File No	160104	Committee Item No	1	
		Board Item No	99	
•	COMMITTEE/BOAR	D OF SUPERVIS	SORS	
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Committee:	Land Use and Transports		April 18, 2016	
Board of Supervisors Meeting		Date _	April 26, 206	
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	Motion	-		
	Resolution	•		
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	Legislative Digest			
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	Memorandum of Unders	tanding (MOU)		
	Grant Information Form			
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	Form 126 - Ethics Comm	nission		
	Award Letter			
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Completed by: Andrea Ausberry Date April 15, 2016				
Completed by: Date				

FILE NO. 160104

NOTE:

## SUBSTITUTED 3/15/2016

Ordinance amending the Police Code to authorize the Director of the Entertainment

ORDINANCE NO.

[Police Code - Entertainment Commission Permit Procedures]

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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 and Limited Live Performance Permits.

Unchanged Code text and uncodified text are in plain Arial font.

Additions to Codes are in <u>single-underline italics Times New Roman font</u>.

Deletions to Codes are in <u>strikethrough italics Times New Roman font</u>.

Board amendment additions are in <u>double-underlined Arial font</u>.

Board amendment deletions are in <u>strikethrough Arial font</u>.

Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. The Police Code is hereby amended by revising Sections 43.1, 1060.5, and 1065.1 to read as follows:

## SEC. 43.1. FILING FEE.

(a) Filing Fee. Every person desiring a permit to use a loudspeaker or sound amplifier

("Loudspeaker Permit") pursuant to Section 43 of this Article 1 shall file an application with the Entertainment Commission upon a form provided by the Entertainment Commission and shall pay a filing fee specified in Section 2.26 of this Article; provided, however, that no filing fee shall be required if the Loudspeaker Permit application is for an event that receives City funding.

#### (b) Fee Waivers.

(1) Individuals. The Director of the Entertainment Commission may grant an individual applicant an exemption from paying the filing fee for a Loudspeaker Permit set forth in Section 2.26 of this Article upon the applicant's filing under penalty of perjury a declaration of financial hardship on the form provided by the Entertainment Commission. The form shall use the indigency standards set out in California Government Code Section 68632, as amended from time to time. The applicant shall submit the financial hardship declaration concurrently with the permit application.

(2) Nonprofit and Neighborhood Organizations. The Director of the Entertainment

Commission may grant a nonprofit organization, neighborhood association, or similar communitybased group an exemption from paying the filing fee for a Loudspeaker Permit set forth in Section 2.26
of this Article for an event 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.

# SEC. 1060.5. DETERMINATION OF APPLICATION FOR A PLACE OF ENTERTAINMENT PERMIT.

(b) Notices.

## (1) Notice of Hearing.

(A) Premises of the Business. The applicant shall cause a notice of the hearing on a form provided by the Entertainment Commission to be conspicuously and continuously posted for at least 30 days before the scheduled hearing date on the premises of the Business.

(B) Neighborhood-Commercial and Mixed Residential Districts. Where the Business is located in a neighborhood-commercial or mixed residential district, as defined in Article 7 and 8 of the Planning Code, the applicant shall, at least 30 days before the scheduled

hearing date, mail notice of the hearing, on a form provided by the Entertainment Commission, to relevant neighborhood organizations as described in subsection 312(d)(2)(C) of the Planning Code; provided, however, that the applicant may send such notice electronically to any neighborhood organizations that have provided an electronic mailing address on the Planning Department list referenced in subsection 312(d)(2)(C). the applicant shall also make a good faith effort to distribute leaflets at each residence located within 150 feet of the Business, unless the Entertainment Commission finds that a Business located in a district is not likely to significantly generate nighttime noise and traffic to the detriment of residences located in that immediate area. Applicants subject to the requirement of distributing leaflets shall do so at least 30 days before the scheduled hearing date and the distribution shall be done in compliance with the provisions of Article 5.7 (beginning with Section 184.69) of the Public Works Code.

(C) The applicant shall file with the Commission a declaration under penalty of perjury affirming compliance with the notice requirement of subsection (b)(1)(A) and, if applicable, subsection (b)(1)(B), on the form provided by the Commission.

- (D) The Director shall provide notice of the hearing at least 30 days before the hearing to any Person who has filed a written request with the Commission for such notice, which notice may be given electronically if the Person has provided electronic contact information, or by mail.
- (2) In the event of a continued hearing, the applicant shall cause notice of the continued hearing to be conspicuously and continuously posted on the premises of the Business for at least 10 days before the date of the continued hearing. The Director shall provide notice of the hearing electronically or by mail at least 10 days before the hearing to any Person who has filed a written request for such notice.

- (3) The failure of the Director to provide the notice of the hearing to any Person who filed a written request as provided in Subsections (b)(1) and (2) of this Section shall not constitute grounds for invalidation of the actions of the Commission taken at the hearing.
- (h) If a Permittee has been conditionally granted a permit but has not obtained all of the permits required from other City departments within nine months from the date that the Entertainment Commission conditionally granted the permit, the conditionally granted permit shall expire by operation of law and be void. Notwithstanding the foregoing sentence, upon the Permittee's written request and a showing of good cause, the Commission may extend the aforementioned nine-month deadline for up to 24 months, subject to an additional extension or extensions totaling no more than 12 months beyond the aforementioned 24 months. In its discretion, the Commission may delegate to the Director, in whatever manner it deems appropriate, the power to extend the nine-month deadline.

# SEC. 1060.5.1. DETERMINATION OF APPLICATION FOR LIMITED LIVE PERFORMANCE PERMIT.

## (b) Notices.

(1) The applicant shall cause a notice of the hearing on a form provided by the Entertainment Commission to be conspicuously and continuously posted on the premises of the Business for at least 30 days before the scheduled hearing date. The Director shall promptly provide notice of the hearing to any Person who has filed a written request for such notice, which notice may be given electronically if the Person has provided electronic contact information, or by mail.

- (2) The Director shall provide a copy of all Limited Live Performance Permit applications and the corresponding public hearing notices within a specified geographic area to any Person who, in writing or by email, requests such and identifies the area. Such applications and notices shall be given at least 30 days prior to the date of the public hearings, or within 5 days after receipt of the request if the request is less than 30 days prior to the hearing.
- (3) In the event of a continued hearing, the applicant shall cause notice of the continued hearing to be conspicuously and continuously posted on the premises of the Business for at least 10 days before the date of the continued hearing. The Director shall promptly provide notice of the continued hearing electronically or by mail to any Person who has filed a written request for such notice.
- (4) The applicant shall file with the Commission a declaration under penalty of perjury affirming compliance with the notice requirement of subsection (b)(1) and, if applicable, subsection (b)(3), on the form provided by the Commission.
- (5) The failure of the Director to provide the notice of the hearing to any Person who filed a written request as provided in Subsections (b)(1) and (2) shall not constitute grounds for invalidation of the actions of the Commission taken at the hearing.
- (i) If a Permittee has been conditionally granted a permit but has not obtained all of the permits required from other City departments within nine months from the date that the Entertainment Commission conditionally granted the permit, the conditionally granted permit shall expire by operation of law and be void. Notwithstanding the foregoing sentence, upon the Permittee's written request and a showing of good cause, the Commission may extend the aforementioned nine-month deadline for up to 24 months, subject to an additional extension or extensions totaling no more than 12 months beyond the aforementioned 24 months. In its discretion,

the Commission may delegate to the Director, in whatever manner it deems appropriate, the power to extend the nine-month deadline.

Section 2. Applicability of Amendment of Police Code Sections 1060.5(h) and 1060.5.1(i). The provision in subsection (h) of Section 1060.5 and in subsection (i) of Section 1060.5.1 of the Police Code authorizing extension of the nine-month deadline shall apply to any permits the Entertainment Commission conditionally granted within nine months prior to the effective date of the Ordinance in Board File No. 160104, in addition to permits conditionally granted after the effective date of that ordinance.

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

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this ordinance or application thereof would be subsequently declared invalid or unconstitutional.

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

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

By: FRANCESCA GESSNER
Deputy City Attorney

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## REVISED LEGISLATIVE DIGEST

(3/15/2016, 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 and Limited Live Performance 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 (Sections 1060.5(h) and 1060.5.1(i)) provides that when the Entertainment Commission conditionally grants a POE permit or a Limited Live Performance (LLP) 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:

 <u>Individual Applicants</u>: 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.  <u>Non-Profit or Neighborhood Organizations</u>: 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 and LLP Permits

The ordinance would authorize the Entertainment Commission to extend the nine-month deadline for conditional grants of Place of Entertainment (POE) and Limited Live Performance (LLP) 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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City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

## MEMORANDUM

TO:

Regina Dick-Endrizzi, Director

Small Business Commission, City Hall, Room 448

FROM:

Andrea Ausberry, Assistant Clerk, Land Use and Transportation

Committee Board of Supervisors

DATE:

March 23, 2016

SUBJECT:

REFERRAL FROM BOARD OF SUPERVISORS

Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation 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. 160104-3

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 and Limited Live Performance Permits.

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

***********************************
RESPONSE FROM SMALL BUSINESS COMMISSION - Date:
No Comment
Recommendation Attached



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

## MEMORANDUM

TO:

Jocelyn Kane, Executive Director, Entertainment Commission

John Rahaim, Director, Planning Department

Chief Greg Suhr, Police Department

FROM:

Andrea Ausberry, Assistant Clerk, Board of Supervisors

DATE:

March 23, 2016

SUBJECT:

**SUBSTITUTE LEGISLATION INTRODUCED** 

On March 15, 2016, the Board of Supervisors received the following **substitute** legislation introduced by Supervisor Wiener:

### File No. 160104-3

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 and Limited Live Performance Permits.

This matter is being referred to you since it may affect your department.

If you have any comments or reports to be considered with the proposed legislation, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email: andrea.ausberry@sfgov.org.

c: Crystal Stewart, Entertainment Commission Scott Sanchez, Planning Department Sarah Jones, Planning Department Aaron Starr, Planning Department AnMarie Rodgers, Planning Department Joy Navarrete, Planning Department Jeanie Poling, Planning Department Christine Fountain, Police Department

4142



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

## MEMORANDUM

TO:

Regina Dick-Endrizzi, Director

Small Business Commission, City Hall, Room 448

FROM:

Alisa Somera, Assistant Clerk, Land Use and Transportation Committee

**Board of Supervisors** 

DATE:

February 12, 2016

SUBJECT:

REFERRAL FROM BOARD OF SUPERVISORS

Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation 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. 160104-2

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.

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

**************************************	*******
No Comment Recommendation Attached	



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

## MEMORANDUM

TO:

Jocelyn Kane, Executive Director, Entertainment Commission

John Rahaim, Director, Planning Department

Chief Greg Suhr, Police Department

FROM:

Alisa Somera, Assistant Clerk, Board of Supervisors

DATE:

February 12, 2016

SUBJECT:

**SUBSTITUTE LEGISLATION INTRODUCED** 

On February 9, 2016, the Board of Supervisors received the following **substitute** legislation introduced by Supervisor Wiener:

## File No. 160104-2

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.

This matter is being referred to you since it may affect your department.

If you have any comments or reports to be considered with the proposed legislation, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email: alisa.somera@sfgov.org.

c: Crystal Stewart, Entertainment Commission Scott Sanchez, Planning Department Sarah Jones, Planning Department Aaron Starr, Planning Department AnMarie Rodgers, Planning Department Joy Navarrete, Planning Department Jeanie Poling, Planning Department Christine Fountain, Police Department



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

## MEMORANDUM

TO:

Regina Dick-Endrizzi, Director

Small Business Commission, City Hall, Room 448

FROM:

Alisa Somera, Assistant Clerk, Land Use and Transportation Committee Board of Supervisors

DATE:

February 9, 2016

SUBJECT:

REFERRAL FROM BOARD OF SUPERVISORS

Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation 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. 160104

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.

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

**************************************	********
RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _	
No Comment	
Recommendation Attached	



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

## MEMORANDUM

TO:

Jocelyn Kane, Executive Director, Entertainment Commission

John Rahaim, Director, Planning Department

Chief Greg Suhr, Police Department

FROM:

Alisa Somera, Assistant Clerk, Board of Supervisors

DATE:

February 9, 2016

SUBJECT:

INTRODUCED LEGISLATION

On February 2, 2016, the Board of Supervisors received the following legislation introduced by Supervisor Wiener:

#### File No. 160104

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.

This matter is being referred to you since it may affect your department.

If you have any comments or reports to be considered with the proposed legislation, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email: alisa.somera@sfgov.org.

c: Crystal Stewart, Entertainment Commission Scott Sanchez, Planning Department Sarah Jones, Planning Department Aaron Starr, Planning Department AnMarie Rodgers, Planning Department Joy Navarrete, Planning Department Jeanie Poling, Planning Department Christine Fountain, Police Department



## **Introduction Form**

By a Member of the Board of Supervisors or the Mayor

I hereby submit the following item for introduction (select only one):	Time stamp or meeting date
☐ 1. For reference to Committee.	
An ordinance, resolution, motion, or charter amendment.	•
2. Request for next printed agenda without reference to Commit	ttee.
☐ 3. Request for hearing on a subject matter at Committee.	
4. Request for letter beginning "Supervisor	inquires"
☐ 5. City Attorney request.	
☐ 6. Call File No. from Committee.	
7. Budget Analyst request (attach written motion).	
8. Substitute Legislation File No. 160104	
9. Request for Closed Session (attach written motion).	
☐ 10. Board to Sit as A Committee of the Whole.	
11. Question(s) submitted for Mayoral Appearance before the BC	OS on
Please check the appropriate boxes. The proposed legislation should be Small Business Commission Youth Commission	
☐ Planning Commission ☐ Build	ing Inspection Commission
Note: For the Imperative Agenda (a resolution not on the printed ag	genda), use a Imperative
ponsor(s):	
Supervisors Wiener; Breed	
Subject:	
Police Code - Entertainment Commission Permit Procedures	
The text is listed below or attached:	
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Signature or Sponsoring Supervisor:

Scori Were

For Clerk's Use Only: