAN.**

3 (a) Notwithstanding a Security Plan's compliance with the minimum requirements of
4 Section 1060(n) and prior approvals under this Article, after consulting with the San Francisco Police
5 Department, the Director may issue an order directing a Permittee to comply with a revised Security
6 Plan by directing such revisions as the Director reasonably determines will address the safety and
7 traffic concerns that arise in either of the following circumstances:

8 (1) Conduct Constituting a Nuisance, as defined in Section 1060, has occurred on the
9 premises of, or on Any Sidewalk Abutting the Premises of, the Business; or

10 (2) The Security Plan for the Place of Entertainment is inadequate to address safety or
11 traffic concerns.

12 (b) The Director shall send the order to the Permittee setting forth the date of issuance of
13 the order and its effective date. The Director shall send this order to Permittee and the Manager
14 electronically and by mail or personal delivery.

15 (c) To provide the Permittee an opportunity to file an appeal, the Director's order shall not
16 take effect for ten City business days from the date that the order issues. Any Permittee directed to
17 comply with a revised Security Plan under this Section may appeal the Director's decision within ten
18 City business days of the date that the order issues by filing a written request for review with the
19 Secretary of the Entertainment Commission. The Permittee shall not be required to comply with the
20 Director's order pending the Commission's action on the matter. If the Permittee withdraws the
21 appeal, the order of the Director shall take effect immediately upon the withdrawal of the appeal or
22 upon the effective date of the Director's order, whichever is later.

23 (d) When acting on the appeal, the Entertainment Commission may affirm, overturn or
24 modify the Director's order.

1 (1) If the Commission modifies the Director's order, it shall set forth any revisions to the
2 plan that the Commission deems appropriate to address traffic and safety problems related to
3 operation of the Business.

4 (2) If the Commission approves the Director's order, the Permittee shall comply with the
5 revised Security Plan as directed by the Director under Subsection (a) of this Section.

6 (e) The Commission may suspend a permit as provided in Section 1060.20.1(a)(6) if the
7 Permittee fails to comply with the revised Security Plan as required under this Section.

8 (f) The suspension of a permit for non-compliance with this Section may be appealed to the
9 Board of Appeals, as provided in Section 1060.24.2.

10 (g) Permittees are required to have Security Plans that meet the minimum requirements of
11 Section 1060(n). Nothing in this Section or any other provision of this Article authorizes either the
12 Director or the Entertainment Commission to require or permit any Permittee to operate under a
13 Security Plan that does not meet the minimum requirements.

14 **SEC.1060.33. ADOPTION OF REGULATIONS.**

15 The Entertainment Commission may adopt regulations implementing the provisions of this
16 Article and Article 15.2 (Extended-Hours Premises Permits), including regulations governing the
17 procedure for hearings before the Commission. The Entertainment Commission, in consultation with
18 the San Francisco Police Department, shall develop rules and regulations governing Security Plans
19 under this Article and Article 15.2, which shall address the number of Security Guards required to
20 protect the public safety in light of the number and placement of exits on the premises of a Business.

21 **SEC. 1060.34. AUTHORITY OF SAN FRANCISCO POLICE DEPARTMENT.**

22 Nothing in this Article is intended to restrict or alter in any way the authority vested in the San
23 Francisco Police Department under Federal, State or local law to take action in response to conduct
24 that arises in connection with the operation of a Business.

1 Section 14. The San Francisco Business and Tax Regulations Code is hereby
2 amended by amending Sections 8 and 26, to read as follows:

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

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

8 Appeals of actions taken on the granting, denial, amendment, suspension, or revocation of a Place of
9 Entertainment, One Time Event, or Extended-Hours Premises Permit, or on denial of exceptions from
10 regulations for Extended-Hours Premises Permit, shall be taken within 10 days from the making of the
11 decision. Nothing in this Section is intended to require an appeal to the Board of Appeals if any
12 provision of Article 15.1 (Entertainment Regulations Permit and License Provisions) or Article 15.2
13 (Entertainment Regulations for Extended-Hours Premises) of the Police Code governing these permits
14 otherwise provides. Appeals shall be taken by filing a notice of appeal with the Board of
15 Appeals and paying to said Board at such time a filing fee as follows:

16 (a) Zoning Administrator, Planning Department, Director of Planning and Planning
17 Commission.

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

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

24 (b) Department of Building Inspection.
25

1 (1) For each appeal from a Department of Building Inspection denial, conditional
2 approval or granting of a residential hotel or apartment conversion permit the fee shall be
3 \$350.

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

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

7 (c) Police Department Entertainment Commission.

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

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

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

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

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

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

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

25

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

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

8 The Board of Appeals shall fix the time and place of hearing, which shall be not less
9 than 10 nor more than 45 days after the filing of said appeal, and shall act thereon not later
10 than 60 days after such filing or a reasonable time thereafter. In the case of a fixed pedestal
11 newsrack permit, a place of entertainment permit or an extended-hours premises permit, the
12 Board of Appeals shall set the hearing not less than 15 days after the filing of said appeal,
13 shall act thereon not more than 30 days after such filing, and shall not entertain a motion for
14 rehearing. With respect to any decision of the Board of Appeals related to any "dwelling" in
15 which "protected class members" are likely to reside (each as defined in Administrative Code
16 Chapter 87), the Board of Appeals shall comply with the requirements of Administrative Code
17 Chapter 87 which requires, among other things, that the Board of Appeals not base any
18 decision regarding the development of such units on information which may be discriminatory
19 to any member of a "protected class." Pending decision by the Board of Appeals, the action
20 of such department, board, commission, officer or other person from which an appeal is taken
21 shall be suspended, except for ~~excluding~~ (1) actions of revocation or suspension of permit by the
22 Director of Public Health when determined by the Director to be an extreme public health
23 hazard and (2) actions by the Zoning Administrator or Director of the Department of Building
24 Inspection stopping work under or suspending an issued permit, and (3) actions of suspension by
25 the Entertainment Commission or the Director of the Entertainment Commission of a Place of

1 Entertainment, One Time Event, or Extended-Hours Premises permit when the suspending or revoking
2 authority determines that ongoing operation of the activity during the appeal to the Board of Appeals
3 would pose a serious threat to public safety shall be suspended.

4 **SEC. 26. FACTS TO BE CONSIDERED BY DEPARTMENTS.**

5 (a) Subject to Subsection (b) below, in the granting or denying of any permit, or the
6 revoking or the refusing to revoke any permit, the granting or revoking power may take into
7 consideration the effect of the proposed business or calling upon surrounding property and
8 upon its residents, and inhabitants thereof; and in granting or denying said permit, or revoking
9 or refusing to revoke a permit, may exercise its sound discretion as to whether said permit
10 should be granted, transferred, denied or revoked.

11 (b) In the granting or denying of any permit, or the revoking or the refusing to revoke
12 any permit with respect to a "dwelling" in which "protected class members" are likely to reside
13 (each as defined in Administrative Code Chapter 87), the granting or revoking power shall
14 comply with the requirements of San Francisco Administrative Code Chapter 87 which
15 requires, among other things, that the granting or revoking power not base any decision
16 regarding the development of "dwellings" in which "protected class" members are likely to
17 reside on information which may be discriminatory to any member of a "protected class" (As
18 all such terms are defined in San Francisco Administrative Code Chapter 87).

19 (c) A department authorized to issue or transfer permits shall not issue or transfer a
20 permit to any person who does not have a current business tax registration certificate when
21 such person is required to obtain a business tax registration certificate pursuant to Section
22 1003 of Part III of the San Francisco Municipal Code.

23 (d) Notwithstanding Subsection (a) of this Section, the provisions of Article 15.1
24 (Entertainment Regulations Permit and License Provisions) and Article 15.2 (Entertainment
25 Regulations for Extended-Hours Premises) of the Police Code shall govern actions taken on the

1 granting, denial, amendment, suspension and revocation of permits regulated under those Articles, not
2 the standards set forth in Subsection (a).

3 Section 15. FINDINGS. In adopting this Ordinance and Ordinance No. _____,
4 the Board of Supervisors is mindful of public safety problems that sometimes are presented
5 by the operation of businesses that provide entertainment for which the Commission issues a
6 permit under the Police Code. At the most extreme, there have been serious violent incidents
7 such as shootings, stabbings, and physical altercations occurring on the premises of such
8 businesses, or in the immediate vicinity arising from or related to activities conducted on the
9 premises. In such circumstances, the safety of patrons, employees, neighbors, passers-by,
10 and police officers must be of paramount concern to the City. In addition, there are less
11 extreme but nonetheless serious problems that sometimes are presented by the operation of
12 these businesses, relating to noise and other criminal conduct that is in itself harmful to the
13 public and that can ultimately lead to serious public safety concerns. This Ordinance and
14 Ordinance No. _____ provide reasonable and narrowly drawn options for the City to
15 protect public safety without unduly interfering with the operation of businesses holding a
16 permit Issued by the Entertainment Commission.

17 Section 16. SEVERABILITY. If any section, subsection, subdivision, paragraph,
18 sentence, clause or phrase of this Article or any part thereof, is for any reason held to be
19 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision
20 shall not affect the validity or effectiveness of the remaining portions of this Code or any part
21 thereof. The Board of Supervisors hereby declares that it would have passed each section,
22 subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the
23 fact that any one or more sections, subsections, subdivision paragraphs, sentences, clauses
24 or phrases be declared unconstitutional or invalid or ineffective.

25

1 Section 17. In undertaking the enforcement of this ordinance, the City is assuming an
2 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its
3 officers and employees, an obligation for breach of which it is liable in money damages to any
4 person who claims that such breach proximately caused injury.

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

8 By: _____
9 PAULA JESSON
10 Deputy City Attorney

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