

**REVISED LEGISLATIVE DIGEST**  
(Amended in Committee, 5/24/2021)

[Planning, Business and Tax Regulations, Police Codes - Small Business Recovery Act]

**Ordinance amending the Planning, Business and Tax Regulations, and Police Codes to simplify procedures and allow flexibility for neighborhood, cultural, and entertainment establishments by 1) expanding streamlined review and inspection procedures to principally permitted storefront uses citywide; 2) deleting separate definitions of “Cat Boarding,” and “Services, Instructional” from the Planning Code; 3) allowing the continuation of longstanding places of entertainment; 4) temporarily requiring a conditional use authorization for uses replacing Nighttime Entertainment uses; 5) allowing temporary outdoor entertainment, arts, and recreation activities; 6) eliminating the one night dance permit; 7) extending time for limited live performances from 10 p.m. to 11 p.m.; 8) allowing additional One-Time Entertainment Permits and One-Time Outdoor Amplified Sound Permits; 9) exempting single individual performances without amplification from permit requirements; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

Existing Law

Currently, section 32 of the Business and Tax Regulations Code requires streamlined review of principally permitted storefront uses in Neighborhood Commercial and Neighborhood Commercial Transit Districts.

The Planning Code Section 102 includes specific definitions for “Cat Boarding,” and “Services, Instructional.” General Entertainment or Nighttime Uses cannot be considered accessory uses, unless it is a General Entertainment or Nighttime Entertainment use that involves a Limited Live Performance Permit pursuant to the Police Code.

Article 1 of the Police Code requires certain venues to obtain a one-time dance permit. Under Article 15 of the Police Code, Limited Live Performances must conclude by 10 p.m., unless extended by the Director of the Entertainment Commission. Applicants may obtain up to 12 One-Time Entertainment Permits and One-Time Outdoor Amplified Sound Permits in a 12-month period. Performances by single individuals with no amplification must obtain a permit.

**Amendments to Current Law**

This ordinance would amend Business and Tax Regulations Code Section 32 to require streamlined review of principally permitted storefront uses citywide, not just in Neighborhood Commercial and Neighborhood Commercial Transit Districts.

In addition, the ordinance would amend the Planning Code to:

- delete the specific definitions and use categories for “Cat Boarding,” and “Services, Instructional.” Instead, cat boarding would be considered a General Retail Sales and Service use, and instructional services would be considered a Personal Service use. The ordinance would delete references to Cat Boarding and Services, Instructional throughout the Planning Code;
- establish that places of entertainment that are deemed to be a Continuing Entertainment Operations Establishment by the Entertainment Commission may continue operation regardless of zoning (new § 193);
- for three years following adoption of the legislation, require uses that demolish or change a Nighttime Entertainment Use obtain a conditional use permit (new § 202.11);
- authorize temporary uses in outdoor areas for Entertainment, Arts and Recreation Activities (new § 205.8);
- allows General Entertainment or Nighttime Uses that do not require a Limited Live Performance Permit under the Police Code to the types of General Entertainment or Nighttime Entertainment uses that can be considered accessory uses.

Further, the ordinance amends Article 1 of the Police Code to eliminate one-time dance permits. The ordinance also amends Article 15 of the Police Code to allow Limited Live Performances until 11 p.m., except in certain districts; to allow issuance of additional One-Time Entertainment Permits and One-Time Outdoor Amplified Sound Permits; to exempt single individual performances with no amplification from permit requirements; and to allow the Entertainment Commission to deem certain Entertainment Uses as a Continuing Entertainment Operations Establishment which allows continued operation without additional zoning review.

#### Background Information

This version of the legislation includes amendments made at the Land Use and Transportation Committee on May 24, 2021. The amendments remove the amendments to Planning Code Sections 155.2, 155.4, 178, 202.2, 204.3, 207, 249.1, 249.35A, 303, 303.1, 303.2, 311, 731, 732, 733, 734, 750, 803.9, 843, 890.54, 1006.2, and 1111.1, which had been included in the ordinance introduced on March 23, 2021 (with substitute legislation on April 6 and April 23, 2021).