

REVISED LEGISLATIVE DIGEST

(2/9/2016, Substituted)

[Police Code - Entertainment Commission Permit Procedures]

Ordinance amending the Police Code to authorize the Director of the Entertainment Commission to waive the filing fee for Loudspeaker Permits based on certain criteria, replace a leafletting notice requirement to residents with a mailed notice requirement to neighborhood organizations for Place of Entertainment permit applications in neighborhood-commercial or mixed residential districts, and authorize the Director of the Entertainment Commission to extend the nine-month deadline for conditional grants of Place of Entertainment permits.

Existing Law

The Police Code (Section 43.1) imposes a filing fee for Loudspeaker Permit applications made to the Entertainment Commission.

The Police Code (Section 1060.5(b)) requires businesses applying for a Place of Entertainment (POE) permit in a neighborhood-commercial or mixed residential district to make “a good faith effort” to distribute leaflets to each residence located within 150 feet of the business providing notice of the hearing on the permit application, unless the Entertainment Commission finds the business is not likely to significantly generate nighttime noise and traffic to the detriment of residences located in that immediate area.

The Police Code (Section 1060.5(h)) provides that when the Entertainment Commission conditionally grants a POE permit, the permit shall expire if the permittee has not obtained all permits required from other City departments within nine months.

Amendments to Current Law

Fee Waiver for Loudspeaker Permits

The ordinance would authorize the Director of the Entertainment Commission to waive the filing fee for Loudspeaker Permits set forth in Section 2.26 of the Police Code under the following two circumstances:

- Individual Applicants: The Director may waive the filing fee for an individual who submits under penalty of perjury a declaration of financial hardship on a form provided by the Entertainment Commission. The declaration shall be based on the indigency standards for waiver of state court filing fees set forth in California Government Code Section 68632.

- Non-Profit or Neighborhood Organizations: The Director may waive the filing fee for a nonprofit organization, neighborhood association, or similar community-based group if (A) the proposed event is free and open to the public, and (B) the filing fee is more than 25% of the total projected budget for the event.

The ordinance would also provide that the filing fee for Loudspeaker Permits does not apply to events that receive City funding.

POE Permit Applications in Neighborhood-Commercial or Mixed Residential Districts

With regard to businesses applying for a Place of Entertainment (POE) permit in a neighborhood-commercial or mixed residential district, the ordinance would replace the leafletting notice requirement to nearby residents with a mailed notice requirement to certain neighborhood organizations described in subsection 312(d)(2)(C) of the Planning Code. It would also allow the permit applicant to send such notice electronically to any neighborhood organizations that have provided an email address to the Planning Department.

Extension of 9-Month Deadline for Conditional Grant of POE Permit

The ordinance would authorize the Entertainment Commission to extend the nine-month deadline for conditional grants of Place of Entertainment (POE) permits upon written request from the permittee for up to 24 months, subject to an additional 12 months (*i.e.*, 36 months total). In its discretion, the Commission may delegate this extension authority to the Director of the Commission.

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