

BOARD of SUPERVISORS



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## MEMORANDUM

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Date: March 28, 2023  
To: Planning Department / Commission  
From: John Carroll, Assistant Clerk, Public Safety and Neighborhood Services Committee  
Subject: Board of Supervisors Legislation Referral - File No. 230309  
[Police Code - Limited Live Performance Permit in Polk Street Neighborhood Commercial District]

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- California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)
    - Ordinance / Resolution
    - Ballot Measure
  
  - Amendment to the Planning Code, including the following Findings:  
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
    - General Plan     Planning Code, Section 101.1     Planning Code, Section 302
  
  - Amendment to the Administrative Code, involving Land Use/Planning  
(*Board Rule 3.23: 30 days for possible Planning Department review*)
  
  - General Plan Referral for Non-Planning Code Amendments  
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
  
  - Historic Preservation Commission
    - Landmark (*Planning Code, Section 1004.3*)
    - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
    - Mills Act Contract (*Government Code, Section 50280*)
    - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).

1 [Police Code - Limited Live Performance Permit in Polk Street Neighborhood Commercial District]

2

3 **Ordinance amending the Police Code to change from 10:00 p.m. to 11:00 p.m., the time**  
4 **at which a Live Performance in the Polk Street Neighborhood Commercial District**  
5 **under a Limited Live Performance Permit must conclude; and affirming the Planning**  
6 **Department’s determination under the California Environmental Quality Act.**

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

11

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

13

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

19

20 Section 2. Article 15.1 of the Police Code is hereby amended by revising Section  
21 1060, to read as follows:

22 **SEC. 1060. DEFINITIONS.**

23 \* \* \* \*

24 “Limited Live Performance Permit.” A permit allowing a Limited Live Performance  
25 Locale to present Live Performances.

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

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

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

11 (c) Live Performances presented at the locale conclude by 11 p.m.  
12 Notwithstanding the previous sentence, Live Performances must conclude by 10 p.m. at any  
13 locale in any of the following areas: (1) the North Beach Neighborhood Commercial District as  
14 defined in Planning Code Section 722; (2) ~~the Polk Street Neighborhood Commercial District as~~  
15 ~~defined in Planning Code Section 723;~~ (3) the north and south sides of Chestnut Street between  
16 the east side of Fillmore Street and the west side of Divisadero Street; and (34) the north side  
17 of Lombard Street, between Fillmore Street and Divisadero Street.

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

19 (e) Patrons or members are admitted to the locale, except this requirement shall  
20 not apply to a Plaza as identified in Administrative Code Chapter 94 or a People Place as  
21 identified in Administrative Code Chapter 94A.

22 “Live Performance.” Any act, play, review, pantomime, scene, song, dance act, song  
23 and dance act, poetry recitation, fashion or style show, recorded music presented by a live  
24 disc jockey on the premises, or the playing or use of any instrument capable of producing or  
25

1 used to produce musical or percussion sounds, including but not limited to, reed, brass,  
2 percussion, or string-like instruments.

3 \* \* \* \*

4  
5 Section 3. Effective Date. This ordinance shall become effective 30 days after  
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
8 of Supervisors overrides the Mayor’s veto of the ordinance.

9  
10 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
14 additions, and Board amendment deletions in accordance with the “Note” that appears under  
15 the official title of the ordinance.

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17 APPROVED AS TO FORM:  
18 DAVID CHIU, City Attorney

19 By: /s/ Paul Zarefsky  
20 PAUL ZAREFSKY  
21 Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Police Code - Limited Live Performance Permit in Polk Street Neighborhood Commercial District]

**Ordinance amending the Police Code to change from 10:00 p.m. to 11:00 p.m., the time at which a Live Performance in the Polk Street Neighborhood Commercial District under a Limited Live Performance Permit must conclude; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Existing Law

Police Code Section 1060 provides generally that Live Performances under a Limited Live Performance Permit must conclude by 11 p.m. But there are four areas in which the Live Performance must conclude by 10 p.m. The Polk Street Neighborhood Commercial District is one of those four areas.

Amendments to Current Law

Police Code Section 1060 is amended to provide that Live Performances under a Limited Live Performance Permit in the Polk Street Neighborhood Commercial District must conclude by 11 p.m.

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## Introduction Form

*(by a Member of the Board of Supervisors or the Mayor)*



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)  
*(Routine, non-controversial and/or commendatory matters only)*
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor [ ] inquires..."
- 5. City Attorney Request
- 6. Call File No. [ ] from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Topic submitted for Mayoral Appearance before the Board on [ ]

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission       Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes                       No

*(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)*

Sponsor(s):

Supervisor Peskin

Subject:

[Police Code - Limited Live Performance Permit in Polk Street Neighborhood Commercial District]

Long Title or text listed:

Ordinance amending the Police Code to change from 10 p.m. to 11 p.m. the time at which a Live Performance in the Polk Street Neighborhood Commercial District under a Limited Live Performance Permit must conclude; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor:

