

1 [Place of Entertainment Permits and Board of Appeals Procedures.]

2

3 **Ordinance amending the San Francisco Police Code by amending Sections 2.26, 1060,**
 4 **1060.1, 1060.2, 1060.3, 1060.5, 1060.24, 1060.25 and 1060.29, by adding Sections**
 5 **1060.20.1, 1060.20.2, 1060.20.3, 1060.20.4, 1060.24.1, 1060.24.2, 1060.29.1, 1060.30,**
 6 **1060.31, 1060.32 and 1060.33, by repealing Sections 1060.4, 1060.20 and 1060.22, and**
 7 **by adding new Sections 1060.4, 1060.20, and 1060.34, relating to the application,**
 8 **approval, amendment, suspension, revocation, and transfer of Place of Entertainment**
 9 **Permits and One Night Event Permits (now called "One Time Event Permits"), including**
 10 **changes in penalties, and amending the San Francisco Business and Tax Regulations**
 11 **Code by amending Sections 8 and 26 to provide the time for appealing to the Board of**
 12 **Appeals, to provide an additional category of permit suspension and revocation**
 13 **actions that are not suspended pending a decision by the Board of Appeals, and to**
 14 **clarify the standards governing the review of permits.**

15 Note: Additions are single-underline italics Times New Roman;
 16 deletions are ~~strikethrough italics Times New Roman~~.
 17 Board amendment additions are double underlined.
 Board amendment deletions are ~~strikethrough normal~~.

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

19 Section 1. The San Francisco Police Code is hereby amended by amending Section
20 2.26, to read as follows:

21 **SEC. 2.26. SCHEDULE OF PERMITS AND FILING FEES.**

22 The following filing fees, payable in advance to the City and County of San Francisco,
23 are required when submitting applications for permits to the Police Department or
24 Entertainment Commission:
25

| | | |
|----|--|----|
| 1 | TYPE OF PERMIT FILING FEE | |
| 2 | Permit Amendment/Additional Partner..... | \$ |
| 3 | | 81 |
| 4 | Amusement Park..... | 8 |
| 5 | | 71 |
| 6 | Antique Shop..... | 5 |
| 7 | | 58 |
| 8 | Auto Wrecker..... | 6 |
| 9 | | 64 |
| 10 | Ball or Ring Throwing Games..... | 4 |
| 11 | | 77 |
| 12 | Balloon and Kite Advertising..... | 3 |
| 13 | | 67 |
| 14 | Billiard Parlor..... | 4 |
| 15 | | 56 |
| 16 | Bingo Games..... | 1 |
| 17 | | 12 |
| 18 | Amendment to Permit..... | 1 |
| 19 | | 12 |
| 20 | Circus..... | 6 |
| 21 | | 48 |
| 22 | Closing-Out Sale..... | 4 |
| 23 | | 13 |
| 24 | | |
| 25 | | |

| | | |
|----|---|-----|
| 1 | Dance Hall Keeper..... | 1, |
| 2 | | 401 |
| 3 | Amendment to Permit..... | 6 |
| 4 | | 60 |
| 5 | One Night Dance..... | \$ |
| 6 | | 40 |
| 7 | Dealer in Firearms and/or Ammunition..... | 9 |
| 8 | | 61 |
| 9 | Renewal..... | 2 |
| 10 | | 18 |
| 11 | Discharge of Cannon..... | 4 |
| 12 | | 00 |
| 13 | Distributor of Advertising | |
| 14 | Class A..... | 5 |
| 15 | | 24 |
| 16 | Class B..... | 4 |
| 17 | | 59 |
| 18 | Driverless Auto Rental..... | 6 |
| 19 | | 31 |
| 20 | Encounter Studio | |
| 21 | Owner..... | 7 |
| 22 | | 25 |
| 23 | Employee..... | 2 |
| 24 | | |
| 25 | | |

| | | |
|----|--|-----|
| 1 | | 02 |
| 2 | Escort Service | |
| 3 | | 7 |
| 4 | Owner..... | 09 |
| 5 | | 2 |
| 6 | Employee..... | 02 |
| 7 | | 1, |
| 8 | Extended Hours Permit..... | 500 |
| 9 | | 6 |
| 10 | Amendment to Permit..... | 60 |
| 11 | | 3 |
| 12 | Fortuneteller..... | 57 |
| 13 | | 2 |
| 14 | Funeral Procession Escort..... | 24 |
| 15 | | 1 |
| 16 | Insignia and Uniform..... | 3 |
| 17 | | 2 |
| 18 | General Soliciting Agent..... | 52 |
| 19 | | 6 |
| 20 | Itinerant Show..... | 80 |
| 21 | | 1 |
| 22 | Itinerant Show/Nonprofit [Fee set by Police Code Section 1017.2] | 00 |
| 23 | | 9 |
| 24 | Junk Dealer..... | |
| 25 | | |

| | | |
|----|-----------------------------------|-----|
| 1 | | 45 |
| 2 | Junk Gatherer | |
| 3 | | 4 |
| 4 | Resident..... | 39 |
| 5 | | 3 |
| 6 | Nonresident..... | 70 |
| 7 | | 2 |
| 8 | Licensed Tour Guide..... | 72 |
| 9 | | 4 |
| 10 | Loudspeaker..... | 16 |
| 11 | | 4 |
| 12 | Vehicle..... | 16 |
| 13 | | 7 |
| 14 | Masked Ball..... | 79 |
| 15 | | 1, |
| 16 | Massage Establishment..... | 684 |
| 17 | | 2 |
| 18 | Masseur/Masseuse..... | 02 |
| 19 | | 2 |
| 20 | Trainee..... | 02 |
| 21 | | 5 |
| 22 | Mechanical Amusement Devices..... | 68 |
| 23 | | 5 |
| 24 | Mechanical Contrivance..... | |
| 25 | | |

| | | |
|----|---|----|
| 1 | | 68 |
| 2 | Miniature Golf Course..... | 5 |
| 3 | | 86 |
| 4 | Mobile Caterer..... | 7 |
| 5 | | 75 |
| 6 | Additional Stop..... | 7 |
| 7 | | 3 |
| 8 | Assistant..... | 7 |
| 9 | | 3 |
| 10 | Transfer of Stop..... | 7 |
| 11 | | 3 |
| 12 | Museum..... | 6 |
| 13 | | 45 |
| 14 | Nude Models in Public Photographic Studio | |
| 15 | Owner..... | 7 |
| 16 | | 04 |
| 17 | Employee..... | 2 |
| 18 | | 02 |
| 19 | One Time Night Event | 2 |
| 20 | | 55 |
| 21 | Outcall Massage..... | 4 |
| 22 | | 62 |
| 23 | Pawnbroker..... | 7 |
| 24 | | |
| 25 | | |

| | | |
|----|---------------------------------|----|
| 1 | | 63 |
| 2 | Peddler | |
| 3 | | 5 |
| 4 | Fish, Vegetables, Fruit..... | 25 |
| 5 | | 5 |
| 6 | Food for Human Consumption..... | 25 |
| 7 | | 3 |
| 8 | Nonfood..... | 30 |
| 9 | | 7 |
| 10 | Employee..... | 7 |
| 11 | | 7 |
| 12 | Pedicab Driver..... | 7 |
| 13 | | |
| 14 | Pedicab Owner | |
| 15 | | 3 |
| 16 | First Pedicab..... | 72 |
| 17 | | 8 |
| 18 | Each Additional Pedicab..... | 4 |
| 19 | | |
| 20 | Photographer, Public Place | |
| 21 | | 4 |
| 22 | Owner..... | 29 |
| 23 | | 7 |
| 24 | Solicitor..... | 7 |
| 25 | | |

| | | |
|----|--------------------------------------|-----|
| 1 | Photographic Solicitor | |
| 2 | Owner..... | 4 |
| 3 | | 29 |
| 4 | Employee..... | 7 |
| 5 | | 7 |
| 6 | Place of Entertainment..... | 1, |
| 7 | | 500 |
| 8 | Amendment to Permit..... | 6 |
| 9 | | 60 |
| 10 | Poker..... | 8 |
| 11 | | 94 |
| 12 | Amendment to Permit..... | 7 |
| 13 | | 9 |
| 14 | Public Bathhouse..... | 1, |
| 15 | | 122 |
| 16 | Public Outcry Sales..... | 7 |
| 17 | | 16 |
| 18 | Pushcart Peddler..... | 5 |
| 19 | | 94 |
| 20 | Recreational Equipment Vendor..... | 4 |
| 21 | | 08 |
| 22 | Rodeo Exhibition/Wild West Show..... | 6 |
| 23 | | 51 |
| 24 | | |
| 25 | | |

| | | |
|----|---|----|
| 1 | | 5 |
| 2 | Second Hand Dealer..... | 58 |
| 3 | | 5 |
| 4 | Second Hand Dealer, Auto Accessories..... | 58 |
| 5 | | 7 |
| 6 | Shooting Gallery..... | 23 |
| 7 | | 6 |
| 8 | Skating Rink..... | 93 |
| 9 | | |
| 10 | Street Photographer | |
| 11 | | 3 |
| 12 | Owner..... | 79 |
| 13 | | 2 |
| 14 | Solicitor..... | 31 |
| 15 | | 1 |
| 16 | Tow Car Driver..... | 98 |
| 17 | | 5 |
| 18 | Tow Car Firm..... | 75 |
| 19 | | 7 |
| 20 | Trade-In Dealer..... | 13 |
| 21 | | |
| 22 | Valet Parking | |
| 23 | | 5 |
| 24 | Fixed Location..... | 35 |
| 25 | | 3 |
| | Annual Special Event..... | |

| | |
|-------------------------------------|---------|
| | 50 |
| Vehicle for Hire, Nonmotorized..... | 6 44 |

Section 2. The San Francisco Police Code is hereby amended by amending Sections 1060, 1060.1, 1060.2 and 1060.3, to read as follows:

SEC. 1060. DEFINITIONS.

For the purposes of this Article, *unless otherwise provided in this Article*, the following words and phrases shall mean and include:

(a) "Any Sidewalk Abutting the Premises." As to a Permittee, the sidewalk not more than fifty feet from the premises of the Business that is located between the premises and a public street. For purposes of this definition, "premises" includes any immediately adjacent area that is owned, leased, or rented by the Permittee.

(b) "Bona Fide Nonprofit Club or Organization." Any fraternal, charitable, religious, benevolent, or other nonprofit organization for mutual social, mental, political, or civic welfare, to which admission is limited to members and guests if the revenue accruing therefrom is used exclusively for the benevolent purposes of said organization or agency, and if the organization or agency is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit organization.

(c) "Business." The enterprise for which a permit is sought or has been issued under this Article, whether operated on a for-profit or not-for-profit basis.

(d) "Conduct that Constitutes a Nuisance." Any conduct that would constitute a violation of the following laws: assault and battery (Cal. Penal Code §240, 242, 245); sexual battery (Cal. Penal Code §243.4); discharging firearm (Cal. Penal Code §246, 246.3); unlawful weapons (Cal. Penal Code §12020; S.F. Police Code §1291); disturbing the peace (Cal. Penal Code § 415, 416, 417);

1 unlawful threats (Cal. Penal Code §422); obstruction of pedestrian or vehicle right of way (Cal. Penal
2 Code § 370); gambling (Cal. Penal Code §§ 330, 337(a)); prostitution (Cal. Penal Code §§ 266(h),
3 266(i), 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender
4 Registration Act (Cal. Penal Code §290); loitering for lewd or lascivious purposes (Cal. Penal Code
5 §647(d)); loitering on private property without lawful business (Cal. Penal Code §647(h)); identify
6 theft (Cal. Penal Code §530.5); a violent felony warranting enhancement of a prison term (Cal. Penal
7 Code §667.5); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378,
8 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions
9 Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police
10 Code §153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise
11 emissions (San Francisco Police Code Art. 29).

12 (e) "Corrective Action." Action which includes, but is not limited to, the following:

13 (1) Requesting assistance from the local law enforcement agency in a timely manner
14 regarding the conduct.

15 (2) Requesting those individuals engaging in Conduct that Constitutes a Nuisance to cease
16 the conduct, or ejecting those Persons from the premises.

17 (3) Revising the Security Plan, subject to approval by the Entertainment Commission or the
18 Director as provided under this Article.

19 (f) "Director." The Executive Director of the Entertainment Commission or individual
20 designated by the Director to act on his or her behalf.

21 (g) "Entertainment." Any of the following, except when conducted in a private residence:

22 (1) Any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry
23 recitation, conducted in or upon any premises to which patrons or members are admitted.

24
25

1 (2) The playing or use of any instrument capable of producing or used to produce musical
2 or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments,
3 or karaoke, or recorded music presented by a live disc jockey on the premises.

4 (3) A fashion or style show.

5 (4) The act of any female entertainer, while visible to any customer, who exposes the breast
6 or employs any device or covering which is intended to simulate the breast, or wears any type of
7 clothing so that the breast may be observed.

8 (h) "Manager." The individual authorized by the Permittee to exercise discretionary power
9 to organize, direct, carry out or control the operations of the Business.

10 (i) "Permittee." The Person to whom a permit has been issued under this Article.

11 (j) "Person." Any person, individual, firm, partnership, joint venture, association, social
12 club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver,
13 trustee, syndicate, or any other group or combination acting as a unit excepting the United States of
14 America, the State of California, and any political subdivision of either.

15 (k) "Place of Entertainment." Every premises to which patrons or members are admitted
16 which serves food, beverages, or food and beverages, including but not limited to alcoholic beverages,
17 for consumption on the premises and wherein Entertainment as defined in Subsection (g) is furnished
18 or occurs upon the premises.

19 (l) "Sale of the Business" or "Sell the Business." The sale or other transfer of the
20 ownership interest in a Business that results in a Person (who did not already have such a percentage
21 interest) owning fifty percent or more of the Business, regardless of the form of ownership; ~~provided,~~
22 however, that the term shall not apply if the Permittee is a publicly traded company. A publicly
23 traded company is a company that has issued securities through an initial public offering
24 which are traded on at least one stock exchange or over the counter market.

25

1 (m) "Security Guard." A person who has a valid Proprietary Private Security Officer
2 registration document issued by the California Department of Consumer Affairs or is a Patrol Special
3 Police Officer appointed by the Police Commission or an assistant to a Patrol Special Police Officer.

4 (n) "Security Plan." A plan that adequately addresses the safety of persons and property by
5 (i) providing at least one Security Guard for every 100 individuals anticipated to be present at any one
6 time during Entertainment events on the premises of the Business, (ii) securing the sidewalk for a 100-
7 foot radius in all directions around the premises of the Business to prevent injury to persons and/or
8 damage to property, and (iii) providing for the orderly dispersal of individuals and traffic from the
9 premises of the Business and within 100 feet of any door that patrons use to enter or exit the premises.
10 The phrase "100 feet" in (iii) of this Subsection (n) means 100 feet from the door in both directions on
11 the same side of the street as the premises of the Business. The plan shall include sufficient staff with
12 the requisite experience to implement the plan.

13 (o) "Tax Collector." Tax Collector of the City and County of San Francisco.

14 ~~—— (a) "Place of Entertainment." Every premises to which patrons or members are~~
15 ~~admitted which serves food, beverages, or food and beverages, including but not limited to alcoholic~~
16 ~~beverages, for consumption on the premises and wherein entertainment as defined in Subsections (b),~~
17 ~~(c), or (e) is furnished or occurs upon the premises.~~

18 ~~—— (b) "Entertainment." Any act, play, review, pantomime, scene, song, dance act, song~~
19 ~~and dance act, or poetry recitation, conducted or participated in by any professional entertainer in or~~
20 ~~upon any premises to which patrons or members are admitted.~~

21 ~~"Entertainment," in addition, is defined to mean and include the playing upon or use by any~~
22 ~~professional entertainer of any instrument that is capable of or can be used to produce musical sounds~~
23 ~~or percussion sounds, including but not limited to, reed, brass, percussion or string like instruments, or~~
24 ~~recorded music presented by a live disc jockey on the premises.~~

25

1 ~~—— (e) "Entertainment," Continued. "Entertainment" also includes a fashion or style show~~
2 ~~in which the models are professional entertainers, except when conducted by a bona fide nonprofit club~~
3 ~~or organization as a part of the social activities of such club or organization, and when conducted~~
4 ~~solely as a fundraising activity for charitable purposes.~~

5 ~~—— (d) "Professional Entertainer." A person who is compensated for his or her~~
6 ~~performance.~~

7 ~~—— (e) "Entertainment," Continued; Exhibition of Human Body. "Entertainment" also~~
8 ~~includes the act of any female professional entertainer, while visible to any customer, who exposes the~~
9 ~~breast or employs any device or covering which is intended to simulate the breast, or wears any type of~~
10 ~~clothing so that the breast may be observed.~~

11 ~~—— (f) "Person." Any person, individual, firm, partnership, joint venture, association,~~
12 ~~social club, fraternal organization, joint stock company, corporation, estate, trust, business trust,~~
13 ~~receiver, trustee, syndicate or any other group or combination acting as a unit excepting the United~~
14 ~~States of America, the State of California, and any political subdivision of either thereof.~~

15 ~~—— (g) "Operator." Any person operating a place of entertainment in the City and County~~
16 ~~of San Francisco, including, but not limited to, the owner or proprietor of such premises, lessee,~~
17 ~~sublessee, mortgagee in possession, permittee or any other person operating such place of~~
18 ~~entertainment or amusement.~~

19 ~~—— (h) "Bona Fide Nonprofit Club or Organization." Any fraternal, charitable, religious~~
20 ~~or benevolent, or any other nonprofit organization having a regular membership association primarily~~
21 ~~for mutual social, mental, political and civic welfare, to which admission is limited to members and~~
22 ~~guests and revenue accruing therefrom shall be used exclusively for the benevolent purposes of said~~
23 ~~organization and which organization or agency is exempt from taxation under the Internal Revenue~~
24 ~~laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit~~
25 ~~organization.~~

1 ~~_____ (i) "Admission Charge." Any charge for the right or privilege to enter any place of~~
2 ~~entertainment including a minimum service charge, a cover charge or a charge made for the use of~~
3 ~~seats and tables, reserved or otherwise.~~

4 ~~_____ (j) "Tax Collector." Tax Collector of the City and County of San Francisco.~~

5 ~~_____ (k) "Security Plan." A plan that (i) provides at least 1 security guard for every 100~~
6 ~~persons authorized by the Occupancy Permit, (ii) secures a 50 foot perimeter in all directions around~~
7 ~~the location of the Place of Entertainment to prevent injury to persons and/or damage to property, and~~
8 ~~(iii) provides for the orderly disbursement of persons and traffic from the Place of Entertainment. The~~
9 ~~Entertainment Commission, in consultation with the San Francisco Police Department, shall develop~~
10 ~~rules and regulations implementing this section.~~

11 **SEC. 1060.1. PERMIT REQUIRED.**

12 (a) It shall be unlawful for any Person ~~person~~ to own, conduct, operate, maintain ~~or to~~
13 ~~participate therein~~, or to cause or permit to be conducted, operated, or maintained, any Place of
14 Entertainment ~~place of entertainment~~ or One Time Event in the City and County of San Francisco
15 without first having obtained the required ~~a~~ permit from the Director or Entertainment
16 Commission.

17 (b) No Person may conduct, operate or maintain, or cause or permit to be conducted,
18 operated, or maintained, a Place of Entertainment or One Time Event for which a permit has been
19 granted (1) after the permit has been revoked or (2) for any period of time during which the permit has
20 been suspended or is otherwise invalid.

21 ~~Any place or premises where a permit to operate is sought must conform to all existing health,~~
22 ~~safety, zoning and fire ordinances of the City and County of San Francisco, and must have a valid~~
23 ~~public eating place permit from the Department of Public Health. The Entertainment Commission may~~
24 ~~issue a permit under this Section conditional upon the applicant receiving the other required permits.~~

1 ~~Any permit granted by the Entertainment Commission conditional upon the applicant receiving~~
2 ~~other required permits may be appealed to the Board of Permit Appeals. Such appeal must be filed~~
3 ~~within ten (10) days of the final decision of the Entertainment Commission issuing the conditional~~
4 ~~permit.~~

5 ~~Any conditional permit granted by the Entertainment Commission will expire nine (9) months~~
6 ~~from the date of the final decision of the Entertainment Commission, if all other required permits have~~
7 ~~not been received.~~

8 **SEC. 1060.2. FILING APPLICATION AND NOTICE TO OTHER CITY**

9 **DEPARTMENTS.**

10 (a) ~~Every Person person seeking desiring~~ a permit or an amendment to a permit pursuant
11 ~~to this Article~~ shall file an application with the Entertainment Commission upon a form provided
12 by the Entertainment Commission and shall pay a filing fee as provided in Section 2.26 of this
13 Code.

14 (b) The Director shall send the application to the San Francisco Police Department, Fire
15 Department, Department of Building Inspection, Department of Public Health, and Planning
16 Department. Those departments shall complete all necessary inspections and report their
17 determinations to the Entertainment Commission within 20 City business days of receiving the
18 application.

19 **SEC. 1060.3. APPLICATION FORM.**

20 ~~Operators under any permit issued pursuant to this Article shall be limited to the terms of the~~
21 ~~application.~~ Except as otherwise provided herein, an application for a permit pursuant to the
22 provisions of this Article shall specify:

23 (a) The name and street address of the Business for which the permit is sought.

24 (b) The name and address of the applicant as follows:

Formatted

Formatted

1 (1) If the applicant is a corporation, the name of the corporation exactly as shown in its
2 articles of incorporation; the date and place of incorporation; and the name and address of each
3 officer and director.
4 (2) If the applicant is a Person other than a publicly traded company, the name and
5 address of every Person that directly or indirectly owns or controls 10% or more of the assets,
6 ownership interests or voting interests in that Person.
7 (c) The name of and contact information for the Manager who shall directly, or through
8 designees, be on the premises during all hours of operation.
9 (d) The name and address of each Person who appears on the business registration
10 certificate for the Business for which a permit is sought.
11 (e) The name and address of each Person to whom the Department of Alcoholic Beverage
12 Control has issued a license for the Business for which a permit is sought.
13 (f) The names and addresses of the Persons who have or will have authority or control over
14 the Business and a brief statement of the nature and extent of such authority and control, if the
15 applicant has not otherwise provided this information in the application.
16 (g) The name and address of the Person authorized to accept service of process.
17 (h) A plan for the Business specifying the days and hours of operation, the number of
18 employees and their duties, and the amount of parking, both on and off-site, to be provided. If sound
19 amplification is to be used, the plan shall also include a specific description of the amplification
20 system.
21 (i) A proposed Security Plan as defined in Section 1060(n).
22 (j) For the Persons(s) whose disclosure is required under Subsections (b), (c), (e) and (f),
23 all criminal charges, complaints or indictments in the preceding five years which resulted in a
24 conviction or a plea of guilty or no contest for the following laws: assault and battery (Cal. Penal Code
25 §240, 242, 245); sexual battery (Cal. Penal Code §243.4); discharging firearm (Cal. Penal Code §246,

Formatted

1 246.3); unlawful weapons (Cal. Penal Code §12020; S.F. Police Code §1291); disturbing the peace
2 (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code §422); obstruction of pedestrian
3 or vehicle right of way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337(a));
4 prostitution (Cal. Penal Code §§ 266(h), 266(i), 315, 316, 647(b)); sex crimes for which registration is
5 required under the Sex Offender Registration Act (Cal. Penal Code §290); loitering for lewd or
6 lascivious purposes (Cal. Penal Code §§ 647(d), 647(h)); identify theft (Cal. Penal Code §530.5); a
7 violent felony warranting enhancement of a prison term (Cal. Penal Code §667.5); drug offenses (Cal.
8 Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of
9 Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657,
10 25658); or for conduct in another jurisdiction which if carried out in California would constitute an
11 offense under one of the laws set forth in this Subsection (j).

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

19 (l) For the information required by Subsections (j) and (k), a statement setting forth for
20 each Person all charges under which convictions or pleas of guilty or no contest were obtained, any
21 sentence imposed, and for each matter the date, name and location of the court.

22 (m) Such further information as the Entertainment Commission requires regarding financial
23 and lease arrangements and management, authority, and operational control of the Business or its
24 premises when the information will assist the Commission in its determination whether to grant or deny
25 the permit.

1 ~~(a) The address of the location for which the permit is required, together with the business~~
2 ~~name of such location.~~

3 ~~(b) The name and proposed business address of the applicant. If the applicant is a corporation,~~
4 ~~the name of the corporation shall be set forth exactly as shown in its articles of incorporation; and the~~
5 ~~applicant shall also set forth the date and place of incorporation; the names and residence addresses of~~
6 ~~each of the officers, directors, and each stockholder owning more than 10 percent of the stock of the~~
7 ~~corporation. If the applicant is a partnership, the application shall set forth the name and residence~~
8 ~~address of each of the partners, including limited partners. If one or more of the partners is a~~
9 ~~corporation, the provisions of this Section pertaining to a corporate applicant apply.~~

10 ~~(c) Whether or not the applicant or any officer or director or member of applicant, as the case~~
11 ~~may be, has ever been convicted of any crime except misdemeanor traffic violations. In addition to the~~
12 ~~foregoing, any corporate applicant shall state whether or not any stockholder owning more than 10~~
13 ~~percent of the stock of such corporation has ever been convicted of any crime except misdemeanor~~
14 ~~traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be~~
15 ~~made giving the name of the person so convicted, the place and court in which the conviction was had,~~
16 ~~the specific charge under which the conviction was obtained, and the sentence imposed as the result of~~
17 ~~said conviction.~~

18 ~~(d) The names and addresses of the persons who have authority or control over the place for~~
19 ~~which the permit is requested and a brief statement of the nature and extent of such authority and~~
20 ~~control.~~

21 ~~(e) Such information pertinent to the operation of the proposed activity, including information~~
22 ~~as to management, authority control, financial agreements, and lease arrangements, that is reasonably~~
23 ~~related to the factual determinations this ordinance empowers the Entertainment Commission to make~~
24 ~~in reviewing and acting upon permit applications as the Entertainment Commission may require of an~~
25 ~~applicant in addition to the other requirements of this Section. The foregoing examples are in~~

1 *explanation of and not in limitation of the information which the Entertainment Commission may*
2 *require.*

3 ~~(f) A business plan for the proposed place of entertainment, specifying the days and hours of~~
4 ~~operation, the number of patrons, the numbers of employees and their duties, the identity of the~~
5 ~~manager or managers who shall be on premises during all hours of operation, the types or classes of~~
6 ~~entertainment (in terms of the types of instruments, numbers of performers and sound levels) to be~~
7 ~~provided, and the amount of parking, both on site and off site, to be provided. If sound amplification is~~
8 ~~to be used, the plan shall also include a specific description of the amplification system.~~

9 ~~(g) The address to which notice, when required, is to be sent or mailed, and the name and~~
10 ~~address of a person authorized to accept service of process, if not otherwise set forth herein.~~

11 ~~(h) Whether the application is for a new permit or for the renewal of an existing permit.~~

12 ~~(i) The Entertainment Commission may require further information as it deems necessary.~~

13 Section 3. The San Francisco Police Code is hereby amended by repealing Section
14 1060.4.

15 **SEC. 1060.4 VERIFICATION OF APPLICATION.**

16 ~~Every application for a permit under this Article shall be verified as provided in the California~~
17 ~~Code of Civil Procedure for the verification of pleadings.~~

18 Section 4. The San Francisco Police Code is hereby amended by adding Section
19 1060.4, to read as follows:

20 **SEC. 1060.4. NOTICE REQUIREMENTS AND CONTACT INFORMATION.**

21 ~~(a) Unless otherwise provided in this Article, the following definitions apply.~~

22 ~~(i) To provide notice "electronically" means to send written notice by email, facsimile or in~~
23 ~~any other manner that the Director designates as appropriate to transmit written information other~~
24 ~~than by mail or personal delivery.~~

1 (ii) To "mail" notice or give notice "by mail" means depositing the notice in a sealed
2 envelope or package, clearly labeled to identify the individual to whom it is sent, in a post office,
3 mailbox, or other facility regularly maintained by the United States Postal Service, by First Class Mail,
4 with postage prepaid. The requirement that notice be mailed within a specified period of time means
5 that the notice is deposited in the mail within that period of time.

6 (iii) "Personally deliver" or "personal delivery" means delivering notice or causing notice to
7 be delivered in person.

8 (iv) "Notice" means notice of a hearing, decision, action required of an applicant for a
9 permit or a Permittee, or any other information that this Article requires to be given or which the
10 Entertainment Commission or the Director find appropriate in implementing the provisions of this
11 Article.

12 (b) Applicants for a permit and Permittees shall provide information necessary to enable
13 the Entertainment Commission and the Director to give notice under this Article. Applicants and
14 Permittees shall provide the Director in writing with a street address where the applicant and
15 Permittee receive mail from the United States Postal Service, and with any email address, facsimile
16 number or other information necessary to enable notice to be sent to the applicant and Permittee
17 electronically. The applicant and Permittee shall keep the information required by this Section current
18 by informing the Director in writing of any change. When the Commission or Director mails or
19 personally delivers notice or sends notice electronically to the applicant or Permittee in accordance
20 with the information most recently provided in writing by that Person, such action shall satisfy the
21 requirements of this Article with respect to how notice is given.

22 (c) In some circumstances, this Article requires notice to the Manager. The Permittee shall
23 provide a telephone and/or cell phone number and a facsimile number or email address for the
24 transmission of notice to the Manager. The Permittee shall keep current the contact information for the
25 Manager and shall notify the Director in writing of any change in this information. The Manager may

1 designate other individuals to whom notice is to be given for any periods of the Manager's absence or
2 unavailability by providing this information in writing to the Director. When the Commission or
3 Director mails or personally delivers notice or sends notice electronically to the Manager, or to any
4 individual designated by the Manager to receive notice in place of the Manager, in accordance with the
5 information most recently provided in writing by the Permittee for the Manager, or by the Manager for
6 his or her designee, such action shall satisfy the requirements of this Article that notice be given to the
7 Manager.

8 (d) The Director may require applicants, Permittees and Managers to provide different or
9 additional contact information for receipt of notice as communication technologies change.

10 (e) A Permittee may change the name and/or address of the individual provided by the
11 Permittee in the permit application to accept service of process by providing written notice to the
12 Director.

13 Section 5. The San Francisco Police Code is hereby amended by amending Section
14 1060.5, to read as follows:

15 **SEC. 1060.5. DETERMINATION OF APPLICATION FOR A PLACE OF**
16 **ENTERTAINMENT PERMIT; REPORTS BY OTHER CITY DEPARTMENTS.**

17 (a) The applicant or the applicant's agent shall file the application for a Place of
18 Entertainment Permit with the Director in person. Upon determining that an application is complete,
19 the Director shall accept and file it and shall schedule a public hearing before the Entertainment
20 Commission to determine whether the permit should be granted. The Director shall provide written
21 notice of the hearing to the applicant by mail or to the applicant's agent by personal delivery at least 30
22 days before the date of the hearing. Any Person may submit a written request to the Director to receive
23 notice of the hearing on a permit application.

24 (b)(1) The applicant shall cause a notice of the hearing to be conspicuously and continuously
25 posted for at least 30 days before the scheduled hearing date on the premises of the Business. The

1 Director shall provide notice of the hearing at least 30 days before the hearing to any Person who has
2 filed a written request for such notice, which notice may be given electronically if the Person has
3 provided electronic contact information, or by mail.

4 (2) In the event of a continued hearing, the applicant shall cause notice of the continued
5 hearing to be posted as required under Subsection (b)(1) of this Section for not less than 10 days and
6 the Commission shall provide notice of the hearing to Persons who have requested notice at least 10
7 days before the hearing as set forth in Subsection (b)(1) of this Section.

8 (3) The failure of the Director to provide the notice of the hearing to any Person who filed a
9 written request as provided in Subsections (b)(1) and (2) of this Section shall not constitute grounds for
10 invalidation of the actions of the Commission taken at the hearing.

11 (c) At the hearing on the application, the applicant and any other interested party, including
12 the Police Department or any other public agency, may introduce evidence and present argument
13 relating to the standards for review under Subsection (f) of this Section.

14 (d)(1) The Entertainment Commission shall hold a hearing and determine whether to grant or
15 deny the permit within 45 City business days of the date that the applicant has submitted a complete
16 application under Section 1060.5(a), except that this 45 day period shall be extended in the following
17 circumstances:

18 (i) If the Entertainment Commission finds that an extension of time is necessary to obtain
19 additional information for its review of the application under the standards set forth in Subsection (f) of
20 this Section, the 45 day period shall be extended for an additional amount of time as the Commission
21 determines appropriate, up to 15 additional days; and

22 (ii) Upon the applicant's request, the Entertainment Commission shall continue the hearing
23 for an additional period of time to allow the applicant an opportunity to comply with the requirements
24 of this Article, in which case the 45 day period is extended for that additional period; and

25

1 (iii) If the applicant fails to post or maintain notice of the hearing as required by Subsection
2 (b) of this Section, the Director shall have the hearing before the Entertainment Commission continued
3 for such period or periods of time that the Director determines necessary for the applicant to comply
4 with the posting requirement, in which case the 45 day time period is extended for that additional
5 period of periods of time.

6 (e)(1) If the permit applicant has not obtained all permits required for the Business from other
7 City departments by the date of the hearing on the application, the Entertainment Commission may
8 grant a conditional permit pending the issuance of the other required City permits; provided, however,
9 the Commission shall take this action only if sufficient information has been provided to allow for
10 adequate evaluation of the application and if grounds for denial, as set forth in Subsection (f), are not
11 present. Any permit conditionally granted by the Entertainment Commission under this
12 Subsection(e)(1) may be appealed to the Board of Appeals. Any such appeal shall be filed within 10
13 days of the final decision of the Entertainment Commission's conditionally granting the permit. No
14 Person may operate a Business for which a permit has been conditionally granted unless and until the
15 Person has obtained all permits and authorizations required from other City departments.

16 (2) If the Entertainment Commission does not grant, conditionally grant or deny the permit
17 for a Place of Entertainment within the time required by Subsection (d)(1) ~~(e)(1)~~ of this Section,
18 including any extensions of time provided for in Subsection (d)(1), the permit sought by the applicant
19 shall be deemed granted, conditioned on the requirement that the Permittee obtain all required permits
20 from other City departments within nine months and comply with all the requirements of this Article.
21 The time by which the Entertainment Commission must act commences on the date that the applicant
22 has filed a completed application under Section 1060.5(a).

23 (f) The Entertainment Commission shall grant or conditionally grant a permit for a Place
24 of Entertainment pursuant to this Article unless it finds that:
25

1 (1) The premises or the proposed operation of the Business does not comply with the health,
2 zoning, fire and safety requirements of the laws of the State of California or ordinances of the City and
3 County of San Francisco applicable to the Business; or

4 (2) Notwithstanding the mitigation provided under the Security Plan submitted by the
5 applicant, the building, structure, equipment or location of the proposed Business cannot adequately
6 accommodate the type and volume of vehicle and pedestrian traffic anticipated; or

7 (3) The premises or the proposed operation of the Business lacks adequate safeguards to
8 prevent emissions of noise, glare, dust and odor that would substantially interfere with the public
9 health, safety and welfare or the peaceful enjoyment of neighboring property; or

10 (4) The permit applicant has not provided a Security Plan that adequately addresses the
11 safety of persons and property and provides for the orderly dispersal of individuals and traffic.

12 (g) When the Commission grants or conditionally grants a permit, it shall require the
13 applicant as a condition of the permit to comply with the Security Plan that has been approved as
14 provided under this Article. The Commission may impose additional reasonable time, place and
15 manner conditions on the permit.

16 (h) If a Permittee has been conditionally granted a permit but has not obtained all of the
17 permits required from other City departments within nine months from the date that the Entertainment
18 Commission conditionally grants the permit, the conditionally granted permit shall be void.

19 ~~(a) When an application is filed for a new permit under this Article, the Entertainment~~
20 ~~Commission shall fix a time and place for a public hearing thereon to determine whether issuance of~~
21 ~~the permit would result in any of the conditions set forth in Subsection (c). The hearing must be held~~
22 ~~within 45 working days of the date the completed application is received.~~

23 ~~(b) At the time of filing of an application, the applicant shall notify the Entertainment~~
24 ~~Commission of any outstanding requests for permits or approvals from other City departments relating~~
25 ~~to the premises of the proposed place of entertainment. The Entertainment Commission shall notify~~

1 ~~those departments of the filing of the application. Those departments shall complete all necessary~~
2 ~~inspections and report their determinations to the Entertainment Commission within 20 working days~~
3 ~~of the filing of the application.~~

4 ~~(c) Not less than 30 days before the date of such hearing, the Entertainment Commission shall~~
5 ~~cause to be posted a notice of such hearing in a conspicuous place on the property in which or on~~
6 ~~which the proposed place of entertainment is to be operated. Such notice shall set forth the specific type~~
7 ~~of entertainment which the applicant intends to conduct. Such posting of notice shall be carried out by~~
8 ~~the Entertainment Commission, and the applicant shall maintain said notice as posted the required~~
9 ~~number of days. Notice of such hearing shall be mailed by the Entertainment Commission at least 30~~
10 ~~days prior to the date of such hearing to any person who has filed a written request for such notice.~~

11 ~~(d) At the hearing, the applicant and any other interested party, including the Police~~
12 ~~Department or any other public agency, shall be allowed to introduce evidence and present argument.~~
13 ~~The Entertainment Commission shall make a final decision upon the application at a public hearing,~~
14 ~~and shall notify the applicant, and any other interested party who has made a written request, of the~~
15 ~~final decision by first class mail.~~

16 ~~(e) No time limit shall commence running until the submission of a completed application.~~
17 ~~Upon the applicant's request, the Entertainment Commission shall continue the hearing to allow the~~
18 ~~applicant opportunity to comply with the requirements of this Article or any other state or local law.~~
19 ~~Notice of the date of any continuance of the hearing shall be posted in the same place and manner as~~
20 ~~the original notice for not less than seven (7) days. Upon the applicant's request, the Entertainment~~
21 ~~Commission shall also issue a conditional approval of the permit application, pending approval of the~~
22 ~~permit by other City agencies, if sufficient information has been provided to allow for adequate~~
23 ~~evaluation of the proposal and if grounds for denial, as set forth in Subsection (f), are not present.~~

24 ~~(f) The Entertainment Commission shall grant a permit pursuant to this Article unless it finds~~
25 ~~that:~~

1 (i) ~~The building, structure, equipment or location of the proposed place of entertainment does~~
2 ~~not comply with or fails to meet all of the health, zoning, fire and safety requirements or standards of~~
3 ~~all the laws of the State of California or ordinances of the City and County of San Francisco applicable~~
4 ~~to such business operation; or~~

5 (ii) ~~The building, structure, equipment or location of the proposed place of entertainment~~
6 ~~cannot adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated; or~~

7 (iii) ~~The building, structure, equipment or location of the proposed place of entertainment lack~~
8 ~~adequate safeguards to prevent emissions of noise, glare, dust and odor that substantially interfere with~~
9 ~~the public health, safety and welfare or the peaceful enjoyment of neighboring property; or~~

10 (iv) ~~The building, structure, or location of the proposed one night event does not have an~~
11 ~~adequate security plan as required by this Section.~~

12 (g) ~~An applicant whose application for a permit has been denied pursuant to this Section may~~
13 ~~seek immediate judicial review pursuant to Code of Civil Procedure Section 1085 or Section 1094.5.~~
14 ~~The applicant is not required to exhaust his or her administrative remedies before the Board of~~
15 ~~Appeals.~~

16 Section 6. The San Francisco Police Code is hereby amended by repealing Section
17 1060.20:

18 ~~**SEC. 1060.20. SUSPENSION AND REVOCATION.**~~

19 (a) ~~Any permit issued under the terms of this Article may be suspended at any time by the~~
20 ~~Entertainment Commission if the Entertainment Commission determines after a noticed public hearing~~
21 ~~that any of the following conditions exist:~~

22 (1) ~~The building, structure, equipment or location of the proposed place of entertainment~~
23 ~~does not comply with or fails to meet all of the health, zoning, fire and safety requirements or standards~~
24 ~~of all the laws of the State of California or ordinances of the City and County of San Francisco~~
25 ~~applicable to such business operation; or~~

1 ~~(2) — The establishment has been operated in a manner that has harmed the public health,~~
2 ~~safety or welfare by significantly increasing pedestrian traffic, the incidence of disorderly conduct, or~~
3 ~~the level of noise in the area in which the premises are located, and the permittee has failed, after being~~
4 ~~requested by the Police Department or Entertainment Commission to do so, to take reasonable steps to~~
5 ~~alleviate these conditions, such as providing additional off-street parking, security, soundproofing,~~
6 ~~restroom facilities, or refuse containers; or~~

7 ~~(3) — The proprietor or person or persons in charge thereof have violated, permitted the~~
8 ~~violation, or failed to take reasonable steps, after being requested by the Police Department or~~
9 ~~Entertainment Commission to do so, to halt violations on the premises or in connection with the~~
10 ~~operation of the establishment of any following laws of the State of California: Penal code Sections~~
11 ~~266h, 266i, 315, 316, 330, 337a, 647(b); Business and Professions Code Sections 23300, 25602, 25631,~~
12 ~~25657, 25658; Health and Safety Code Sections 11351, 11352, 11359, 11360, 11378, 11379, 11378.5,~~
13 ~~11379.5; or, the proprietor or persons in charge thereof have implemented, maintained or permitted~~
14 ~~any admission or related policy or practice which violates Section 3305 of the San Francisco Police~~
15 ~~Code.~~

16 ~~(4) — The proprietor or persons in charge thereof have violated or permitted the violation of~~
17 ~~any other provision of this Article or of the permit, on the premises or in connection with the operation~~
18 ~~of the establishment.~~

19
20
21
22
23
24
25

1 (b) — ~~The penalty for the first violation under Subsection (a) within a period of six months~~
2 ~~shall be suspension of said permit for a period of 30 days. The penalty for the second violation within a~~
3 ~~period of six months shall be suspension of said permit for a period of 60 days. The penalty for the third~~
4 ~~and subsequent violations within a period of six months shall be suspension of said permit for a period~~
5 ~~of 90 days. For the purposes of this Subsection, calculation of the six months shall not include any~~
6 ~~period of time during which the permit was suspended.~~

7 (c) — ~~Any permit issued under the terms of this Article may be revoked at any time by the~~
8 ~~Entertainment Commission if the Entertainment Commission determines after a noticed public hearing~~
9 ~~that any of the following conditions exist:~~

10 (1) — ~~The permittee has knowingly made any false, misleading or fraudulent statement of~~
11 ~~material fact in the application for a permit;~~

12 (2) — ~~The permittee has failed to pay any fee or charge required under this Article; or~~

13 (3) — ~~The permittee has permanently ceased operation of the business.~~

14 (d) — ~~revocation pursuant to Subsection (c) shall not prejudice the right of an applicant to~~
15 ~~apply for a new permit.~~

16 (e) — ~~The Entertainment Commission may not consider any request for emergency medical or~~
17 ~~ambulance services to treat a permittee's patrons as a basis for suspending a permit pursuant to~~
18 ~~subdivision (a).~~

19 Section 7. The San Francisco Police Code is hereby amended by adding Sections
20 1060.20, 1060.20.1, 1060.20.2, 1060.20.3, and 1060.20.4, to read as follows:

21 **SEC. 1060.20. SUSPENSION.**

22 (a) — Permits issued under this Article may be suspended by the Entertainment Commission
23 and the Director as follows

1 (1) The Entertainment Commission may suspend a permit issued under this Article as
2 provided in Section 1060.20.1.

3 (2) The Director may issue an order of limited suspension as provided in Section 1060.20.2,
4 which order the Permittee may appeal to the Entertainment Commission.

5 (3) The Director may issue an order of suspension for public safety as provided in Section
6 1060.3, which order is not appealable to the Entertainment Commission.

7 (4) The Entertainment Commission and the Director have independent authority to suspend
8 permits; the action of one does not limit action by the other.

9 (b) Every Permittee shall request emergency medical services when any person who has
10 been injured on the premises of the Business needs emergency medical services. The failure to request
11 such services, when such a request would have been reasonable under the circumstances, shall be
12 grounds for suspension of the permit. The Entertainment Commission and Director may allow any
13 circumstances involving the operation of the Business that relate to the injury as evidence supporting
14 suspension of a permit, but may not allow the request itself as evidence to support suspension. The
15 Entertainment Commission and the Director may not allow any request for emergency
16 medical or ambulance services to treat a Permittee's patrons as evidence supporting
17 suspension of a permit.

18 **SEC. 1060.20.1. SUSPENSION BY THE ENTERTAINMENT COMMISSION.**

19 (a) GROUNDS FOR SUSPENSION. The Entertainment Commission may suspend any
20 permit issued under this Article under any of the following circumstances:

21 (1) The premises or operation of the Business does not comply with the health, zoning, fire,
22 and safety requirements of the laws of the State of California and ordinances of the City and County of
23 San Francisco applicable to the Business; or

24 (2) The Permittee or an employee or agent of the Permittee has operated the Business:
25

1 (i) In a manner that has harmed the public health, safety, or welfare by significantly
2 increasing pedestrian congestion, the incidence of disorderly conduct, or the level of noise in the area
3 in which the premises are located, and
4 (ii) The Permittee has refused or failed, upon request by the Police Department,
5 Entertainment Commission or the Director, to take reasonable steps to alleviate these conditions, such
6 as providing additional off-street parking, security, soundproofing, restroom facilities, or refuse
7 containers; or
8 (3)(i) The Permittee or any employee or agent of the Permittee has engaged in conduct on the
9 premises of the Business, or in connection with the operation of the Business, that would constitute a
10 violation of any of the following laws: assault and battery (Cal. Penal Code §§240, 242, 245); sexual
11 battery (Cal. Penal Code §243.4); discharging firearm (Cal. Penal Code §§246, 246.3); unlawful
12 weapons (Cal. Penal Code §12020; S.F. Police Code §1291); disturbing the peace (Cal. Penal Code
13 §§415, 416, 417); unlawful threats (Cal. Penal Code §422); obstruction of pedestrian or vehicle right
14 of way (Cal. Penal Code §370); gambling (Cal. Penal Code §§330, 337(a)); prostitution (Cal. Penal
15 Code §§266(h), 266(i), 315, 316, 647(b)) sex crimes for which registration is required under the Sex
16 Offender Registration Act (Cal. Penal Code §290); loitering for lewd or lascivious purposes (Cal.
17 Penal Code §647(d)); loitering on private property without lawful business (Cal. Penal Code §647(h));
18 identify theft (Cal. Penal Code §530.5); a violent felony warranting enhancement of a prison term
19 (Cal. Penal Code §667.5); (drug offenses (Cal. Health & Safety Code §§11351, 11352, 11359, 11360,
20 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business &
21 Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San
22 Francisco Police Code §153); accumulation of filth (Cal. Health & Safety Code §17920.3(j)); or
23 excessive noise emissions (San Francisco Police Code Art. 29); or
24 (ii) The Permittee has failed to take reasonable steps within the Permittee's control upon the
25 request of the Police Department, the Entertainment Commission or the Director to halt conduct on the

1 premises of the Business, or in connection with the operation of the Business, that would constitute a
2 violation of the laws set forth in Section (a)(3)(i) of this Section.

3 (iii) The Permittee in the operation of the Business has implemented, maintained, or
4 permitted an admission or related policy or practice prohibited by San Francisco Police Code Section
5 3305 (prohibiting discrimination).

6 (4) The Permittee or any employee or agent of the Permittee has violated any requirement
7 of this Article or any other applicable ordinance, any regulation adopted pursuant to this Article, or
8 any condition placed on the permit.

9 (5) The Permittee has failed to submit a proposed Security Plan as required by Section
10 1060.31.

11 (6) The Permittee or any agent or employee of the Permittee has failed to comply with an
12 approved Security Plan as required by Section 1060.31 or a revised Security Plan as required by
13 Section 1060.32.

14 (b) HEARING PROCEDURE AND DETERMINATION. The Entertainment Commission
15 shall give the Permittee and the Manager written notice of a hearing to determine whether to suspend a
16 permit. The notice shall set forth the grounds for the proposed suspension and the date, time and
17 location of the hearing.

18 (c) PERIOD OF SUSPENSION. The Entertainment Commission may suspend a permit for
19 the periods of time set forth in this Subsection (c).

20 (i) For the first violation under Subsection (a)(1) through (6) of this Section, for up to 30
21 days.

22 (ii) For the second violation of the same or any other provision of Subsection (a)(1) through
23 (6) within six months of the order of suspension for the first violation, for up to 60 days.

24
25

1 (iii) For the third and subsequent violation of the same or any other provision of Subsection
2 (a)(1) through (6) within six months of the order of suspension for the second or any subsequent
3 violation, for up to 90 days.

4 (iv) For the purpose of Subsections (c)(ii) and (iii) of this Section, calculation of the six
5 months shall not include any period of time during which the permit was suspended.

6 (v) In determining the length of the suspension, the Entertainment Commission shall
7 consider the seriousness and the frequency of the violation(s) in light of the effort taken to correct them
8 and the impact of the violation(s) on the surrounding neighborhood.

9 **SEC. 1060.20.2. LIMITED SUSPENSION BY THE DIRECTOR; APPEAL TO**
10 **ENTERTAINMENT COMMISSION.**

11 (a) GROUNDS FOR SUSPENSION. The Director may suspend any permit issued under
12 this Article for a period of up to seven days if the Director determines, after providing the Permittee
13 and the Manager at least five days written notice and an opportunity to respond, that any of the
14 circumstances set forth in either Subsection (a)(1) or (2) of this Section has occurred. Each order of
15 limited suspension may include multiple violations under Subsections (a)(1) and (2) of this Section.
16 The Director shall provide the written notice required under this Subsection by mail and electronically
17 or by personal delivery.

18 (1) The Business has exceeded the allowable noise emissions under Article 29 of the San
19 Francisco Police Code, or as required under any condition imposed on the permit, on three separate
20 days within a three month time period. The Director may suspend a permit under this Subsection (a)(1)
21 only if:

22 (i) The San Francisco Police Department, the Director, or an authorized agent of either
23 has issued a noise emission report for each violation showing noise levels that exceed those allowed
24 under Article 29 of the San Francisco Police Code, or as required under any condition imposed on the
25 permit, in accordance with the measurement procedures set forth in that Code, and

1 (ii) The Director has provided notice of the issuance of each noise emission report
2 described in Subsection (a)(1) to the Permittee or the Manager electronically or by mail within three
3 City business days of its issuance.

4 (2) The Permittee or any employee or agent of the Permittee has engaged in Conduct that
5 Constitutes a Nuisance or the Permittee has failed to take reasonable steps within the Permittee's
6 control to halt another Person from engaging in Conduct that Constitutes a Nuisance. "Conduct that
7 Constitutes a Nuisance" means any conduct that would constitute a violation of the following laws:
8 assault and battery (Cal. Penal Code §240, 242, 245); sexual battery (Cal. Penal Code §243.4);
9 discharging firearm (Cal. Penal Code §246, 246.3); unlawful weapons (Cal. Penal Code §12020; S.F.
10 Police Code §1291); disturbing the peace (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal.
11 Penal Code §422); obstruction of pedestrian or vehicle right of way (Cal. Penal Code § 370); gambling
12 (Cal. Penal Code §§ 330, 337(a)); prostitution (Cal. Penal Code §§ 266(h), 266(i), 315, 316, 647(b));
13 sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code
14 §290); loitering for lewd or lascivious purposes (Cal. Penal Code §647(d)); loitering on private
15 property without lawful business (Cal. Penal Code §647(h)); identify theft (Cal. Penal Code §530.5); a
16 violent felony warranting enhancement of a prison term (Cal. Penal Code §667.5); drug offenses (Cal.
17 Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of
18 Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657,
19 25658); public urination or defecation (San Francisco Police Code §153); accumulation of filth (Cal.
20 Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Art. 29).

21 This Subsection applies only when both of the following apply:

22 (i) The conduct occurred on the premises of, or on Any Sidewalk Abutting the Premises of,
23 the Business, and
24
25

1 (ii) The conduct continued after the Director had notified the Permittee of the problem and
2 informed the Permittee of Corrective Action, as defined in Section 1060, to address the problem, but the
3 Permittee failed to take the Corrective Action.

4 (b)(1) ISSUANCE OF ORDER; RIGHT TO APPEAL TO COMMISSION. On the day that the
5 Director issues an order of limited suspension, the Director shall send the order to the Permittee and
6 Manager by mail or electronically. The order shall state the date that the order issued and the date
7 that it takes effect. To provide the Permittee with an opportunity to file an appeal to the Entertainment
8 Commission, an order of limited suspension shall not take effect for at least five City business days
9 from the date that the Director issues the order.

10 (2) A Permittee may appeal an order of limited suspension to the Entertainment
11 Commission by filing with the Commission Secretary a written request for review within five City
12 business days of the date that the Director has issued the order. The filing of an appeal stays the order
13 pending the Commission's decision. If a Permittee withdraws the appeal, the Director's order shall no
14 longer be stayed and shall take effect on the date of the withdrawal or the date that the order was to
15 take effect, whichever is later.

16 (3) The Commission may affirm, overturn, or modify the Director's order. When the
17 Commission affirms or modifies the Director's order, the order takes effect the day following the day of
18 the hearing at which the Commission made its determination.

19 (4) If the Permittee does not file a timely appeal of the Director's order, the order shall take
20 effect the day after the time to appeal has expired or the effective date set forth in the order, whichever
21 is later; provided, however, that the Director and the Permittee may agree in writing to an earlier
22 effective date.

23 (5) The Entertainment Commission may adopt a regulation establishing a procedure which
24 would allow the Director or the Commission, or both, to stay and vacate an order of limited suspension
25

1 if the Permittee submits and complies with a plan to address the problems that gave rise to the
2 suspension.

3 (c) The Director may initiate orders of limited suspension under this Section against a
4 Permittee no more than three times in any twelve-month period.

5 **SEC. 1060.20.3. SUSPENSION FOR PUBLIC SAFETY BY THE DIRECTOR.**

6 (a) GROUNDS FOR SUSPENSION. The Director may suspend any permit issued under
7 this Article for up to 72 hours if the Director determines, after providing the Permittee at least 8 hours
8 written notice and an opportunity to respond, that any of the circumstances set forth in Subsection
9 (a)(1)(i) through (iii) of this Section has occurred on the Premises of, or on Any Sidewalk Abutting the
10 Premises of, the Business, that such conduct has resulted in serious bodily injury or death, and that
11 continued operation of the Business poses a serious threat to public safety.

12 (1)(i) The Permittee or any employee or agent of the Permittee has engaged in conduct that
13 would constitute a violation of any of the following laws: assault and battery (Cal. Penal Code §§240,
14 242, 245); sexual battery (Cal. Penal Code §243.4); discharging firearm (Cal. Penal Code §§246,
15 246.3); unlawful weapons (Cal. Penal Code §12020; S.F. Police Code §1291); disturbing the peace
16 (Cal. Penal Code §§ 415, 416, 417); unlawful threats (Cal. Penal Code §422); a violent felony
17 warranting enhancement of a prison term (Cal. Penal Code §667.5); or

18 (ii) The Permittee has failed to take reasonable steps within the Permittee's control to halt
19 the conduct of another Person that would constitute a violation of any law described in Subsection
20 (a)(1)(i) of this Section.

21 (b) NOTICE OF PROPOSED ORDER. The Director shall provide the written notice
22 required under Subsection (a) of this Section to the Permittee and the Manager by personal delivery
23 and ~~or~~ electronically.

24 (c) EFFECTIVE DATE AND TIME OF ORDER. The order of suspension for public safety
25 issued under this Section shall take effect at the date and time stated in the order.

1 (d) DIRECTOR MAY VACATE ORDER. The Director may vacate an order of suspension
2 for public safety if the Director determines that operation of the Business before expiration of the
3 suspension order will not pose a danger to the public because additional information demonstrates that
4 the conduct was not related to the operation of the Business, the Permittee has taken adequate steps to
5 correct the problem giving rise to the suspension, or other circumstances warrant such action.

6 **SEC. 1060.20.4. REVOCATION OF A PERMIT.**

7 (a) GROUNDS FOR REVOCATION. The Entertainment Commission may revoke any
8 Place of Entertainment or One Time Event Permit issued under this Article if it determines after a
9 public hearing that any of the following conditions exist:

10 (1) The Permittee has knowingly made any false, misleading, or fraudulent statement of
11 material fact or has knowingly omitted a material fact in the application for a permit;

12 (2) The Permittee has failed to pay any fee or charge required under this Article;

13 (b) HEARING BY COMMISSION. The Entertainment Commission shall give the Permittee
14 and the Manager written notice of a hearing to determine whether to revoke a permit. The notice shall
15 set forth the grounds for the proposed revocation and the date, time and location of the hearing.

16 (c) NO PREJUDICE TO APPLY AGAIN. Notwithstanding the provisions of Section 31 of
17 the San Francisco Business and Tax Regulations Code, revocation of a permit shall not prejudice the
18 right of any Person to reapply for a permit under this Article or to appeal action on the reapplication to
19 the Board of Appeals.

20 Section 8. The San Francisco Police Code is hereby amended by repealing Section
21 1060.22:

22 **SEC. 1060.22. LICENSE FEES.**

23 Every permittee who conducts, permits or assists in conducting or permitting any entertainment
24 as defined in Sections 1060 (b) and (c) to be shown, staged, exhibited, or produced in or upon any
25 permitted premise shall pay to the Tax Collector an annual license fee, payable in advance.

1 *The license fee prescribed in this Section is due and payable on a calendar year basis starting*
2 *120 days after the effective date of this Article, prorated with regard to the calendar year on a monthly*
3 *basis. Fees for new licenses issued after the first day of January, 1971, or in any subsequent calendar*
4 *year shall be prorated with regard to the calendar year on a monthly basis.*

5 Section 9. The San Francisco Police Code is hereby amended by amending Section
6 1060.24, to read as follows:

7 **SEC. 1060.24. PLACE OF ENTERTAINMENT PERMITS NOT TRANSFERABLE;**
8 **PERMIT MUST BE SURRENDERED UPON SALE OF BUSINESS; PERMIT AMENDMENT**
9 **REQUIRED TO CHANGE PARTNERS OR OTHER OWNERS TRANSFER OF PERMIT.**

10 *(a) No Person may transfer a Place of Entertainment Permit issued under this Article to any*
11 *other Person.*

12 *(b) If a Place of Entertainment Permittee Sells the Business, the Permittee shall promptly*
13 *surrender the permit to the Director. If the Permittee fails to surrender the permit to the Director, the*
14 *Director may, after giving the Permittee notice by mail and electronically of the proposed action and*
15 *an opportunity to respond, revoke the permit.*

16 *(c) Notwithstanding Subsections (a) and (b) of this Section, a Permittee may change*
17 *partners, shareholders, or other owners of a Business provided that (1) the sale or other transfer of*
18 *ownership results in a Person owning no more than 50% of the Business, regardless of the form of*
19 *ownership, and (2) the Permittee obtains an amendment to the Permit as provided in this Section. If*
20 *the transfer of ownership does not result in any Person (who did not already have such a percentage*
21 *interest) having an ownership interest of ten percent or more, the Permittee is not required to obtain a*
22 *permit amendment but shall be required to report the change under Section 1060.30.*

23 *(d) A Permittee seeking to amend a permit as required under this Section shall pay the filing*
24 *fee for Permit Amendment/Additional Partner set forth in Section 2.26 of this Code. The applicant*

1 shall provide that portion of the information sought under Section 1060.3 for an application that the
2 Director requires.

3 (e) The Director shall determine within 30 days of the filing of a complete application to
4 amend a permit whether to approve it. The Director shall approve the application unless he or she
5 determines that denial is warranted under any of the grounds set forth in Section 1060.5(f) and shall
6 notify the Permittee and Manager of the approval by mail or personal delivery and electronically.

7 (f) If the Director determines that disapproval of the application may be warranted under
8 Section 1060.5(f), the Director shall schedule a hearing on the matter for the next regularly scheduled
9 meeting of the Entertainment Commission. The Director shall promptly provide written notice of the
10 hearing to the Permittee and the Manager by mail and electronically.

11 (g) The Entertainment Commission shall determine whether to approve the application
12 according to the standards governing the initial application set forth in Section 1060.5.

13 No permit shall be transferable except with the written consent of the Entertainment
14 Commission. An application for such a transfer shall be in writing and shall be accompanied by the
15 same filing fee as for an initial application. The written application for such transfer shall contain the
16 same information as requested herein for an initial application for such a permit.

17
18
19
20
21
22
23
24
25

1 Section 10. The San Francisco Police Code is hereby amended by adding Sections
2 1060.24.1 and 1060.24.2, to read as follows:

3 **SEC. 1060.24.1. COMPLIANCE WITH CONDITIONS; AMENDMENT OF PERMIT TO**
4 **CHANGE CONDITIONS.**

5 No Permittee shall operate a Business in any manner inconsistent with any condition imposed
6 on the permit. A Permittee may request an amendment to a permit to remove or change a condition by
7 filing a request with the Secretary of the Commission and paying the fee for an Amendment to a Permit
8 required under Police Code Section 2.26. The Entertainment Commission shall conduct a hearing and
9 determine whether to approve the application to amend the permit according to the procedures
10 governing the initial application as set forth in Section 1060.5 and the standards set forth in Section
11 1060.5(f).

12 **SEC. 1060.24.2. APPEALS TO THE BOARD OF APPEALS.**

13 (a) The following actions taken under this Article may be appealed to the Board of Appeals.
14 Any such appeal shall be filed within ten days from the date of the decision, as provided in Section 8 of
15 the San Francisco Business and Tax Regulations Code: The granting or denial of a permit, including a
16 conditionally granted permit, or an amendment to a permit and the suspension or revocation of a
17 permit.

18 (b) Notwithstanding the provisions of Subsection (a) of this Section, the Permittee or permit
19 applicant may seek immediate judicial review pursuant to California Code of Civil Procedure Section
20 1085 or Section 1094.8, as these provisions may be amended, including any successor provisions, or
21 any other procedure provided by law. The Permittee or permit applicant is not required to exhaust his
22 or her administrative remedies before the Entertainment Commission or before the Board of Appeals.

23
24
25

1 Section 11. The San Francisco Police Code is hereby amended by amending Sections
2 1060.25 and 1060.29, to read as follows:

3 **SEC. 1060.25. CRIMINAL AND ADMINISTRATIVE PENALTIES ~~PENALTY.~~**

4 (a) CRIMINAL PENALTY. Any person who violates any provisions of this Article
5 Section 1060.1 of this Article (requiring a valid permit to operate) shall be deemed guilty of a
6 misdemeanor and upon conviction such person shall be punished by a fine of not to exceed \$1,000 or
7 by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and
8 imprisonment. Each day a Person owns, conducts, operates, or maintains a Business without a valid
9 permit shall constitute a separate violation. ~~an infraction. Any person who violates this Article more~~
10 ~~than once in a 12 month period shall be guilty of an infraction or a misdemeanor, at the discretion of~~
11 ~~the prosecutor. A violation which is an infraction is punishable by a fine of not more than \$100. A~~
12 ~~violation which is a misdemeanor is punishable by a fine not to exceed \$1000 or by imprisonment in the~~
13 ~~County Jail for a period not to exceed six months, or by both such fine and imprisonment.~~

14 (b) ADMINISTRATIVE PENALTY.

15 (1) The Director may issue administrative citations for the violation of any condition
16 imposed on a permit granted under this Article and any violation of Section 1060.31 or 1060.32
17 (governing Security Plans). San Francisco Administrative Code Chapter 100, "Procedures Governing
18 the Imposition of Administrative Fines," is hereby incorporated in its entirety and shall govern the
19 amount of fees and the procedure for imposition, enforcement, collection, and administrative review of
20 administrative citations issued under this Subsection (b). The Director shall impose fines for violations
21 of any permit condition and any violation of Section 1060.31 or 1060.32 as set forth in Section 100.5(a)
22 of the San Francisco Administrative Code.

23 (2) Notwithstanding Subsection (b)(1) of this Section, the procedure governing the appeal
24 of a citation set forth in San Francisco Administrative Code Chapter 100 is revised as provided in this
25 Subsection (b)(2). The Controller's Office may designate the Director of the Department of Public

1 Works as a hearing officer under San Francisco Administrative Code Section 100.7, but shall
2 designate such officer for no more than one appeal a month and for no more than 12 times in a 12-
3 month period.

4 ~~Additionally, any violation of the provisions of this Article Section 3305 of Article 33 by a~~
5 ~~permittee hereunder shall be deemed cause to or to revoke or suspend a permit pursuant to Secs.~~
6 ~~1060.20 and/or 1060.23 of this Article.~~

7 **SEC. 1060.29. ONE TIME ~~NIGHT~~ EVENT PERMIT.**

8 (a) This Section provides a procedure for permitting a Person to conduct, maintain,
9 promote or sponsor Entertainment on the premises specified in the One Time Event Permit for a limited
10 number of one-day occurrences in a 12-month period, including operation between 2:00 a.m. and 6:00
11 a.m. No Person shall conduct, maintain, promote or sponsor Entertainment between 2:00 a.m. and
12 6:00 a.m. without a One Time Event Permit or an Extended-Hours Premises Permit. One Time Event
13 Permits may be issued for a premises that is subject to a Place of Entertainment Permit, but for which
14 no Extended-Hours Premises Permit has been issued, when the applicant proposes operating between
15 2:00 a.m. and 6:00 a.m. For purposes of One Time Event Permits, the word "premises" means the area
16 or structure where the event for which a permit is sought occurs.

17 (b) Except as otherwise provided in this Section, the Director may issue One Time Event
18 Permits and applicants may appeal the Director's denial of an application to the Entertainment
19 Commission.

20 (c) Each One Time Event Permit shall issue for no longer than one 24-hour period. There
21 shall be no limit on the number of One Time Event Permits a Person may obtain, provided that no more
22 than one permit per month is issued for the same premises. Notwithstanding this restriction, the
23 Director may grant One Time Event Permits for events that will occur on consecutive days on the same
24 premises or on non-consecutive days within a ten-day period on the same premises, but shall not issue

1 permits allowing events to occur for more than 12 days on the same premises within any twelve-month
2 period.

3 (d) The One Time Event Permit shall be subject to reasonable time, place, and manner
4 conditions, including but not limited to conditions on amplified sound, in-and-out privileges, admission
5 of minors, and lighting of the premises.

6 (e) Every Person seeking a permit pursuant to this Section shall file an application with the
7 Director no less than 14 days before the proposed event and shall pay the filing fee provided in Section
8 2.26 of this Code. The applicant shall submit a proposed Security Plan and any other information
9 required for applications under Section 1060 as the Director may require. The Director shall send the
10 application to the San Francisco Police Department, Fire Department, Department of Building
11 Inspection and Department of Public Health. These departments shall complete all necessary
12 inspections and report their determinations to the Director within five City business days of receiving
13 the application.

14 (f) An applicant for a One Time Event Permit who files an application at least 40 days
15 before the date of the proposed event shall have the right to appeal the Director's denial of the
16 application to the Entertainment Commission. Applicants who do not file at least 40 days before the
17 proposed event shall have no right to appeal a denial of the application to the Entertainment
18 Commission unless the Commission has sufficient time to schedule and provide notice of the hearing on
19 the matter for a regularly scheduled meeting. When an applicant files an application less than 40 days
20 before the proposed event, the Director shall inform the applicant that there may be insufficient time
21 for the applicant to appeal the Director's denial to the Commission.

22 (g) The Director shall review applications for a One Night Event Permit filed within the
23 time required under Subsection (e) of this Section according to the standards set forth in Section
24 1060.5(f) and shall grant a permit unless the Director finds that denial is warranted under any of the

25

1 grounds set forth in Section 1060.5(f) or another application has been submitted, and a permit issued,
2 for the same premises during the same time period.

3 (h) The Director shall determine whether to grant or deny a One Night Event Permit within
4 10 days of the filing of a completed application. If the permit is denied, the Director shall state in
5 writing the reason for the denial and shall notify the applicant of the determination by mail or personal
6 delivery and electronically. The Director shall have the discretion to submit any application to the
7 Entertainment Commission for its determination whether to grant or deny a One Time Event Permit
8 under the provisions of this Section.

9 (i) 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 later than 21
12 days after the date that the applicant filed the appeal. If the applicant has filed the application less
13 than 40 days before the proposed event and the Commission does not have sufficient time to provide the
14 required public notice of the appeal for a regularly scheduled meeting, the Commission is not required
15 to consider the matter.

16 (j) When granting a permit, the Director or Entertainment Commission, as appropriate,
17 shall require the applicant as a condition of the permit to comply with the approved Security Plan. If
18 after approving a Security Plan, the Director receives additional information that reasonably
19 demonstrates that the Security Plan is inadequate, the Director may require the Permittee to make
20 revisions to the Security Plan for the purpose of addressing the safety of persons and property.

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

23 (l) An applicant may seek immediate judicial review of an adverse decision under this
24 Section pursuant to California Code of Civil Procedure Section 1085 or Section 1094.8, as these
25 provisions may be amended, including any successor provisions, or any other procedure provided by

1 law. The applicant may, but is not required to, exhaust his or her administrative remedies before the
2 Entertainment Commission and Board of Appeals.

3 ~~(a) It shall be unlawful for any person without a valid Place of Entertainment permit to~~
4 ~~conduct, promote, or sponsor or to cause or to permit to be conducted, promoted, or sponsored any one~~
5 ~~night occurrence of "entertainment" as defined by this Article without first obtaining a One Night Event~~
6 ~~permit from the Entertainment Commission.~~

7 ~~(b) Any place or premises for which a permit to operate a one night event is sought must~~
8 ~~conform to all existing health, safety, zoning and fire ordinances of the City and County of San~~
9 ~~Francisco; must have a valid public eating place permit from the Department of Public Health, and is~~
10 ~~subject to all other requirements of this Article. The Entertainment Commission may issue a permit~~
11 ~~under this Section conditional upon the applicant receiving the other required permits.~~

12 ~~(c) Every person desiring a permit pursuant to this Article shall file an application with the~~
13 ~~Entertainment Commission upon a form provided by the Entertainment Commission and shall pay a~~
14 ~~filing fee. Every application for a permit under this Article shall be verified as provided in the~~
15 ~~California Code of Civil Procedure for the verification of pleadings.~~

16 ~~(d) Any place or premises where a one night event is to be held must have a Security Plan.~~
17 ~~Proof of such shall be provided by permit applicant at the time of application for a one night event~~
18 ~~permit.~~

19 ~~(e) The Entertainment Commission shall grant a permit pursuant to this Article unless it finds~~
20 ~~that:~~

21 ~~(i) The building, structure, equipment or location of the proposed one night event does not~~
22 ~~comply with or fails to meet all of the health, zoning, fire and safety requirements or standards of all~~
23 ~~the laws of the State of California or ordinances of the City and County of San Francisco applicable to~~
24 ~~such business operation; or~~

25

1 ~~(ii) The building, structure, equipment or location of the proposed one night event cannot~~
2 ~~adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated; or~~

3 ~~(iii) The building, structure, equipment or location of the proposed one night event lack~~
4 ~~adequate safeguards to prevent emissions of noise, glare, dust and odor that substantially interfere with~~
5 ~~the public health, safety and welfare or the peaceful enjoyment of neighboring property.~~

6 ~~(iv) The building, structure, or location of the proposed one night event does not have an~~
7 ~~adequate security plan as required by this Section.~~

8 ~~(f) An applicant whose application for a permit has been denied pursuant to this Section may~~
9 ~~appeal to the Board of Permit Appeals. The applicant is required to exhaust his or her administrative~~
10 ~~remedies before the Board of Appeals.~~

11 Section 12. The San Francisco Police Code is hereby amended by adding Section
12 1060.29.1, to read as follows:

13 **SEC. 1060.29.1. SPECIAL PERMIT PROCEDURE FOR ONE TIME EVENTS FOR**
14 **DESIGNATED DAYS.**

15 ~~(a) The City has experienced difficulties meeting its basic duty to provide police, fire and~~
16 ~~emergency medical services throughout the City on those occasions such as New Year's Eve,~~
17 ~~Halloween and the 4th of July where multiple simultaneous or overlapping events attract large crowds.~~
18 ~~The Board of Supervisors finds that the adoption of a special permit procedure for the review and~~
19 ~~processing of applications for One Time Events permits for these occasions will help ensure sufficient~~
20 ~~police, fire and emergency medical services ("essential services") to protect the safety of all residents~~
21 ~~of and visitors to the City, while accommodating special events to the extent consistent with the City's~~
22 ~~basic public safety obligations. By authorizing the adoption of a special permit procedure, the Board~~
23 ~~intends to encourage applicants to apply for One Time Events Permits sufficiently in advance of the~~
24 ~~event to enable the City to plan for the provision of essential services. Applicants who apply later may~~
25 ~~have to bear the additional cost of increased security that the City could have avoided with more~~

1 advance notice. In addition, the Board is authorizing the Commission to place reasonable limits on the
2 number of One Time Event Permits issued on these designated days to the extent that the Commission
3 determines necessary to ensure public safety.

4 (b) The Entertainment Commission may adopt a special permit procedure for One Time
5 Events occurring on those designated days for which the Commission finds a substantial risk that the
6 approval of multiple, simultaneous or overlapping One Time Events would (i) require the diversion of
7 so great a number of police officers to police the events as to prevent adequate police protection to the
8 rest of the City or (ii) result in a concentration of persons and vehicles that would unduly interfere with
9 the proper delivery of essential services in the City. In making this determination, the Commission
10 shall consider the need for the delivery of essential services both on the day of the event and until 6:00
11 a.m. the next day.

12 (c) If the Entertainment Commission elects to adopt a special permit procedure under this
13 Section, it shall first consult with the San Francisco Police Department.

14 (d) This Section empowers the Entertainment Commission to designate no more than 12
15 days in a calendar year when the special permit procedure shall apply to applications for One Time
16 Event Permits.

17 (e) The Commission must adopt the procedure for each calendar year no later than
18 November 1 of the preceding year. The Commission may adopt a procedure for multiple calendar
19 years, in which case it may amend the procedure so long as it acts no later than November 1 preceding
20 January 1 of the year to which the amended procedure applies.

21 (f) The provisions of Section 1060.29 and this Section shall govern applications for and the
22 granting of One Time Event Permits that are subject to the special permit procedure established by the
23 Commission, except that the Commission shall have the additional authority provided below to impose
24 conditions and deny permit applications:

25

1 (1) For applications filed no fewer than 40 days before the proposed event, the Commission
2 may not disapprove the application on the ground that the City does not have adequate time to plan for
3 the provision of essential services.

4 (2) For applications filed later than 40 days before the proposed event, the Commission
5 may

6 (A) Impose conditions on the permit that would not have been necessary had the applicant
7 given the City more time to prepare for the delivery of essential services for the event. The conditions
8 may include requiring the applicant to hire and deploy Security Guards and members of the San
9 Francisco Police Department provided under Section 10B of the San Francisco Administrative Code
10 for increased crowd control purposes and for monitoring to detect and stop illegal or dangerous
11 behavior in connection with the event; or

12 (B) Disapprove the application on the ground that the applicant filed too late to give the
13 City adequate time to plan for the provision of essential services for the day of the event without
14 compromising the safety and security of the rest of the City where alternative conditions cannot
15 sufficiently mitigate the public safety and security problems that the event presents.

16 (3) The Commission may disapprove an application for a One Time Event Permit filed for
17 events proposed for one of the days designated under this Section, irrespective of the date of the filing,
18 where (i) the conduct of the event, when considered in light of all other events occurring on that day of
19 the event, will require the diversion of so great a number of police officers to properly police the event
20 as to impair the capacity of the City to provide adequate police protection to the rest of the City and (ii)
21 the Commission is unable to fashion conditions with which the applicant must comply that will address
22 the public safety and security problems that the event poses. For purposes of this Subsection (f)(3), the
23 "day of the event" includes until 6:00 AM of the day after the designated day.

24 (g) The special permit procedure authorized under this Section may include a method for
25 determining which applications for One Time Events that the Commission may approve when the

1 Commission finds a substantial risk that approval of all applications for One Time Events for that day
2 would (i) require the diversion of so great a number of police officers to properly police all the events
3 as to prevent adequate police protection to the rest of the City and (ii) the Commission is unable to
4 fashion conditions with which the applicant must comply that will address the public safety and security
5 problems that the event poses. The method may include approval on a first-come first-served basis,
6 selection by lottery, or other method that is objective and fair and unrelated to the content of the
7 Entertainment provided.

8 (h) The procedure may limit the number of permits issued for the designated days and may
9 include a schedule of limits that vary depending on the size and location as they affect congestion that
10 could impede prompt delivery of essential services.

11 (i) The authority to impose conditions on days designated by the Commission under this
12 Section includes the authority to require Permittees to comply with the conditions both on the
13 designated day and until 6:00 AM the next day.

14 (j) The Commission shall provide at least 10 days notice of the hearing to adopt or amend
15 the special permit procedure electronically to Businesses then operating under a permit issued by the
16 Commission. The Entertainment Commission shall provide such additional notice as it deems best
17 calculated to reach the entertainment community.

18 (k) The Director shall post on the Commission's website the special permit procedure adopted
19 by the Commission. The Director shall also provide notice electronically to Businesses then operating
20 under a permit issued by the Commission and by such other means that the Director determines best
21 calculated to reach the entertainment community.

22 (l) The Entertainment Commission may delegate to the Director the authority to exercise all
23 powers that this section creates except the power to adopt and amend a special procedure.

24
25

1 Section 13. The San Francisco Police Code is hereby amended by adding Sections
2 1060.30, 1060.31, 1060.32, 1060.33, and 1060.34, to read as follows:

3 **SEC. 1060.30. PLACE OF ENTERTAINMENT PERMITTEES REQUIRED TO REPORT**
4 **CERTAIN INFORMATION.**

5 *(a) Every Place of Entertainment Permittee shall provide written notice to the*
6 *Entertainment Commission within 30 days after any of the following occurs:*

7 *(1) Criminal charges, complaints or indictments for those persons described in Section*
8 *1060 (b), (c), (e) and (f) occurring after the filing of the permit application to the extent that they fall*
9 *within the categories specified in Subsections (j) and (k) of Section 1060.3.*

10 *(2) Criminal charges, complaints or indictments for any individual that the Permittee*
11 *designates as Manager occurring after the filing of the permit application to the extent that they fall*
12 *within the categories specified in Subsections (j) and (k) of Section 1060.3.*

13 *(b) Every Person holding a Place of Entertainment Permit, other than a publicly traded*
14 *corporation, shall maintain a record of the name and address of every Person who directly or*
15 *indirectly owns or controls 10% or more of the assets, ownership interests or voting interests in the*
16 *Person holding the Permit, which shall be known as a "record of principal owners," and shall make the*
17 *information available to the Entertainment Commission upon request. Every Person subject to this*
18 *Subsection (b) shall report any change to the record of principal owners within 30 days of the*
19 *transaction that effects the change. A "publicly traded" corporation is a company that has issued*
20 *securities through an initial public offering which are traded on at least one stock exchange or over-*
21 *the-counter market.*

22 **SEC. 1060.31. APPROVAL REQUIRED FOR SECURITY PLANS.**

23 *(a) Every Place of Entertainment shall have a Security Plan, as defined in Section 1060(n),*
24 *that has been approved by the Entertainment Commission or the Director, as required by this Article.*
25 *Compliance with the Security Plan approved under this Article is a condition of the permit.*

1 **(b)** As of the effective date of this Section, the Entertainment Commission shall not approve
2 any permit or other application relating to a Place of Entertainment unless the applicant has a Security
3 Plan that has been approved by the Commission or the Director as provided in this Article or has
4 submitted a proposed Security Plan with the application. The Security Plan shall meet the minimum
5 requirements of Section 1060(n) and any implementing rules and regulations. The Commission shall
6 disapprove any Security Plan that it determines does not adequately address the safety of persons and
7 property and provide for the orderly dispersal of persons and traffic, notwithstanding the compliance of
8 the proposed Security Plan with the minimum requirements of Section 1060(n).

9 **(c)** Every Place of Entertainment Permittee that does not have a Security Plan approved by
10 the Entertainment Commission on the effective date of this Section shall submit a proposed Security
11 Plan to the Director.

12 **(1)** The Director shall mail notice of the requirements of this Section to each Permittee that
13 does not have a Security Plan approved by the Entertainment Commission on the effective date of this
14 Section.

15 **(2)** Each Permittee shall submit a proposed plan no later than 30 days from the date of the
16 Director's notice. Upon receiving a proposed plan, the Director shall send a copy to the San Francisco
17 Police Department, which shall have 10 City business days to review and make recommendations to the
18 Director.

19 **(3)** The Director shall review each proposed plan and, after reviewing any
20 recommendations submitted by the San Francisco Police Department, shall approve or disapprove it.
21 When disapproving a proposed plan, the Director shall notify the Permittee what changes are required
22 to obtain approval.

23 **(4)** If the Director disapproves the plan submitted by the Permittee, the Permittee may
24 appeal the Director's determination to the Entertainment Commission by submitting a written appeal to
25 the Secretary of the Commission within ten days of the Director's disapproval. Upon receiving an

1 appeal, the Commission shall promptly notify the San Francisco Police Department. When acting on
2 an appeal, the Commission may approve, overturn or modify the Director's determination. If the
3 Commission overturns the Director's order, the Permittee shall comply with the Security Plan as
4 submitted to the Director under Subsection (c). If the Commission modifies the order, it shall set forth
5 any changes to the plan that the Permittee shall be required to make and the Permittee shall comply
6 with the Security Plan required by the Commission.

7 (5) If the Commission approves the Director's order of if the Permittee does not appeal the
8 Director's disapproval of the proposed plan, the Permittee shall comply with the Security Plan that
9 includes the revisions required by the Director under Subsection (c)(3) of this Section.

10 (d) The Entertainment Commission may suspend a Place of Entertainment permit as set
11 forth in Section 1060.20.1(a)(5) if the Permittee has failed to submit a proposed Security Plan.

12 (e) The Commission may suspend a Place of Entertainment permit as set forth in Section
13 1060.21.1(a)(6) for failure to comply with the approved plan.

14 (f) The suspension of a permit for violation of this Section may be appealed to the Board of
15 Appeals as provided in Section 1060.24.2.

16 **SEC.1060.32. DIRECTOR MAY REQUIRE A PERMITTEE TO COMPLY WITH A**
17 **REVISED SECURITY PLAN.**

18 (a) Notwithstanding a Security Plan's compliance with the minimum requirements of
19 Section 1060(n) and prior approvals under this Article, after consulting with the San Francisco Police
20 Department, the Director may issue an order directing a Permittee to comply with a revised Security
21 Plan by directing such revisions as the Director reasonably determines will address the safety and
22 traffic concerns that arise in either of the following circumstances:

23 (1) Conduct Constituting a Nuisance, as defined in Section 1060, has occurred on the
24 premises of, or on Any Sidewalk Abutting the Premises of, the Business;

25

1 (2) The Security Plan for the Place of Entertainment is inadequate to address safety or
2 traffic concerns.

3 (b) The Director shall send the order to the Permittee setting forth the date of issuance of
4 the order and its effective date. The Director shall send this order to Permittee and the Manager by
5 mail or personal delivery and electronically.

6 (c) To provide the Permittee an opportunity to file an appeal, the Director's order shall not
7 take effect for ten City business days from the date that the order issues. Any Permittee directed to
8 comply with a revised Security Plan under this Section may appeal the Director's decision within ten
9 City business days of the date that the order issues by filing a written request for review with the
10 Secretary of the Entertainment Commission. The Permittee shall not be required to comply with the
11 Director's order pending the Commission's action on the matter. If the Permittee withdraws the
12 appeal, the order of the Director shall take effect immediately upon the withdrawal of the appeal or
13 upon the effective date of the Director's order, whichever is later.

14 (d) When acting on the appeal, the Entertainment Commission may affirm, overturn or
15 modify the Director's order.

16 (1) If the Commission modifies the Director's order, it shall set forth any revisions to the
17 plan that the Commission deems appropriate to address traffic and safety problems related to
18 operation of the Business.

19 (2) If the Commission approves the Director's order, the Permittee shall comply with the
20 revised Security Plan as directed by the Director under Subsection (a) of this Section..

21 (e) The Entertainment Commission may suspend a Place of Entertainment Permit as set
22 forth in Section 1060.20.1(a)(5) if the Permittee has failed to comply with a revised Security Plan. The
23 Commission may suspend a permit as set forth in Section 1060.20.1(a)(6) if the Permittee fails to
24 comply with the revised Security Plan, as required under this Section.

25

1 (f) The suspension of a permit for non-compliance with this Section may be appealed to the
2 Board of Appeals, as provided in Section 1060.24.2.

3 (g) Permittees are required to have Security Plans that meet the minimum requirements of
4 Section 1060(n). Nothing in this Section or any other provision of this Article authorizes either the
5 Director or the Entertainment Commission to require or permit any Permittee to operate under a
6 Security Plan that does not meet the minimum requirements.

7 **SEC.1060.33. ADOPTION OF REGULATIONS.**

8 The Entertainment Commission may adopt regulations implementing the provisions of this
9 Article and Article 15.2 (Entertainment Commission – Extended-Hours Premises Permits, including
10 regulations governing the procedure for hearings before the Commission. The Entertainment
11 Commission, in consultation with the San Francisco Police Department, shall develop rules and
12 regulations governing Security Plans under this Article and Article 15.2, which shall address the
13 number of Security Guards required to protect the public safety in light of the number and placement of
14 exits on the premises of a Business.

15 **SEC. 1060.34. AUTHORITY OF SAN FRANCISCO POLICE DEPARTMENT.**

16 Nothing in this Article is intended to restrict or alter in any way the authority vested in the San
17 Francisco Police Department under Federal, State or local law to take action in response to conduct
18 that arises in connection with the operation of a Business.

19 Section 14. The San Francisco Business and Tax Regulations Code is hereby
20 amended by amending Sections 8 and 26, to read as follows:

21 **SEC. 8. METHOD OF APPEAL TO THE BOARD OF APPEALS.**

22 Except for variance decisions and place of entertainment, extended hours premises,
23 and loudspeaker permits issued by the Entertainment Commission, appeals to the Board of
24 Appeals shall be taken within 15 days from the making or entry of the order or decision from
25 which the appeal is taken. Appeals of variance decisions shall be taken within 10 days.

1 Appeals of actions taken on the granting, denial, amendment, suspension, or revocation of a Place of
2 Entertainment, One Time Event, or Extended-Hours Premises Permit, or on denial of exceptions from
3 regulations for Extended-Hours Premises Permit, shall be taken within 10 days from the making of the
4 decision. Nothing in this Section is intended to require an appeal to the Board of Appeals if any
5 provision of Article 15.1 (Entertainment Regulations Permit and License Provisions) or Article 15.2
6 (Entertainment Regulations for Extended-Hours Premises) of the Police Code governing these permits
7 otherwise provides. Appeals shall be taken by filing a notice of appeal with the Board of
8 Appeals and paying to said Board at such time a filing fee as follows:
9 (a) Zoning Administrator, Planning Department, Director of Planning and Planning
10 Commission.
11 (1) For each appeal from the Zoning Administrator's variance decision the fee shall
12 be \$400.
13 (2) For each appeal from any order, requirement, decision or other determination
14 (other than a variance) made by the Zoning Administrator, the Planning Department or
15 Commission or the Director of Planning, including an appeal from disapproval of a permit
16 which results from such an action, the fee shall be \$400.
17 (b) Department of Building Inspection.
18 (1) For each appeal from a Department of Building Inspection denial, conditional
19 approval or granting of a residential hotel or apartment conversion permit the fee shall be
20 \$350.
21 (2) For each appeal from the granting or denial of a building demolition, or other
22 permit (other than residential hotel conversion) the fee shall be \$100.
23 (3) For each appeal from the imposition of a penalty only the fee shall be \$200.
24 (c) Police Department Entertainment Commission.
25

1 (1) For each appeal from the denial or granting of a permit or license issued by the
2 Police Department or Entertainment Commission to the owner or operator of a business the
3 fee shall be \$250; for each such permit or license issued to an individual employed by or
4 working under contract to a business, the fee shall be \$100.

5 (2) For each appeal from the revocation or suspension of a permit or license by the
6 Police Department or Entertainment Commission the fee shall be \$250 for an entity or
7 individual.

8 (d) Department of Public Works. For each appeal from the decision of the Director
9 of the Department of Public Works concerning street tree removal by a City agency,
10 commission, or department the fee shall be \$75.

11 (e) For each appeal from any other order or decision the fee shall be \$200.

12 (f) For requests for rehearing under Section 16 of this Article the fee shall be \$100.

13 (g) For requests for jurisdiction the fee shall be \$100.

14 (h) An exemption from paying the full fee specified in Subsections (a), (b), (c), (d),
15 (e), (f), and (g) herein may be granted upon the filing under penalty of perjury of a declaration
16 of indigency on the form provided and approved by the Board. All agencies of the City and
17 County of San Francisco are exempted from these fees.

18 Notice of appeal shall be in such form as may be provided by the rules of the Board of
19 Appeals.

20 On the filing of any appeal, the Board of Appeals shall notify in writing the department,
21 board, commission, officer or other person from whose action the appeal is taken of such
22 appeal. On the filing of any appeal concerning a structural addition to an existing building, the
23 Board of Appeals shall additionally notify in writing the property owners of buildings
24 immediately adjacent to the subject building.

25

1 The Board of Appeals shall fix the time and place of hearing, which shall be not less
2 than 10 nor more than 45 days after the filing of said appeal, and shall act thereon not later
3 than 60 days after such filing or a reasonable time thereafter. In the case of a fixed pedestal
4 newsrack permit, a place of entertainment permit or an extended-hours premises permit, the
5 Board of Appeals shall set the hearing not less than 15 days after the filing of said appeal,
6 shall act thereon not more than 30 days after such filing, and shall not entertain a motion for
7 rehearing. With respect to any decision of the Board of Appeals related to any "dwelling" in
8 which "protected class members" are likely to reside (each as defined in Administrative Code
9 Chapter 87), the Board of Appeals shall comply with the requirements of Administrative Code
10 Chapter 87 which requires, among other things, that the Board of Appeals not base any
11 decision regarding the development of such units on information which may be discriminatory
12 to any member of a "protected class." Pending decision by the Board of Appeals, the action
13 of such department, board, commission, officer or other person from which an appeal is taken
14 shall be suspended, except for excluding (1) actions of revocation or suspension of permit by the
15 Director of Public Health when determined by the Director to be an extreme public health
16 hazard and (2) actions by the Zoning Administrator or Director of the Department of Building
17 Inspection stopping work under or suspending an issued permit, and (3) actions of suspension by
18 the Entertainment Commission or the Director of the Entertainment Commission of a Place of
19 Entertainment, One Time Event, or Extended-Hours Premises permit when the suspending or revoking
20 authority determines that ongoing operation of the activity during the appeal to the Board of Appeals
21 would pose a serious threat to public safety shall be suspended.

22 **SEC. 26. FACTS TO BE CONSIDERED BY DEPARTMENTS.**

23 (a) Subject to Subsection (b) below, in the granting or denying of any permit, or the
24 revoking or the refusing to revoke any permit, the granting or revoking power may take into
25 consideration the effect of the proposed business or calling upon surrounding property and

1 upon its residents, and inhabitants thereof; and in granting or denying said permit, or revoking
2 or refusing to revoke a permit, may exercise its sound discretion as to whether said permit
3 should be granted, transferred, denied or revoked.

4 (b) In the granting or denying of any permit, or the revoking or the refusing to revoke
5 any permit with respect to a "dwelling" in which "protected class members" are likely to reside
6 (each as defined in Administrative Code Chapter 87), the granting or revoking power shall
7 comply with the requirements of San Francisco Administrative Code Chapter 87 which
8 requires, among other things, that the granting or revoking power not base any decision
9 regarding the development of "dwellings" in which "protected class" members are likely to
10 reside on information which may be discriminatory to any member of a "protected class" (As
11 all such terms are defined in San Francisco Administrative Code Chapter 87).

12 (c) A department authorized to issue or transfer permits shall not issue or transfer a
13 permit to any person who does not have a current business tax registration certificate when
14 such person is required to obtain a business tax registration certificate pursuant to Section
15 1003 of Part III of the San Francisco Municipal Code.

16 (d) Notwithstanding Subsection (a) of this Section, the provisions of Article 15.1
17 (Entertainment Regulations Permit and License Provisions) and Article 15.2 (Entertainment
18 Regulations for Extended-Hours Premises) of the Police Code shall govern actions taken on the
19 granting, denial, amendment, suspension and revocation of permits regulated under those Articles, not
20 the standards set forth in Subsection (a).

21 Section 15. FINDINGS. In adopting this Ordinance and Ordinance No. _____,
22 the Board of Supervisors is mindful of public safety problems that sometimes are presented
23 by the operation of businesses holding a Place of Entertainment permit. At the most extreme,
24 there have been serious violent incidents such as shootings, stabbings, and physical
25 altercations occurring on the premises of such businesses, or in the immediate vicinity arising

1 from or related to activities conducted on the premises. In such circumstances, the safety of
2 patrons, employees, neighbors, passers-by, and police officers must be of paramount concern
3 to the City. In addition, there are less extreme but nonetheless serious problems that
4 sometimes are presented by the operation of businesses holding a Place of Entertainment
5 permit, relating to noise and other criminal conduct that is in itself harmful to the public and
6 that can ultimately lead to serious public safety concerns. This Ordinance and Ordinance No.
7 _____ provide reasonable and narrowly drawn options for the City to protect public
8 safety without unduly interfering with the operation of businesses holding a Place of
9 Entertainment permit.

10 Section 16. SEVERABILITY. If any section, subsection, subdivision, paragraph,
11 sentence, clause or phrase of this Article or any part thereof, is for any reason held to be
12 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision
13 shall not affect the validity or effectiveness of the remaining portions of this Code or any part
14 thereof. The Board of Supervisors hereby declares that it would have passed each section,
15 subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the
16 fact that any one or more sections, subsections, subdivision paragraphs, sentences, clauses
17 or phrases be declared unconstitutional or invalid or ineffective.

18 Section 17. In undertaking the enforcement of this ordinance, the City is assuming an
19 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its
20 officers and employees, an obligation for breach of which it is liable in money damages to any
21 person who claims that such breach proximately caused injury.

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

24 By: _____
25 PAULA JESSON

Deputy City Attorney

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

