File No. <u>160962</u>

Committee Item No. ____1___ Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation

Date ______ October 17, 2016 _____

Date _____

Board of Supervisors Meeting

Date _____

Cmte Board

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Π		Budget and Legislative Analyst Report
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Com	pleted	by: Alisa Somera Date October 20, 2016

Completed by:

ORDINANCE).

[Police Code - Limited Live Performance Permits - Union Street Neighborhood Commercial District]

Ordinance amending the Police Code to allow the Director of the Entertainment Commission to extend from 10:00 p.m. until 11:00 p.m. the hours during which Live Performances may be presented at Limited Live Performance Locales in the Union Street Neighborhood Commercial District; and affirming the Planning Department's determination under the California Environmental Quality Act.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.
 Additions to Codes are in single-underline italics Times New Roman font.
 Deletions to Codes are in strikethrough italics Times New Roman font.
 Board amendment additions are in double-underlined Arial font.
 Board amendment deletions are in strikethrough Arial font.
 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 Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 160962 and is incorporated herein by reference. The Board affirms this determination.

Section 2. The Police Code is hereby amended by revising Section 1060.38.1, to read as follows:

SEC. 1060.38.1. EXTENSION OF EVENING HOURS LIMIT FOR LIMITED LIVE PERFORMANCE PERMIT.

(a) Notwithstanding Section 1060(r)(3), and except as provided in Subsection (b), below, at any time after a year has elapsed since the granting of a Limited Live Performance

Supervisor Farrell BOARD OF SUPERVISORS

Permit, the Director may, upon application of the Permittee, extend the hours during which Live Performances may be presented at the Limited Live Performance Locale to any time between 10:00 p.m., and 11:00 p.m., inclusive, on the basis that there have been no significant public safety or public nuisance concerns at or near the establishment attributed to the operation of the Limited Live Performance Permit. If the Director denies the application for an extension of hours, the Permittee may appeal the Director's decision to the Entertainment Commission, and the process for notifying the Permittee of the Director's decision and providing an appeal right to the Entertainment Commission shall parallel to the extent applicable the notice and appeal process prescribed in Section 1060.20.2(b).

(b) No extension may be granted as provided in Subsection (a), above, for Limited Live Performance Permits granted in the following areas: <u>(1)</u> the North Beach Neighborhood Commercial District as defined in Planning Code Section 722.-1; *and* <u>(2)</u> the Polk Street Neighborhood Commercial District as defined in Planning Code Section 723.-1; *the Union Street Neighborhood Commercial District as defined in Planning Code Section 725.1;* <u>(3)</u> the north and south sides of Chestnut Street between the east side of Fillmore Street and the west side of Divisadero Street.

(c) Notwithstanding Subsection (a), above, a Live Performance involving recorded music presented by a live disc jockey on the premises may not occur under a Limited Live Performance Permit after 10:00 p.m. Nothing in this Subsection (c) shall interfere with Place of Entertainment Permits or Extended-Hours Permits granted for Entertainment involving a live disc jockey.

(d) If, following the Director's granting, pursuant to Subsection (a), an extension of hours during which Live Performances may be presented at a Limited Live Performance
 Locale, there are significant public safety or public nuisance concerns at or near the

Supervisor Farrell BOARD OF SUPERVISORS establishment attributed to the operation of the Limited Live Performance Permit, the Director may reduce the hours during which Live Performances may be presented at the establishment to an earlier time, but no earlier than 10:00 p.m. The process for notifying the Permittee of the Director's order and providing an appeal right to the Entertainment Commission shall parallel to the extent applicable the notice and appeal process prescribed in Section 1060.20.2(b).

(e) This Section shall not limit the permitting, suspension, revocation, or other powers of the Director or Entertainment Commission.

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. 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: CESCA GESSNER Deputy City Attorney

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Supervisor Farrell BOARD OF SUPERVISORS

LEGISLATIVE DIGEST

[Police Code - Limited Live Performance Permits - Union Street Neighborhood Commercial District]

Ordinance amending the Police Code to allow the Director of the Entertainment Commission to extend from 10:00 p.m. until 11:00 p.m. the hours during which Live Performances may be presented at Limited Live Performance Locales in the Union Street Neighborhood Commercial District; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

The Entertainment Commission regulates the operation of Limited Live Performance ("LLP") Locales in the City through the issuance of LLP Permits under Article 15.1 of the Police Code. A LLP Locale has the following features: (1) the presentation of Live Performances is a secondary purpose of the locale rather than its primary purpose, (2) the locale is indoors or outdoors, with an area in which Live Performances are presented that is no greater than 200 square feet, (3) Live Performances conclude by 10 p.m., subject to exceptions discussed below, (4) the locale is not a private residence, and (5) patrons or members are admitted to the locale, which serves food and/or beverages. (Police Code § 1060(r).)

Notwithstanding the general requirement that Live Performances at LLPs conclude by 10 p.m., the Police Code allows the Director of the Entertainment Commission, upon request from the Permitee, to extend the hours during which Live Performances may be presented at a LLP Locale until 11:00 p.m. once one year has elapsed since the Entertainment Commission's granting of the LLP Permit. The Director may grant such an extension on the basis that there have been no significant public safety or public nuisance concerns at or near the establishment attributed to the operation of the LLP Permit. (Police Code § 1060.38.1(a).) However, the Director may <u>not</u> grant such an extension for LLP Permits in the following areas: (1) the North Beach Neighborhood Commercial District; (2) the Polk Street Neighborhood Commercial District; (3) the Union Street Neighborhood Commercial District; (3) the north and south sides of Chestnut Street between the east side of Fillmore Street and the west side of Divisadero Street, and (4) the north side of Lombard Street, between Fillmore Street and Divisadero Street. (*Id.* at § 1060.38.1(b).)

Amendments to Current Law

The proposed ordinance would amend Article 15.1 of the Police Code to authorize the Director of the Entertainment Commission, upon request from the Permittee, to extend from 10:00 p.m. until 11:00 p.m. the hours during which Live Performances may be presented at Limited Live Performance Locales in the Union Street Neighborhood Commercial District.

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BOARD of SUPERVISORS



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

September 15, 2016

File No. 160962

Lisa Gibson Acting Environmental Review Officer Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

Dear Ms. Gibson:

On September 6, 2016, Supervisor Farrell introduced the following proposed legislation:

File No. 160962

Ordinance amending the Police Code to allow the Director of the Entertainment Commission to extend from 10:00 p.m. until 11:00 p.m. the hours during which Live Performances may be presented at Limited Live Performance Locales in the Union Street Neighborhood Commercial District; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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By: Alisa Somera, Legislative Deputy Director Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joylatily signed by Joy Navarete DN: cti=Joy Navarete, o=Planning, cu=Environmental Planning, email=joy.navarete@sfgov.org, c=US Date: 2016.10.13 125:85.3 of 000





Entertainment Commission

October 5, 2016

Clerk of the Board of Supervisors 1 Dr. Carlton B. Goodlett Place San Francisco, CA. 94102

RE: Board of Supervisors File # 160962 Ordinance Amending the Police Code – Limited Live Performance Permits – Union Street Neighborhood Commercial District

Clerk of the Board of Supervisors:

The Entertainment Commission, during its meeting on October 4, 2016, discussed the legislation amending the Police Code to allow the Director of the Entertainment Commission to extend from 10:00pm until 11:00pm the hours during which Live Performances may be presented at Limited Live Performance Locales in the Union Street Neighborhood Commercial District.

After careful consideration, the Commission voted to endorse the proposed ordinance regarding Police Code Section 1060.38.1 as it pertains to Limited Live Performance Locales in the Union Street Neighborhood Commercial District.

If you have any questions, please contact the Entertainment Commission at 415-554-7793.

Sincerely, Jocelyn Kane

Executive Director, on behalf of the San Francisco Entertainment Commission



SMALL BUSINESS COMMISSION OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO EDWIN M. LEE, MAYOR

October 13, 2016

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. 160962 [Police Code - Limited Live Performance Permits - Union Street Neighborhood Commercial District]

Small Business Commission Recommendation to the Board of Supervisors: Approval

Dear Ms. Calvillo,

On September 26, 2016, the Small Business Commission voted unanimously (7-0) to recommend that the Board of Supervisors approve BOS File No. 160962.

The Limited Live Performance (LLP) permit was developed as a result of collaboration among the Office of Small Business, Planning Department, and Entertainment Commission. In contrast to the standard entertainment permit, which costs significantly more, the LLP permit is for businesses such as cafes and restaurants, in which live entertainment is a secondary use. The Small Business Commission is proud that the LLP permit has been successful and commends the Entertainment Commission for its management of the program. Furthermore, it is pleased to see that the Union Street Neighborhood Commercial District now seeks to join other areas of the City that allow an extension of performances to 11 p.m. for responsible permit-holders.

Thank you for considering the Commission's comments. Please feel free to contact me should you have any questions.

Sincerely,

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Regina Dick-Endrizzi Director, Office of Small Business

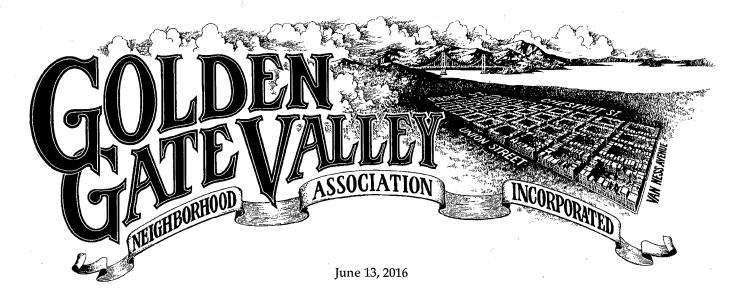
cc: Mark Farrell, Board of Supervisors Kanishka Karunaratne, Office of Supervisor Mark Farrell Nicole Elliott, Mayor's Office Jocelyn Kane, Entertainment Commission Lisa Pagan, Office of Economic and Workforce Development Alisa Somera, Land Use & Transportation Committee

OFFICE OF SMALL BUSINESS

SMALL BUSINESS COMMISSION

1 DR. CARLTON B. GOODLETT PLACE, ROOM 110, SAN FRANCISCO, CALIFORNIA 94102-4681

(415) 554-6408



Captain John Jaimerena John.Jaimerena@sfgov.org San Francisco Police Department, Northern Station 1125 Fillmore Street San Francisco CA 94115

<u>Re: Opposition to Modification of Police Code to Extend Evening Hours for Limited Live</u> <u>Performance Permit – Union Street NCD</u>

Dear Captain Jaimerena:

Golden Gate Valley Neighborhood Association (GGVNA) has been asked to weigh in on a change to the San Francisco Police Code that would extend the hours of Limited Live Performance permits in the Union Street Neighborhood Commercial District. The code currently provides that no extension past 10 p.m. is permitted in specific NCDs, including Union Street.

After discussion with board members and neighbors, GGVNA voted to oppose any amendment of the Police Code which would extend the hours for limited live entertainment past 10 p.m. in the Union Street NCD.

The challenges establishments have in containing noise, especially as patrons ingress/egress – is well documented. Maintaining the current permit hours is vital to the well being of the residents who live on or extremely close to Union Street, including many families with young children.

GGVNA is proud of its long history of supporting businesses in the neighborhood, including those such as the Comet Club and the Bus Stop, which have sought and been granted entertainment permits under the current Code. We look forward to continuing to partner with Northern Station in supporting reasonable guidelines that promote a healthy balance between merchants and residents.

We would appreciate hearing from you re your position on this matter, as well as being kept informed of any potential developments.

Thank you.

Sincerely,

Mary Russell Vice President

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UNION STREET ASSOCIATION 2036 UNION STREET SAN FRANCISCO, CA. 94123 T. 415-441-7055 F. 415-928-4750 "www.unionstreetsf.com

August3, 2016

Kanishka Karunaratne Legislative Aide Supervisor Mark Farrell SF Board of Supervisors City & County of SF.

Re: Bus Stop (1901 Union) application for extended hours

Dear Ms. Karunaratne,

In April, the Association polled its members regarding this application. There was only one negative out of the 35 responses received.

Based on this information, the Union Street Association supports the application of Mr. Ferroni for the extended hours. We believe the additional hours will not in any way impact negatively on the neighborhood. It will, however, give his business a crucial extra hour to present limited live performances to an appreciative audience as well as offering the public an option of a musical venue to attend, something we are woefully lacking in Cow Hollow.

Please grant altering the Police Code section 1060.38.1 subsection (b) to eliminate reference to the Union Street Neighborhood Commercial District in order to allow holders of Live Limited Performance Permits in our district to extend the hours during which live performances may be presented from 10 - 11 pm.

I can be reached at 415-673-1273 if you have any questions.

Thank you,

Jesley Leonhardt

Lesley Leonhardt Executive Director

cc Gabe Ferroni cc Vincent Etcheber, Permit officer SFPD

BOARD of SUPERVISORS



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

September 15, 2016

File No. 160962

Lisa Gibson Acting Environmental Review Officer Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

Dear Ms. Gibson:

On September 6, 2016, Supervisor Farrell introduced the following proposed legislation:

File No. 160962

Ordinance amending the Police Code to allow the Director of the Entertainment Commission to extend from 10:00 p.m. until 11:00 p.m. the hours during which Live Performances may be presented at Limited Live Performance Locales in the Union Street Neighborhood Commercial District; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Ilisa mera

By: Alisa Somera, Legislative Deputy Director Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning Jeanie Poling, Environmental Planning **BOARD of SUPERVISORS**



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 Acting Chief Toney Chaplin, Police Department

FROM:

Alisa Somera, Legislative Deputy Director Land Use and Transportation Committee

DATE: September 15, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Farrell on September 6, 2016:

File No. 160962

Ordinance amending the Police Code to allow the Director of the Entertainment Commission to extend from 10:00 p.m. until 11:00 p.m. the hours during which Live Performances may be presented at Limited Live Performance Locales in the Union Street Neighborhood Commercial District; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, 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 at: <u>alisa.somera@sfgov.org</u>.

c: Crystal Stewart, Entertainment Commission Christine Fountain, Police Department Sergeant Rachael Kilshaw, Police Department

Print Form	· ···································		
Introduction F	orm SANFRARGISCA		
By a Member of the Board of Superviso			
I hereby submit the following item for introduction (select only one): B7 Or meeting date		
1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)			
2. Request for next printed agenda Without Reference to Committee.			
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.			
9. Reactivate File No.			
10. Question(s) submitted for Mayoral Appearance before the BOS on			
Please check the appropriate boxes. The proposed legislation shoul Small Business Commission I Youth Commiss Planning Commission I Bu Note: For the Imperative Agenda (a resolution not on the printed)	sion		
Sponsor(s):			
Supervisor Mark Farrell			
Subject:			
Police Code - Limited Live Performance Permits for Union Street N	eighborhood Commercial District		
The text is listed below or attached:	· · · · · · · · · · · · · · · · · · ·		
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Signature of Sponsoring Supervisor:	1000		
For Clerk's Use Only:			

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