

File No. 230861

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Budget and Finance Committee

Date November 29, 2023

Board of Supervisors Meeting

Date _____

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Completed by: Brent Jalipa

Date November 21, 2023

Completed by: Brent Jalipa

Date _____

1 [Police Code - Fees, Applications, and Conditions for Certain Entertainment Permits]

2
3 **Ordinance amending the Police Code to 1) waive initial license and filing fees through**
4 **June 30, 2025, for certain Entertainment Permits for former holders of Just Add Music**
5 **Permits; 2) waive initial license and filing fees for Entertainment Permits for applicants**
6 **who are newly eligible to apply for those permits due to recent Planning Code**
7 **amendments; 3) eliminate masked ball permits; 4) require applicants for Arcade,**
8 **Ancillary Use, Billiard and Pool Table, Place of Entertainment, Limited Live**
9 **Performance, Fixed Place Outdoor Amplified Sound, and Extended-Hours Premises**
10 **Permits to submit a new Permit application and filing fee if their existing application**
11 **has not been granted, conditionally granted, or denied within 12 months of its**
12 **submission; 5) authorize the Entertainment Commission Director (“Director”) to issue**
13 **Billiard and Pool Table permits without a hearing, and provide that such permits may**
14 **be suspended or revoked under the standards and procedures that apply to other**
15 **Entertainment Permits; 6) exempt schools from the requirement to obtain a Place of**
16 **Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor**
17 **Amplified Sound Permit for any activities that occur on school premises in the regular**
18 **course of school operations; 7) eliminate the requirement that applicants for Place of**
19 **Entertainment Permits disclose with their permit application criminal history**
20 **information regarding certain individuals connected with the applicant business; 8)**
21 **narrow the categories of new criminal charges, complaints, or indictments brought**
22 **against a Place of Entertainment Permittee or its employees or agents that the**
23 **Permittee must report, to only those charges, complaints or indictments that could be**
24 **grounds for suspension of the Permit; 9) allow the Director or the Entertainment**
25 **Commission to require an applicant for a Limited Live Performance Permit to propose a**

1 Security Plan if necessary to protect the safety of persons and property or provide for
2 the orderly dispersal of persons and traffic, to make compliance with the Security Plan
3 a condition of the Permit, and to require revisions to the Security Plan as necessary;
4 and 10) clarify that a single One Time Outdoor Amplified Sound Permit may extend
5 across multiple consecutive or non-consecutive 24-hour periods.

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

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

14 Section 1. Articles 1, 15, 15.1, and 15.2 of the Police Code are hereby amended by
15 deleting Section 1029 and revising Sections 2.26, 2.27, 1036.3, 1036.24, 1037, 1037.1, 1060,
16 1060.1, 1060.1.1, 1060.2, 1060.2.1, 1060.2.2, 1060.3, 1060.3.1, 1060.5.1, 1060.11, 1060.29,
17 1060.29.2, 1060.30, and 1070.2, to read as follows:

18 **SEC. 2.26. SCHEDULE OF PERMITS AND SERVICES; FILING AND SERVICE FEES.**

19 The following filing and service fees, payable in advance to the City and County of San
20 Francisco, are required when submitting applications for the specified permits to the Police
21 Department or Entertainment Commission or when paying for the specified services, except as
22 provided in Sections 1060.2, 1060.2.1, 1060.2.2, 1060.29, and 1060.29.2 of the Police Code, as may be
23 amended from time to time:

24 * * * *

1 **SEC. 2.27. SCHEDULE OF LICENSE FEES FOR PERMITS ISSUED BY THE POLICE**
2 **DEPARTMENT OR ENTERTAINMENT COMMISSION.**

3 The following license fees are payable to the Tax Collector for permits issued by the Police
4 Department or Entertainment Commission and, when applicable, for their renewal, except as
5 provided in Section 1060.1.1 of the Police Code, as may be amended from time to time:

6 Note: All license fees are at an annual rate unless otherwise indicated.

7 * * * *

8
9 ~~**SEC. 1029. MASKED BALLS.**~~

10 ~~(a) It shall be unlawful for any person, firm or corporation to give, hold or conduct any~~
11 ~~exhibition or entertainment known as a bal masque or masked ball, or by any other name where the~~
12 ~~persons attending thereat appear in fancy dress, or represent any character or personage with masks~~
13 ~~or dominoes, whether or not an admission fee is charged, without first having obtained a permit~~
14 ~~therefor from the Entertainment Commission; provided, however, that no permit is hereby required for~~
15 ~~private theatricals or private dancing parties, given or conducted by any person in his own dwelling~~
16 ~~house, nor for theatrical performances.~~

17 ~~(b) Applications for masked ball permits shall be filed with the Entertainment Commission on~~
18 ~~a form provided for said permit together with a nonrefundable fee. All such applications must contain~~
19 ~~the name or names of the person or persons, company, association or corporation which proposes to~~
20 ~~give such exhibition or entertainment, the place at which the same shall be held or given, and the date~~
21 ~~upon which the same is proposed to be held.~~

22 ~~(c) Every person, firm or corporation giving, holding or conducting any masked ball, for~~
23 ~~which a permit is required by this section, shall pay a license fee for each such entertainment or~~
24 ~~exhibition. The Tax Collector shall issue the license provided for in this section only upon the filing in~~
25 ~~his office of a written permit therefor from the Entertainment Commission.~~

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SEC. 1036.3. APPLICATION FOR PERMIT.

Application for a mechanical amusement device permit required under ~~§~~subsection (b) of Section 1036.2 shall be made to the Entertainment Commission in the case of an Arcade Permit, or to the Director in the case of an Ancillary Bar Use Permit, on forms provided by the Entertainment Commission, shall be signed by the applicant and be accompanied by payment of the filing fee set forth in Section 2.26, except that the Ancillary Bar Use Permit shall not be subject to the filing fee. If an applicant submits an application for an Arcade Permit or Ancillary Use Permit, and the application is not granted, conditionally granted, or denied within 12 months, the Director shall require the applicant to submit a new application for an Arcade Permit or Ancillary Use Permit that shall be accompanied by the payment of a new filing fee, as set forth in Section 2.26, at the time of submission of the new application. The application shall contain the following information in addition to whatever additional information is deemed necessary by the Director or the Entertainment Commission:

* * * *

SEC. 1036.24. ARCADES AND ANCILLARY USE—~~OPERATING STANDARDS.~~

~~(a) Arcades. The following standards and regulations shall apply to the operation and maintenance of Arcades in the City.~~

~~———— (1) All mechanical amusement devices within the premises shall be visible to and supervised by an adult attendant or attendants, age 18 years or older. Said attendant(s) shall be present at all times when the arcade is open to the public.~~

~~———— (2) The Permittee shall comply with security lighting requirements, token-use requirements and such other reasonable requirements determined by the Entertainment Commission to be necessary to minimize danger to the community resulting from the operation of the arcade. These~~

1 ~~requirements shall be set forth in the permit or, in the event circumstances change, by appropriate~~
2 ~~amendment to the permit.~~

3 ~~———— (3) As a condition for obtaining a permit for mechanical amusement devices, the~~
4 ~~applicant shall be required to provide a master switch, switches, or fuse panel readily accessible to the~~
5 ~~Permittee, employees or agent of the Permittee and the Police Department, that can immediately turn~~
6 ~~off all mechanical amusement devices in the Arcade. The permit shall also specify that the applicant~~
7 ~~consents to and authorizes the Police Department to turn off all mechanical amusement devices at any~~
8 ~~time there is a clear and present danger to the public safety.~~

9 ~~(b) Ancillary Use. The~~ A Permittee for an Arcade Permit or an Ancillary Use Permit shall
10 comply with such reasonable requirements as determined by the Director or the Entertainment
11 Commission to be necessary to minimize danger to the community resulting from the operation
12 of the mechanical amusement devices. These requirements shall be set forth in the permit or,
13 in the event circumstances change, by appropriate amendment to the permit.

14 **SEC. 1037. BILLIARD AND POOL TABLES.**

15 (a) No person, firm, or corporation shall engage in business under the provisions of this
16 Section 1037 without first obtaining from the ~~Director~~ Entertainment Commission a permit to
17 maintain and charge for the use of such billiard or pool or combination tables. Applications for
18 such permits shall be reviewed and decided by the Director without a hearing, but if the Director,
19 Entertainment Commission, and/or Police Department has received more than one complaint in the
20 preceding 12 months regarding the permit applicant and/or the subject premises, the Director shall
21 have discretion to refer the application to the Entertainment Commission for its determination whether
22 to grant, conditionally grant, or deny the permit. such permits shall be issued annually, and may be
23 revoked for cause at any time by the Entertainment Commission, and upon the revocation of such
24 permit such license issued thereon shall immediately terminate and expire, and the Tax Collector shall
25

1 ~~not issue any license under the provisions of this Section unless the applicant therefor shall have first~~
2 ~~obtained a permit from the Entertainment Commission.~~

3 (b) Permits for billiard and pool tables may be suspended by the Director or the Entertainment
4 Commission or revoked by the Entertainment Commission in accordance with the standards and
5 procedures set forth in Sections 1060.20 through 1060.20.4, inclusive. Upon the revocation of such
6 permit, any license issued thereon shall immediately expire by operation of law, and the Tax Collector
7 shall not issue any license under the provisions of this Section unless the applicant shall have first
8 obtained a permit from the Director or the Entertainment Commission.

9
10 **SEC. 1037.1. FILING FEE APPLICATION.**

11 Applications for billiard or pool table permits shall be filed with the Entertainment
12 Commission on a form provided for said permit together with a nonrefundable fee. If an
13 applicant submits an application for a billiard or pool table permit, but the permit is not granted,
14 conditionally granted, or denied within 12 months, the Director shall require the applicant to submit a
15 new application for a billiard or pool table permit that shall be accompanied by the payment of a new
16 filing fee, as set forth in Section 2.26, at the time of submission of the new application.

17
18 **SEC. 1060. DEFINITIONS.**

19 For the purposes of this Article 15.1, unless otherwise provided in this Article, the
20 following words and phrases shall mean:

21 * * * *

22 _____ "Fixed Place Outdoor Amplified Sound Permit." A permit allowing a Fixed Place
23 Amplified Sound Locale to use Amplified Sound Equipment outdoors.

24 _____ "Just Add Music (JAM) Permit." A temporary permit for authorization to provide outdoor
25 entertainment or outdoor amplified sound on City sidewalks, City streets, and outdoor property that is

1 not in the public right-of-way, issued pursuant to the 27th Supplement to Mayoral Proclamation
2 Declaring the Existence of a Local Emergency Dated February 25, 2020, which Supplement is dated
3 September 25, 2020.

4 * * * *

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

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

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

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

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

22 (e) Patrons or members are admitted to the locale, except this requirement shall not
23 apply to a Plaza as identified in Administrative Code Chapter 94 or a Shared Space ~~People Place~~
24 as identified in Administrative Code Chapter 94A.

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SEC. 1060.1. PERMIT REQUIRED.

(a) Except as provided in subsections (e) and (f), it shall be unlawful for any Person to own, conduct, operate, or maintain, or to cause or permit to be conducted, operated, or maintained, any Place of Entertainment, Limited Live Performance Locale, One-Time Event, Fixed Place Outdoor Amplified Sound Locale, One Time Outdoor Amplified Sound, or Sound Truck in the City and County of San Francisco without first having obtained the required permit from the Director or Entertainment Commission. No Person shall operate a Place of Entertainment between 2:00 a.m. and 6:00 a.m. without having both a Place of Entertainment Permit and an Extended-Hours Premises Permit.

* * * *

(e) No permit shall be required for any Person to own, conduct, operate, or maintain, or to cause or permit to be conducted, operated, or maintained a Limited Live Performance Locale, where any Entertainment ends by 10 p.m., and the Entertainment consists only of a single individual performing without amplification. Any place or premises where this Entertainment occurs must 1) conform to all health, safety, zoning, fire, and other ordinances of the City and County of San Francisco; and 2) have a valid permit to operate (formerly referenced in this Article 15.1 as a public eating place permit) from the Department of Public Health under Health Code Section 452, if applicable. This subsection (e) shall not apply to any premises that does not hold a currently valid permit that is required under this Article 16.

(f) No permit shall be required for a school to conduct activities that occur on school premises in the regular course of school operations, including but not limited to school sporting events, school dances, and school music program performances, that would otherwise require a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit. A school shall be required to obtain a One Time Event Permit or One Time Outdoor Amplified

1 Sound Permit to engage in activities on school premises that do not occur in the regular course of
2 school operations and that otherwise meet the criteria for such permits.

3 For purposes of this Section 1060.1, “school” means any Person that is a state-licensed child
4 care center, state-licensed family day care, a public, private, or parochial institution that provides
5 educational instruction for students in any or all of the grades from kindergarten through twelfth
6 grade, or a public or private institution providing post-secondary education as part of a degree
7 program, such as a college or university.

8 **SEC. 1060.1.1. LICENSE FEES.**

9 (a) Except as otherwise provided in this Section 1060.1.1, Every person granted a Place of
10 Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified
11 Sound Permit by the Entertainment Commission shall pay to the Tax Collector an annual
12 license fee on or before March 31, in accordance with the provisions of Section 76.1 of the
13 Business and Tax Regulations Code.

14 (b) The amount of the license fee for the 2005-2006 fiscal year shall be as set forth in
15 Section 2.27 of this Code, and such amount shall be adjusted for inflation commencing with
16 the 2006-2007 fiscal year, and annually thereafter, in accordance with Section 2.31 of this
17 Code.

18 (c) Waiver of Initial License Fee.

19 (1) The initial license fee associated with Place of Entertainment Permits, Limited Live
20 Performance Permits, and Fixed Place Outdoor Amplified Sound Permits shall be waived as described
21 in this subsection (c).

22 (2) The following Persons shall be eligible for a waiver of the initial license fee to
23 which they would otherwise be subject under this Section 1060.1.1:

24 (A) A Person who previously held a JAM Permit, and who, during the time
25 period beginning January 1, 2023 and ending June 30, 2025, applies for a Place of Entertainment

1 Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit to continue
2 to provide outdoor entertainment and/or amplified sound in the same space as authorized by the JAM
3 Permit; and

4 _____ (B) A Person who, due to Planning Code amendments that take effect on or after
5 January 1, 2023, becomes eligible to apply and applies for a Place of Entertainment Permit or Limited
6 Live Performance Permit on or before June 30, 2025.

7 _____ (3) Any license fee that is waived pursuant to this subsection (c) but that has been paid
8 shall be refunded, without interest, upon request of the payor of the fee. Any refund request under this
9 subsection (c)(3) must be filed in writing with the Entertainment Commission by June 30, 2025.

10 _____ (4) This provision shall not apply to a Person who is applying for an amendment to an
11 existing permit.

12
13 **SEC. 1060.2. FILING APPLICATION AND NOTICE TO OTHER CITY DEPARTMENTS FOR**
14 **PLACE OF ENTERTAINMENT PERMIT.**

15 (a) Every Person seeking a Place of Entertainment permit or an amendment to such a
16 permit shall file an application with the Entertainment Commission upon a form provided by
17 the Entertainment Commission and, except as otherwise provided in this Section 1060.2, shall pay
18 a filing fee as provided in Section 2.26 of this Code.

19 (b) The Director shall send the application to the following departments, which shall
20 complete all necessary inspections or approvals and shall endeavor to report their
21 determinations to the Entertainment Commission within 20 City business days of receiving the
22 application.

- 23 (1) The Police Department;
24 (2) The Planning Department;

1 (3) The Department of Building Inspection, except that this subsection (b)(3)
2 shall not apply if either of the following occurs: (i) the Person provides evidence of the
3 completion of a final inspection for an issued building permit for the premises, as required by
4 Chapter 1A of the San Francisco Building Code, if the inspection was completed in the 12
5 months before the date of the Person's application for a Place of Entertainment Permit; or (ii)
6 the Person provides evidence that the premises held a Place of Entertainment Permit within the 12
7 months before the date of the Person's application for a Place of Entertainment Permit;

8 * * * *

9 (c) Waiver of Filing Fee.

10 (1) The following Persons shall be eligible for a waiver of the filing fee for a Place of
11 Entertainment Permit:

12 (A) A Person who previously held a JAM Permit and who, during the time
13 period beginning January 1, 2023 and ending June 30, 2025, applies for a new or amended Place of
14 Entertainment Permit to continue to provide outdoor entertainment and/or amplified sound in the same
15 outdoor space as authorized by the JAM Permit; and

16 (B) A Person who, due to Planning Code amendments that take effect on or after
17 January 1, 2023, becomes eligible to apply and applies for a Place of Entertainment Permit on or
18 before June 30, 2025.

19 (2) Any filing fee that is waived pursuant to this subsection (c) but that has been paid
20 shall be refunded, without interest, upon request of the payor of the fee to the Entertainment
21 Commission. Any refund request under this subsection (c) must be filed in writing with the
22 Entertainment Commission by June 30, 2025.

23 (d) If an applicant submits an application for a Place of Entertainment Permit, and the
24 application is not granted, conditionally granted, or denied within 12 months, the Director shall
25 require the applicant to submit a new application for a Place of Entertainment Permit that shall be

1 accompanied by the payment of a new filing fee, as set forth in Section 2.26, at the time of submission
2 of the new application.

3
4 **SEC. 1060.2.1 FILING APPLICATION AND NOTICE TO OTHER CITY DEPARTMENTS**
5 **FOR LIMITED LIVE PERFORMANCE PERMIT.**

6 (a) Every Person seeking a Limited Live Performance Permit, or an amendment to
7 such a permit, shall file an application with the Entertainment Commission upon a form
8 provided by the Entertainment Commission and, except as otherwise provided in this Section
9 1060.2.1, shall pay a filing fee as provided in Section 2.26 of this Code.

10 (b) The Director shall send the application to the ~~San Francisco~~ Police Department and
11 the Planning Department. Those departments shall complete all necessary inspections and
12 report their determinations to the Entertainment Commission within 20 City business days of
13 receiving the application.

14 (c) Waiver of Filing Fee.

15 (1) The following Persons shall be eligible for a waiver of the filing fee for a Limited
16 Live Performance Permit:

17 (A) A Person who previously held a JAM Permit and who, during the time
18 period beginning January 1, 2023 and ending June 30, 2025, applies for a new or amended Limited
19 Live Performance Permit to continue to provide outdoor entertainment and/or amplified sound in the
20 same outdoor space as authorized by the JAM Permit; and

21 (B) A Person who, due to Planning Code amendments that take effect on or after
22 January 1, 2023, becomes eligible to apply and applies for a Limited Live Performance Permit on or
23 before June 30, 2025.

24 (2) Any filing fee that is waived pursuant to this subsection (c) but that has been paid
25 shall be refunded, without interest, upon request of the payor of the fee to the Entertainment

1 Commission. Any refund request under this subsection (c) must be filed in writing with the
2 Entertainment Commission by June 30, 2025.

3 (d) If an applicant submits an application for a Limited Live Performance Permit, and the
4 application is not granted, conditionally granted, or denied within 12 months, the Director shall
5 require the applicant to submit a new application for a Limited Live Performance Permit that shall be
6 accompanied by the payment of a new filing fee, as set forth in Section 2.26, at the time of submission
7 of the new application.

8 **SEC. 1060.2.2. FILING APPLICATION AND NOTICE TO OTHER CITY DEPARTMENTS**
9 **FOR FIXED PLACE OUTDOOR AMPLIFIED SOUND PERMITS.**

10 (a) Every Person seeking a Fixed Place Outdoor Amplified Sound Permit or an
11 amendment to such a permit shall file an application with the Entertainment Commission upon
12 a form provided by the Entertainment Commission and shall pay the filing fee prescribed in
13 Section 2.26 of this Code, except as provided in this Section 1060.2.2 and Section 1060.19 of
14 this Article 15.1.

15 (b) The Director shall send the application to the Police Department; and the Planning
16 Department; ~~and the Department of Public Health~~. Those departments shall complete any
17 necessary inspections and report their determinations to the Entertainment Commission within
18 20 City business days of receiving the application.

19 (c) Waiver of Filing Fee.

20 (1) A Person who previously held a JAM Permit and who, during the time period
21 beginning January 1, 2023 and ending June 30, 2025, applies for a new or amended Fixed Place
22 Outdoor Amplified Sound Permit to continue to provide outdoor entertainment and/or amplified sound
23 in the same outdoor space as authorized by the JAM Permit shall be eligible for a waiver of the filing
24 fee for a Fixed Place Outdoor Amplified Sound Permit.

1 (2) Any filing fee that is waived pursuant to this subsection (c) but that has been paid
2 shall be refunded, without interest, upon request of the payor of the fee to the Entertainment
3 Commission. Any refund request under this subsection (c) must be filed in writing with the
4 Entertainment Commission by June 30, 2025.

5 (d) If an applicant submits an application for a Fixed Place Outdoor Amplified Sound Permit
6 for a premises, and the application is not granted, conditionally granted, or denied within 12 months,
7 the Director shall require the applicant to submit a new application for a Fixed Place Outdoor
8 Amplified Sound Permit for the premises that shall be accompanied by the payment of a new filing fee,
9 as set forth in Section 2.26, at the time of submission of the new application.

10
11 **SEC. 1060.3. APPLICATION FORM FOR PLACE OF ENTERTAINMENT PERMIT.**

12 An application for a Place of Entertainment permit shall specify the following and be
13 signed under penalty of perjury:

14 * * * *

15 ~~(j) For the Persons(s) whose disclosure is required under Subsections (b), (c), (e) and (f), all~~
16 ~~criminal charges, complaints or indictments in the preceding ten years which resulted in a conviction~~
17 ~~or a plea of guilty or no contest for the following laws: assault and battery (Cal. Penal Code § 240,~~
18 ~~242, 245); felony sexual assault; sexual battery (Cal. Penal Code § 243.4); rape (Cal. Penal Code §~~
19 ~~261); statutory rape (Cal. Penal Code § 261.5); discharging firearm (Cal. Penal Code § 246, 246.3);~~
20 ~~unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal.~~
21 ~~Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or~~
22 ~~vehicle right of way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); prostitution~~
23 ~~and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes~~
24 ~~for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290);~~
25 ~~loitering for lewd or lascivious purposes (Cal. Penal Code §§ 647(d), 647(h)); identify theft (Cal. Penal~~

1 ~~Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5);~~
2 ~~criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§~~
3 ~~11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control~~
4 ~~laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); or for conduct in~~
5 ~~another jurisdiction which if carried out in California would constitute an offense under one of the laws~~
6 ~~set forth in this Subsection (j).~~

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

14 ~~(l) For the information required by Subsections (j) and (k), a statement setting forth for each~~
15 ~~Person all charges under which convictions or pleas of guilty or no contest were obtained, any~~
16 ~~sentence imposed, and for each matter the date, name and location of the court; and if the Person was~~
17 ~~granted parole or probation, whether the Person successfully completed parole or probation.~~

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

22 23 **SEC. 1060.3.1. APPLICATION FORM FOR LIMITED LIVE PERFORMANCE PERMIT.**

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

1 * * * *

2 (i) A proposed Security Plan, as defined in Section 1060, if the Director or Entertainment
3 Commission determines that a Security Plan is necessary to protect the safety of persons and property
4 or to provide for the orderly dispersal of persons and traffic.

5 (j) Such further information as the ~~Entert~~ Entertainment Commission requires
6 regarding financial ~~–eiat~~ and lease arrangements and management, authority, and operational
7 control of the Business or its premises when the information will assist the Commission in its
8 determination whether to grant or deny the permit.

9
10 **SEC. 1060.5.1. DETERMINATION OF APPLICATION FOR LIMITED LIVE PERFORMANCE**
11 **PERMIT.**

12 * * * *

13 (l) When granting a permit, or after issuance of a permit, the Director or Entertainment
14 Commission may require the applicant or Permittee, as a condition of the permit, to comply with an
15 approved Security Plan if the Director or Entertainment Commission determines a Security Plan is
16 necessary to protect the safety of persons and property or to provide for the orderly dispersal of
17 persons and traffic. If, after approving a Security Plan, the Director or Entertainment Commission
18 receives new information that provides a reasonable basis to determine that the Security Plan is
19 inadequate to protect the safety of persons and property and/or provide for the orderly dispersal of
20 persons and traffic, the Director or Entertainment Commission may require the applicant or Permittee
21 to revise the Security Plan to better protect the safety of persons and property and/or the orderly
22 dispersal of individuals and traffic.

23
24 **SEC. 1060.11. POLICE AND ENTERTAINMENT COMMISSION – INSPECTION.**

1 The Police Department and the Entertainment Commission, in addition to their several
2 other duties, shall have the authority to inspect any and all establishments ~~that~~^{which} have been
3 issued a permit pursuant to this Article 15.1.

4
5 **SEC. 1060.29. ONE TIME EVENT PERMIT.**

6 * * * *

7
8 (c) A Person may obtain a single One Time Event Permit authorizing events ~~on~~^{during}
9 consecutive or non-consecutive ~~days~~^{24-hour periods} for the same premises. One Time Event
10 Permits may not authorize events on the same premises for consecutive 24-hour periods
11 without a six-hour break between the end time for the first ~~day~~^{24-hour period} and the start time
12 for the next ~~day~~^{24-hour period}. If a One Time Event Permit includes permission to operate
13 between 2:00 and 6:00 a.m., the Permit may not authorize commencement of operations
14 before noon for the same premises later that calendar day.

15 * * * *

16 (g) Every Person seeking a permit pursuant to this Section 1060.29 shall file an application
17 with the Director no less than seven days before the proposed event and shall pay the filing
18 fee provided in Section 2.26 of this Code, except as otherwise provided in Section 1060.29(h). The
19 time limitation for the filing of a permit application may be waived by the Director if the
20 applicant can show that the event or events giving rise to the permit application did not
21 reasonably allow the applicant time to file within the time prescribed and imposition of the time
22 limitations would place an unreasonable restriction on the right of free speech. The applicant
23 shall submit a proposed Security Plan and any other information required for applications
24 under Section 1060.3 as the Director may require. For events taking place in an outdoor area
25 or in both a structure and an outdoor area, the Security Plan shall include additional security

1 personnel to provide adequate security, as determined by the Director, in consultation with the
2 Police Department, given the size and nature of the outdoor space. If the event includes the
3 use of Amplified Sound Equipment in an outdoor area, the application shall include the
4 information required under subsection (a)(8) of Section 1060.3.2 of this Article 15.1. Subject to
5 the waiver provision in this subsection (g), the Director shall send the application no later than
6 seven days before the date of the proposed event to those City departments with jurisdiction
7 over the matter, including, as appropriate, the Police Department, Fire Department,
8 Department of Building Inspection, and Department of Public Health. These departments shall
9 complete all necessary inspections and report their determinations to the Director within three
10 City business days of receiving the application. In addition, the Director shall send all
11 applications to the Police Department for such input from the Police Department as it deems
12 appropriate.

13 * * * *

14 (h) Waiver of Filing Fee.

15 (1) All filing fees for One Time Event Permits are hereby waived for applicants that previously
16 held a JAM Permit and seek the One Time Event Permit in order to continue activities previously
17 allowed under their JAM Permit while awaiting final approvals by the Department of Public Works or
18 other City departments that are required prior to obtaining a Place of Entertainment Permit, Limited
19 Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit.

20 (2) Any filing fee that is waived pursuant to this subsection (h) but that has been paid, shall be
21 refunded, without interest, upon request of the payor of the fee to the Entertainment Commission. Any
22 refund request under this subsection (h) must be filed in writing with the Entertainment Commission by
23 June 30, 2025.

24 (hi) An applicant for a One Time Event Permit who files an application at least 40 days
25 before the date of the proposed event shall have the right to appeal the Director's denial of the

1 application to the Entertainment Commission. The Director shall act on applications filed at
2 least 40 days before the event within a time period that allows for an appeal to the
3 Commission. Applicants who do not file at least 40 days before the proposed event shall have
4 no right to appeal a denial of the application to the Entertainment Commission unless the
5 Commission has sufficient time to schedule and provide notice of the hearing on the matter for
6 a regularly scheduled meeting. When an applicant files an application less than 40 days
7 before the proposed event, the Director shall inform the applicant that there may be
8 insufficient time for the applicant to appeal the Director's denial to the Commission.

9 (i) The Director shall review applications for a One Time Event Permit according to the
10 standards set forth in Section 1060.5(f) and shall grant a permit unless the Director finds that
11 (1) the application was filed less than seven days before the proposed event and waiver was
12 not granted or warranted, (2) denial is warranted under any of the grounds set forth in Section
13 1060.5(f), or (3) another application has been submitted and a permit issued for the same
14 premises during the same time period. The Director shall decide whether to grant or deny a
15 complete application promptly after the date by which other City departments are required to
16 report on the proposed application under subsection (e). If another application has been
17 submitted for the same time and place and is still pending, the Director shall deny the
18 application unless the applicant requests that it remain open until the Director has determined
19 whether to grant or deny any earlier-filed application. When multiple applicants submit
20 complete applications for the same time and place, the Director shall make determinations on
21 them in the order in which they were received.

22 (j) If the permit is denied, the Director shall state in writing the reason for the denial and
23 shall notify the applicant of the determination electronically and either by mail or personal
24 delivery. The Director shall have the discretion to submit any application to the Entertainment
25 Commission for its determination whether to grant or deny a One Time Event Permit under

1 the provisions of this Section 1060.29. Where the Director submits an application to the
2 Commission, and the Commission grants the One Time Event Permit, the Director may,
3 without further action by the Commission, approve subsequent applications for the same One
4 Time Event for future dates provided that (1) the subsequent application(s) contain no
5 material changes regarding the nature or scope of the Event, (2) neither the Commission nor
6 any other City agency has received complaints pertaining to the prior Event(s), and (3) any
7 permit conditions imposed by the Commission when granting the initial permit are included in
8 any and all such subsequent permits.

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

16 (~~lm~~) When granting a permit, the Director or Entertainment Commission as appropriate
17 under the procedures of this Section 1060.29, shall require the applicant as a condition of the
18 permit to comply with the approved Security Plan. Notwithstanding the definition of Security
19 Plan in Section 1060, the Security Plan for a One Time Event Permit shall provide at least one
20 Security Guard for every 100 individuals authorized by the Occupancy Permit. If after
21 approving a Security Plan, the Director receives additional information that reasonably
22 demonstrates that the Security Plan is inadequate, the Director may require the Permittee to
23 make revisions to the Security Plan for the purpose of addressing the safety of persons and
24 property.

25

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

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

8

9 **SEC. 1060.29.2. ONE TIME OUTDOOR AMPLIFIED SOUND PERMIT.**

10 * * * *

11 (c) **Permit Application.**

12 (1) Every Person seeking a permit pursuant to this Section 1060.29.2 shall file an
13 application on a form provided by the Commission with the Director no less than seven days
14 before the proposed use, and shall pay the filing fee provided in Section 2.26 of this Code,
15 *except as otherwise provided in Section 1060.29.2(j)*. The time limitation for the filing of a permit
16 application may be waived by the Director if the applicant can show that the event or events
17 giving rise to the permit application did not reasonably allow the applicant time to file within
18 the time prescribed and imposition of the time limitations would place an unreasonable
19 restriction on the right of free speech.

20 * * * *

21 (d) **Duration and Number of Permits.**

22 (1) ~~24-Hour Consecutive or Non-Consecutive Days; Duration. Each One Time Outdoor~~
23 ~~Amplified Sound Permits shall issue for no longer than one 24-hour period. One Time Outdoor~~
24 ~~Amplified Sound Permits may not be issued for the same premises for consecutive 24-hour periods~~
25 ~~without a six-hour break between the end time for the first permit and the start time for the second~~

1 ~~permit.~~ A Person may obtain a single One Time Outdoor Amplified Sound Permit authorizing events
2 during consecutive or non-consecutive 24-hour periods for the same premises. One Time Outdoor
3 Amplified Sound Permits may not authorize events on the same premises for consecutive 24-hour
4 periods without a six-hour break between the end time for the first 24-hour period and the start time for
5 the next 24-hour period.

6 * * * *

7 (j) Waiver of Filing Fee.

8 (1) All filing fees for One Time Outdoor Amplified Sound Permits are hereby waived for
9 applicants that previously held a JAM Permit and seek the One Time Outdoor Amplified Sound Permit
10 in order to continue activities previously allowed under their JAM Permit while awaiting final
11 approvals by the Department of Public Works or other City departments that are required prior to
12 obtaining a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor
13 Amplified Sound Permit.

14 (2) Any filing fee that is waived pursuant to this subsection (j) but that has been paid, shall be
15 refunded, without interest, upon request of the payor of the fee to the Entertainment Commission.
16 Any refund request under this subsection (j) must be filed in writing with the Entertainment
17 Commission by June 30, 2025.

18
19 **SEC. 1060.30. PLACE OF ENTERTAINMENT PERMITTEES REQUIRED TO REPORT**
20 **CERTAIN INFORMATION.**

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

23 ~~— (1) —~~ Criminal charges, complaints, or indictments for conduct by the Permittee or
24 employee or agent of the Permittee that could constitute grounds for suspension under subsection (a) of
25 Section 1060.20.3 those persons described in Section 1060.3 (b), (c), (e) and (f) occurring after the

1 ~~filing of the permit application to the extent that they fall within the categories specified in Subsections~~
2 ~~(j), (k) and (l) of Section 1060.3.~~

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

6 * * * *

7
8 **SEC. 1070.2. FILING APPLICATION, NOTICE TO OTHER CITY DEPARTMENTS, AND**
9 **DEPARTMENTAL REPORTS.**

10 * * * *

11 (c) If an applicant submits an application for an Extended-Hours Premises Permit, and the
12 application is not granted, conditionally granted, or denied within 12 months, the Director shall
13 require the applicant to submit a new application for an Extended-Hours Premises Permit that shall be
14 accompanied by the payment of a new filing fee, as set forth in Section 2.26, at the time of submission
15 of the new application.

16
17 Section 2. Effective Date; Retroactivity.

18 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
19 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
20 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
21 Mayor's veto of the ordinance.

22 (b) Upon the effective date of this ordinance, this ordinance shall be retroactive to
23 January 1, 2023. If any fees that are waived by this ordinance have been collected prior to its
24 effective date, those fees shall be promptly refunded without interest, upon request of the
25

1 payor of the fee. Any refund request under this subsection (b) must be filed in writing with the
2 Entertainment Commission by June 30, 2025.

3
4 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the “Note” that appears under
9 the official title of the ordinance.

10
11 Section 4. Removal of Expired Provisions from Code.

12 On or after December 31, 2025, or when all applications from JAM Permit holders for
13 new permits from the Entertainment Commission have been fully processed, whichever is
14 later, the City Attorney is authorized to remove the following subsections from the Police
15 Code: Sections 1060.1.1, subsection (c); 1060.2, subsection (c); 1060.2.1, subsection (c);
16 1060.2.2, subsection (c); 1060.29, subsection (h); and 1060.29.2, subsection (j). At that time,
17 the City Attorney is also authorized to cause any subsequent sections to be renumbered or re-
18 lettered accordingly.

19
20 APPROVED AS TO FORM:
21 DAVID CHIU, City Attorney

22 By: /s/ Sarah Crowley
23 SARAH CROWLEY
24 Deputy City Attorney

25 n:\legana\as2023\2300301\01711704.docx

LEGISLATIVE DIGEST
(Substituted, 10/17/2023)

[Police Code - Fees, Applications, and Conditions for Certain Entertainment Permits]

Ordinance amending the Police Code to 1) waive initial license and filing fees through June 30, 2025, for certain Entertainment Permits for former holders of Just Add Music Permits; 2) waive initial license and filing fees for Entertainment Permits for applicants who are newly eligible to apply for those permits due to recent Planning Code amendments; 3) eliminate masked ball permits; 4) require applicants for Arcade, Ancillary Use, Billiard and Pool Table, Place of Entertainment, Limited Live Performance, Fixed Place Outdoor Amplified Sound, and Extended-Hours Premises Permits to submit a new Permit application and filing fee if their existing application has not been granted, conditionally granted, or denied within 12 months of its submission; 5) authorize the Entertainment Commission Director (“Director”) to issue Billiard and Pool Table permits without a hearing, and provide that such permits may be suspended or revoked under the standards and procedures that apply to other Entertainment Permits; 6) exempt schools from the requirement to obtain a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit for any activities that occur on school premises in the regular course of school operations; 7) eliminate the requirement that applicants for Place of Entertainment Permits disclose with their permit application criminal history information regarding certain individuals connected with the applicant business; 8) narrow the categories of new criminal charges, complaints, or indictments brought against a Place of Entertainment Permittee or its employees or agents that the Permittee must report, to only those charges, complaints or indictments that could be grounds for suspension of the Permit; 9) allow the Director or the Entertainment Commission to require an applicant for a Limited Live Performance Permit to propose a Security Plan if necessary to protect the safety of persons and property or provide for the orderly dispersal of persons and traffic, to make compliance with the Security Plan a condition of the Permit, and to require revisions to the Security Plan as necessary; and 10) clarify that a single One Time Outdoor Amplified Sound Permit may extend across multiple consecutive or non-consecutive 24-hour periods.

Existing Law

Just Add Music (“JAM”) permits were authorized by the 27th Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020, which Supplement is dated September 25, 2020.

Police Code Section 1060.1.1 imposes an annual license fee on every person granted a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit by the Entertainment Commission. Police Code Section 1060.2 imposes a

filing fee on every person applying to the Entertainment Commission for a Place of Entertainment permit or an amendment to such a permit. Police Code Section 1060.2.1 imposes a filing fee on every person applying to the Entertainment Commission for a Limited Live Performance Permit, or an amendment to such a permit. Police Code Section 1060.2.2 imposes a filing fee on every person applying to the Entertainment Commission for a Fixed Place Outdoor Amplified Sound Permit or an amendment to such a permit.

Police Code Section 1029 requires a permit from the Entertainment Commission for a masked ball.

Articles 15, 15.1, and 15.2 allow an application for an Entertainment permit to remain pending indefinitely, and do not impose a deadline beyond which an applicant must reapply and pay a new filing fee in order to move their application forward.

Police Code Section 1036.24 imposes various technical requirements for arcades and other “mechanical amusement devices” in the City, and also requires Arcade and Ancillary Use permittees to comply with reasonable requirements as determined by the Director to minimize danger to the public from the mechanical amusement devices.

Police Code Section 1037 requires anyone charging for the use of billiard or pool tables in their establishment to obtain a permit from the Entertainment Commission, and is silent as to whether the Director has authority to suspend the permit without referral to the Entertainment Commission.

Police Code Section 1060.3 requires an application for a Place of Entertainment permit to include certain criminal history information pertaining to certain people connected with the applicant business, including the applicant, the Manager, any person to whom the Department of Alcoholic Beverage Control has issued a license in connection with the applicant business, and any other person with authority or control over the business. And Police Code Section 1060.30 requires a Place of Entertainment permittee to notify the Entertainment Commission of new criminal matters that pertain to the individuals and fall within the categories required to be included with a permit application.

Police Code Sections 1060.3.1 and 1060.5.1 do not require an application for a Limited Live Performance Permit to include a proposed Security Plan and do not specifically authorize the Director or Entertainment Commission to require a Limited Live Performance permittee to comply with a Security Plan as a condition of their permit

Police Code Section 1060.11 requires the Police Department to inspect establishments with permits issued under Article 15.1, but does not explicitly require or authorize the Entertainment Commission to conduct such inspections.

Police Code Section 1060.29.2 leaves ambiguous whether a single One Time Outdoor Amplified Sound Permit may extend across multiple consecutive or non-consecutive 24-hour periods.

Article 15.1 of the Police Code is silent as to whether schools are required to obtain a permit to conduct activities on school premises that would otherwise require a permit under Article 15.1.

Amendments to Current Law

This ordinance would amend Police Code Section 1060 to add a definition of Just Add Music (“JAM”) Permits.

This ordinance would also amend Police Code Sections 2.27 and 1060.1.1 to waive the initial license fee for every person who previously held a JAM Permit, and who, between January 1, 2023 and June 30, 2025, applies for a new Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit to continue to provide outdoor entertainment and/or amplified sound in the same space as authorized by the JAM Permit. It would also waive the initial license fee for those permits for every person who, due to Planning Code amendments that take effect on or after January 1, 2023, becomes eligible to apply and applies for a Place of Entertainment Permit or Limited Live Performance Permit on or before June 30, 2025. License fees waived by this provision but already paid shall be refunded if a refund request is submitted in writing to the Entertainment Commission by June 30, 2025.

This ordinance would also amend Police Code Sections 2.26, 1060.2, 1060.2.1 and 1060.2.2 to waive the permit filing fees for every person who previously held a JAM Permit, and who, between January 1, 2023 and June 30, 2025, applies for a new or amended Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit, respectively, to continue to provide outdoor entertainment and/or amplified sound in the same space as authorized by their JAM Permit. It would also waive the filing fee associated with those permits for every person who, due to Planning Code amendments that take effect on or after January 1, 2023, becomes eligible to apply and applies for a Place of Entertainment Permit or Limited Live Performance Permit on or before June 30, 2025. And it would also waive the filing fee for One Time Event Permits and One Time Outdoor Amplified Sound Permits for former holders of JAM Permits that seek either of these short-term permits to continue activities previously allowed under their JAM Permits while awaiting final approvals by City departments required prior to obtaining a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit. Filing fees waived by this provision but already paid shall be refunded if a refund request is submitted in writing to the Entertainment Commission by June 30, 2025.

The ordinance would also eliminate Police Code Section 1029, eliminating the requirement for a masked ball permit.

The ordinance would also amend Police Code Sections 1036.3, 1037.1, 1060.2, 1060.2.1, 1060.2.2, and 1070.2 to require applicants for Arcade, Ancillary Use, billiard and pool table, Place of Entertainment, Limited Live Performance, Fixed Place Outdoor Amplified Sound, and Extended-Hours Premises Permits to submit a new Permit application and filing fee if their existing application has not been granted, conditionally granted, or denied within 12 months of its submission.

The ordinance would also amend Police Code Section 1036.24 to eliminate various technical requirements for arcades and other “mechanical amusement devices,” and simply require that Arcade and Ancillary Use permittees to comply with reasonable requirements as determined by either the Director or the Entertainment Commission to minimize danger to the public from the mechanical amusement devices.

The ordinance would also amend Police Code Section 1037 to require that the Director, rather than the Entertainment Commission, review and act on billiard and pool permit applications, but to allow the Director discretion to refer an application to the Entertainment Commission if the Director, Entertainment Commission, and/or Police Department has received more than one complaint in the preceding 12 months regarding the permit applicant and/or subject premises. The ordinance would specify that the suspension and revocation procedures in Sections 1060.20 through 1060.20.4, inclusive, apply to these permits.

The ordinance would also amend Police Code section 1060.3 to remove the requirement that an application for a Place of Entertainment permit include certain criminal history information pertaining to certain people connected with the applicant business, including the applicant, the Manager, any person to whom the Department of Alcoholic Beverage Control has issued a license in connection with the applicant business, and any other person with authority or control over the business. And the ordinance would amend Police Code Section 1060.30 to require a Place of Entertainment permittee to notify the Entertainment Commission of new criminal matters that may constitute a basis for suspension of the permit.

The ordinance would also amend Police Code Section 1060.3.1 to require an application for a Limited Live Performance Permit to include a proposed Security Plan if the Director or Entertainment Commission find it necessary. It would amend Police Code Section 1060.51 to authorize the Director or Entertainment Commission to require a Limited Live Performance permittee to comply with a Security Plan as a condition of their permit.

The ordinance would also amend Police Code Section 1060.11 to authorize the Entertainment Commission, in addition to the Police Department, to inspect establishments with permits issued under Article 15.1.

The ordinance would also amend Police Code Section 1060.29 to clarify that a single One Time Outdoor Amplified Sound Permit may extend across multiple consecutive or non-consecutive 24-hour periods.

The ordinance would also amend Police Code Section 1060.1 to clarify that a school is not required to obtain a permit under Article 15.1 to conduct activities that occur on school premises in the regular course of school operations that would otherwise require a permit under Article 15.1, such as school sporting events, school dances, and school music performances, but that a school is required to obtain a One Time Event Permit or One Time Outdoor Amplified Sound Permit to engage in activities on school premises that do not occur in the regular course of school operations and that otherwise meet the criteria for such permits.

Background Information

The original version of this ordinance was introduced on July 25, 2023.

A substitute ordinance was introduced on October 17, 2023. The October 17 substitute ordinance changed the deadline and recipient agency for a license or permit fee refund request under the ordinance, stating that refund requests should be made by June 30, 2025 to the Entertainment Commission.

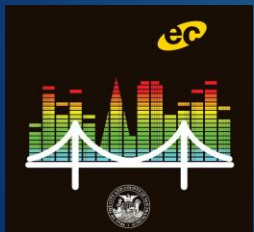
The October 17 substitute ordinance also added the following provisions to the original ordinance:

- a waiver of filing fees for One Time Event Permits and One Time Outdoor Amplified Sound Permits for former holders of JAM Permits that seek either of these short-term permits to continue activities previously allowed under their JAM Permits while awaiting final approvals by City departments required prior to obtaining a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit;
- amendments to Police Code Section 1060.29 to clarify that a single One Time Outdoor Amplified Sound Permit may extend across multiple consecutive or non-consecutive 24-hour periods; and
- amendments to Police Code Section 1060.1 to clarify that a school is not required to obtain a permit under Article 15.1 to conduct activities that occur on school premises in the regular course of school operations that would otherwise require a permit under Article 15.1, but that a school is required to obtain a One Time Event Permit or One Time Outdoor Amplified Sound Permit to engage in activities on school premises that do not occur in the regular course of school operations and that otherwise meet the criteria for such permits.

File No. 230861: Modernizing Entertainment Permitting

Maggie Weiland
Executive Director
Entertainment Commission

Ben Van Houten
Business Development Manager
Office of Economic & Workforce
Development



November 29, 2023

Background

- File No. 230861 is legislation introduced by the Mayor to reform the Police Code to support the nightlife & entertainment sector
- Emerged from City Administrator and Entertainment Commission goals to improve the customer experience, simplify business processes, and improve regulatory coordination
- Would provide relief to support businesses in continuing outdoor music and entertainment activities started during the pandemic
- Would also implement variety of streamlining measures and technical fixes to improve entertainment permitting
- This Police Code-focused legislation complements pending small business reform legislation being led by the Office of Small Business to improve Planning Code

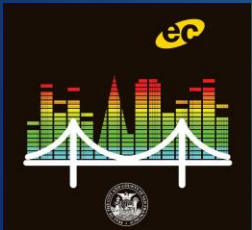
Fee Waivers, Supporting Outdoor Activities

- Waive entertainment permit application fee for any business moving from a Just Add Music (JAM) Permit to a brick-and-mortar entertainment permit to continue offering outdoor entertainment or amplified sound
 - A business getting a permit for the first time will also have its initial license fee waived
- Waive entertainment permit application and initial license fees for existing businesses that are newly able to apply for entertainment permits due to zoning changes
- Clarify where businesses may acquire Limited Live Performance permits to include outdoor patios that are not surrounded by enclosed buildings

Streamlining Referrals and Requirements

- Eliminate referrals of:
 - Place of Entertainment permit applications to the Department of Building Inspection where a premises has held a Place of Entertainment permit within the past year
 - Fixed Place Amplified Sound permit applications to the Department of Public Health
- Remove the mandatory hearing requirement for a billiard parlor permit
- Delete outdated and unnecessary operating standards that mandated staffing and infrastructure to receive a permit to operate an arcade
- Reform several technical pieces of the entertainment permitting process

THANK YOU





CITY AND COUNTY OF SAN FRANCISCO
LONDON BREED, MAYOR

OFFICE OF SMALL BUSINESS
DIRECTOR KATY TANG

September 13, 2023

Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. 230861– Fees, Applications, and Conditions for Entertainment Permits - SUPPORT

Dear Ms. Calvillo,

On September 11, 2023 the Small Business Commission (the Commission) heard BOS File 230861– Fees, Applications, and Conditions for Entertainment Permits. Maggie Weiland, Executive Director, Entertainment Commission, and Ben Van Houten, Business Development Manager, Office of Economic and Workforce Development, presented the legislation.

This legislation would simplify permitting and improve the customer experience of businesses seeking entertainment permits. The nightlife and entertainment sector was among the hardest hit by the COVID-19 pandemic so this legislation comes at a time when those businesses are still in economic recovery.

The proposal would waive certain entertainment permit application and initial license fees, remove outdated code language, and reduce duplicative referrals to other departments that cost businesses times and money. This legislation makes important improvements to entertainment permitting that will allow businesses to open more quickly, with less administrative hurdles. The Commission fully supports these efforts.

The Commission commends the Entertainment Commission and Office of Economic & Workforce Development for their work to identify these technical improvements. Thank you for considering the Commission’s recommendations. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Katy Tang".

Katy Tang
Director, Office of Small Business

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Katy Tang, Director
Small Business Commission, City Hall, Room 448
FROM: John Carroll, Assistant Clerk, Board of Supervisors
DATE: August 2, 2023
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Budget and Finance Committee

The Board of Supervisors' Budget and Finance Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 203861 Police Code - Fees, Applications, and Conditions for Certain Entertainment Permits

Ordinance amending the Police Code to 1) waive initial license and filing fees through June 30, 2025, for certain Entertainment Permits for current or former holders of Just Add Music Permits; 2) waive initial license and filing fees for Entertainment Permits for applicants who are newly eligible to apply for those permits due to recent Planning Code amendments; 3) eliminate masked ball permits; 4) require applicants for Arcade, Ancillary Use, billiard and pool table, Place of Entertainment, Limited Live Performance, Fixed Place Outdoor Amplified Sound, and Extended-Hours Premises Permits to submit a new Permit application and filing fee if their existing application has not been granted, conditionally granted, or denied within 12 months of its submission; 5) authorize the Entertainment Commission Director ("Director") to issue billiard and pool table permits without a hearing, and provide that such permits may be suspended or revoked under the standards and procedures that apply to other Entertainment Permits; 6) eliminate the requirement that applicants for Place of Entertainment Permits disclose with their permit application criminal history information regarding certain individuals connected with the applicant business; 7) narrow the categories of new criminal charges, complaints, or indictments brought against a Place of Entertainment Permittee or its employees or agents that the Permittee must report, to only those charges, complaints or indictments that could be grounds for suspension of the Permit; and 8) allow the Director or the Entertainment Commission to require an applicant for a Limited Live Performance Permit to propose a Security Plan if necessary to protect the safety of persons and property or provide for the orderly dispersal of persons and traffic, to make compliance with the Security Plan a condition of the Permit, and to require revisions to the Security Plan as necessary.

Please return this cover sheet with the Commission's response to Brent Jalipa at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, California 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

___ No Comment
___ Recommendation Attached

Chairperson, Small Business Commission

CC: Offices of Chair Chan and Mayor Breed

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
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MEMORANDUM

TO: Katy Tang
Small Business Commission, City Hall, Room 448

FROM: Brent Jalipa, Assistant Clerk
Budget and Finance Committee

DATE: October 23, 2023

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Budget and Finance Committee

The Board of Supervisors' Budget and Finance Committee has received the following proposed legislation, substituted by Mayor London Breed on October 17, 2023, which is being referred to the Small Business Commission for comment and recommendation.

File No. 230861-2

Ordinance amending the Police Code to 1) waive initial license and filing fees through June 30, 2025, for certain Entertainment Permits for former holders of Just Add Music Permits; 2) waive initial license and filing fees for Entertainment Permits for applicants who are newly eligible to apply for those permits due to recent Planning Code amendments; 3) eliminate masked ball permits; 4) require applicants for Arcade, Ancillary Use, Billiard and Pool Table, Place of Entertainment, Limited Live Performance, Fixed Place Outdoor Amplified Sound, and Extended-Hours Premises Permits to submit a new Permit application and filing fee if their existing application has not been granted, conditionally granted, or denied within 12 months of its submission; 5) authorize the Entertainment Commission Director ("Director") to issue Billiard and Pool Table permits without a hearing, and provide that such permits may be suspended or revoked under the standards and procedures that apply to other Entertainment Permits; 6) exempt schools from the requirement to obtain a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit for any activities that occur on school premises in the regular course of school operations; 7) eliminate the requirement that applicants for Place of Entertainment Permits disclose with their permit application criminal history information regarding certain individuals connected with the applicant business; 8) narrow the categories of new criminal charges, complaints, or indictments brought against a Place of Entertainment Permittee or its employees or agents that the Permittee must report, to only those charges, complaints or indictments that could be grounds for suspension of the Permit; 9) allow

the Director or the Entertainment Commission to require an applicant for a Limited Live Performance Permit to propose a Security Plan if necessary to protect the safety of persons and property or provide for the orderly dispersal of persons and traffic, to make compliance with the Security Plan a condition of the Permit, and to require revisions to the Security Plan as necessary; and 10) clarify that a single One Time Outdoor Amplified Sound Permit may extend across multiple consecutive or non-consecutive 24-hour periods.

Please return this cover sheet with the Commission's response to Brent Jalipa, Budget and Finance Clerk, by email to: brent.jalipa@sfgov.org.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

No Comment

Recommendation Attached

Chairperson, Small Business Commission

From: [Conine-Nakano, Susanna \(MYR\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Paulino, Tom \(MYR\)](#); [Lozano, Alesandra \(ECN\)](#); [VanHouten, Ben \(ECN\)](#); [Ruiz-Cornejo, Victor \(MYR\)](#)
Subject: Mayor -- Ordinance -- Fees, Applications, and Conditions for Certain Entertainment Permits
Date: Tuesday, October 17, 2023 4:13:49 PM
Attachments: [CAT Approval.pdf](#)
[Entertainment Code amendments Legislative Digest 7.25.23.DOCX](#)
[Entertainment Code amendments Ordinance for Introduction 7.25.23.DOCX](#)

Hello Clerks,

Attached for introduction to the Board of Supervisors is an Ordinance amending the Police Code to 1) waive initial license and filing fees through June 30, 2025 for certain Entertainment Permits for current or former holders of Just Add Music Permits; 2) waive initial license and filing fees for Entertainment Permits for applicants who are newly eligible to apply for those permits due to recent Planning Code amendments; 3) eliminate masked ball permits; 4) require applicants for Arcade, Ancillary Use, billiard and pool table, Place of Entertainment, Limited Live Performance, Fixed Place Outdoor Amplified Sound, and Extended-Hours Premises Permits to submit a new Permit application and filing fee if their existing application has not been granted, conditionally granted, or denied within 12 months of its submission; 5) authorize the Entertainment Commission Director (“Director”) to issue billiard and pool table permits without a hearing, and provide that such permits may be suspended or revoked under the standards and procedures that apply to other Entertainment Permits; 6) eliminate the requirement that applicants for Place of Entertainment Permits disclose with their permit application criminal history information regarding certain individuals connected with the applicant business; 7) narrow the categories of new criminal charges, complaints, or indictments brought against a Place of Entertainment Permittee or its employees or agents that the Permittee must report, to only those charges, complaints or indictments that could be grounds for suspension of the Permit; and 8) allow the Director or the Entertainment Commission to require an applicant for a Limited Live Performance Permit to propose a Security Plan if necessary to protect the safety of persons and property or provide for the orderly dispersal of persons and traffic, to make compliance with the Security Plan a condition of the Permit, and to require revisions to the Security Plan as necessary.

Best,
Susanna

Susanna Conine-Nakano
Office of Mayor London N. Breed
City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102
415-554-6147