

BOARD of SUPERVISORS



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February 13, 2014

File No. 140064

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On January 28, 2014, the Mayor introduced the following legislation:

**File No. 140064**

**Ordinance amending the Police Code to include "Plazas" as identified in Administrative Code, Chapter 94, as a type of limited live performance locale, and establish various requirements applicable to such Plazas; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Committee Clerk  
Land Use & Economic Development Committee

Attachment

c: Nannie Turrell, Environmental Planning  
Jeanie Poling, Environmental Planning

*Not a project under CEQA  
Guidelines Sections 15060(c)  
and 15378 because there  
is no direct or indirect  
physical change in the  
environment.  
(Individual projects will  
be evaluated separately.)  
Nannie R Turrell  
February 18, 2014*



1 [Police Code - Plaza Program Entertainment Permits]

2  
3 **Ordinance amending the Police Code to include “Plazas” as identified in Administrative**  
4 **Code, Chapter 94, as a type of limited live performance locale, and establish various**  
5 **requirements applicable to such Plazas; affirming the Planning Department’s**  
6 **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 *strikethrough italics Times New Roman font*.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

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

15 Section 1. Findings.

16 (a) The Findings set forth regarding the Plaza Program in companion legislation  
17 amending the Administrative Code Chapter 94 to establish the Plaza Program are  
18 incorporated herein by reference. Said findings are in Clerk of the Board of Supervisors File  
19 No. \_\_\_\_\_.

20 (b) A regulatory program authorizing loudspeaker permits for a maximum of one year  
21 would facilitate and ease activation of Plazas established under the Plaza Program.

22 (c) The Planning Department has determined that the actions contemplated in this  
23 ordinance comply with the California Environmental Quality Act (California Public Resources  
24 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination.  
25 Said determination is on file with the Clerk of the Board of Supervisors in File No.  
\_\_\_\_\_ and is incorporated herein by reference.

1  
2 Section 2. The Police Code is hereby amended by revising Sections 1060, 1060.1,  
3 1060.3.1, 1060.19, and 1060.28, to read as follows:

4 **SEC. 1060. DEFINITIONS.**

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

7 \* \* \* \*

8 (r) "Limited Live Performance Locale." A locale with all the following features:

9 (1) The presentation of Live Performances is a secondary purpose of the locale  
10 rather than its primary purpose.

11 (2) The locale is indoors, or consists of an outdoor plaza, courtyard, or similar  
12 space, enclosed by surrounding buildings, with or without open means of public ingress and  
13 egress, with an area in which Live Performances are presented that is no greater than 200  
14 square feet. *For purposes of this Subsection, "outdoor plaza, courtyard, or similar space" also shall*  
15 *include any Plaza as identified in Administrative Code Chapter 94, regardless of the square footage of*  
16 *the Live Performance area.*

17 (3) Live Performances presented at the locale conclude by 10 p.m., except as  
18 otherwise provided in Section 1060.38.1.

19 (4) The locale is not a private residence.

20 (5) Patrons or members are admitted to the locale, which serves food, beverages,  
21 or food and beverages, including but not limited to alcoholic beverages, for consumption on  
22 the premises.

23 \* \* \* \*

24 **SEC. 1060.1. PERMIT REQUIRED.**

1 (a) It shall be unlawful for any Person to own, conduct, operate, or maintain, or to  
2 cause or permit to be conducted, operated, or maintained, any Place of Entertainment,  
3 Limited Live Performance Locale, or One-Time Event in the City and County of San Francisco  
4 without first having obtained the required permit from the Director or Entertainment  
5 Commission. No Person shall operate a Place of Entertainment between 2:00 a.m. and 6:00  
6 a.m. without having both a Place of Entertainment Permit and an Extended-Hours Premises  
7 Permit.

8 (b) It shall be unlawful for any Person to conduct, operate or maintain, or cause or  
9 permit to be conducted, operated, or maintained, a Place of Entertainment, Limited Live  
10 Performance Locale, or One-Time Event for which a permit has been granted (1) after the  
11 permit has been revoked or is otherwise invalid or (2) for any period of time during which the  
12 permit has been suspended.

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

15 (d) Any place or premises where a Place of Entertainment Permit, Limited Live  
16 Performance Permit, or One-Time Event Permit is sought must (1) conform to all existing  
17 health, safety, zoning, ~~and fire,~~ and other Municipal ordinances of the City and County of San  
18 Francisco, and (2) must have a valid permit to operate (formerly referenced in this Article as a  
19 public eating place permit) from the Department of Public Health, if applicable. The  
20 Entertainment Commission, including the Director in the case of a One-Time Event Permit,  
21 may issue a permit under this Article conditional upon the applicant receiving the other  
22 required permits.

23 **SEC. 1060.3.1. APPLICATION FORM FOR LIMITED LIVE PERFORMANCE**  
24 **PERMIT.**

1 An application for a Limited Live Performance Permit shall specify the following and  
2 be signed under penalty of perjury:

3 (a) The name and street address of the Business for which the permit is sought;  
4 however, if the application relates to a Plaza as identified in Administrative Code Chapter 94, the  
5 application shall instead include the name and location of the Plaza and the name and street address of  
6 the Steward or permittee of the Plaza.

7 \* \* \* \*

8 **SEC. 1060.19. PERMIT FEE; EXEMPTIONS.**

9 The provisions of Section 1060.2 relating to a permit fee shall not apply to any Place  
10 of Entertainment or Limited Live Performance Locale used exclusively for any of the following  
11 purposes:

12 (a) Places of Entertainment or Limited Live Performance Locales that are operated  
13 by any public agency or by any educational, recreational or social agency, or by any bona fide  
14 fraternal, charitable, or religious or benevolent or any other nonprofit organization having a  
15 regular membership association primarily for mutual social, mental, political and civic welfare,  
16 to which admission is limited to members and guests and revenue accruing therefrom to be  
17 used exclusively for the benevolent purposes of said organization and which organization or  
18 agency is exempt from taxation under the Internal Revenue laws of the United States as a  
19 bona fide fraternal, charitable, religious, benevolent or nonprofit organization.

20 (b) Notwithstanding the above Subsection, the Steward or permittee for a Plaza as identified in  
21 Administrative Code Chapter 94 shall be subject to the permit fee of Section 1060.2.

22 **SEC. 1060.28. EARPLUGS AND FREE DRINKING WATER.**

23 (a) If the location for which the place of entertainment permit is issued contains a  
24 dance floor or other place primarily designated for dancing, the permit holder shall provide:

1           (~~a~~1) Free cool drinking water to patrons by means of an automatic drinking fountain  
2 or by providing cups of water at all beverage service locations, or both; and

3           (~~b~~2) Earplugs for free, or for sale on the premises at a reasonable price.

4           **(b) Notwithstanding the above Subsection, these requirements shall not apply to a Plaza as**  
5 **identified in Administrative Code Chapter 94.**

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

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

18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21 By: \_\_\_\_\_  
22       John D. Malamut  
23       Deputy City Attorney

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