

1 [Police Code - Limited Live Performance Permit in Polk Street Neighborhood Commercial
2 District]

3 **Ordinance amending the Police Code to change from 10:00 p.m. to 11:00 p.m., the time**
4 **at which a Live Performance in the Polk Street Neighborhood Commercial District**
5 **under a Limited Live Performance Permit must conclude; and affirming the Planning**
6 **Department's determination under the California Environmental Quality Act.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

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

15 Section 1. Environmental Finding. The Planning Department has determined that the
16 action contemplated in this ordinance complies with the California Environmental Quality Act
17 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with
18 the Clerk of the Board of Supervisors in File No. 230309 and is incorporated herein by
19 reference. The Board affirms this determination.

20 Section 2. Article 15.1 of the Police Code is hereby amended by revising Section
21 1060, to read as follows:

22 **SEC. 1060. DEFINITIONS.**

23 * * * *

24 "Limited Live Performance Permit." A permit allowing a Limited Live Performance
25 Locale to present Live Performances.

1 "Limited Live Performance Locale." A locale with all the following features:

2 (a) The presentation of Live Performances is a secondary purpose of the locale
3 rather than its primary purpose.

4 (b) The locale is indoors, or consists of an outdoor plaza, courtyard, or similar
5 space, enclosed by surrounding buildings, with or without open means of public ingress and
6 egress, with an area in which Live Performances are presented that is no greater than 200
7 square feet. For purposes of this provision, "outdoor plaza, courtyard, or similar space" also
8 shall include, regardless of the square footage of the Live Performance area, (1) any Plaza as
9 identified in Administrative Code Chapter 94 or (2) any People Place as identified in
10 Administrative Code Chapter 94A.

11 (c) Live Performances presented at the locale conclude by 11 p.m.
12 Notwithstanding the previous sentence, Live Performances must conclude by 10 p.m. at any
13 locale in any of the following areas: (1) the North Beach Neighborhood Commercial District as
14 defined in Planning Code Section 722; (2) ~~the Polk Street Neighborhood Commercial District as~~
15 ~~defined in Planning Code Section 723;~~ (3) the north and south sides of Chestnut Street between
16 the east side of Fillmore Street and the west side of Divisadero Street; and (34) the north side
17 of Lombard Street, between Fillmore Street and Divisadero Street.

18 (d) The locale is not a Private Residence.

19 (e) Patrons or members are admitted to the locale, except this requirement shall
20 not apply to a Plaza as identified in Administrative Code Chapter 94 or a People Place as
21 identified in Administrative Code Chapter 94A.

22 "Live Performance." Any act, play, review, pantomime, scene, song, dance act, song
23 and dance act, poetry recitation, fashion or style show, recorded music presented by a live
24 disc jockey on the premises, or the playing or use of any instrument capable of producing or
25

1 used to produce musical or percussion sounds, including but not limited to, reed, brass,
2 percussion, or string-like instruments.

3 * * * *

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

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10 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the “Note” that appears under
15 the official title of the ordinance.

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17 APPROVED AS TO FORM:
18 DAVID CHIU, City Attorney

19 By: /s/ Paul Zarefsky
20 PAUL ZAREFSKY
21 Deputy City Attorney

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City and County of San Francisco

Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 230309

Date Passed: May 16, 2023

Ordinance amending the Police Code to change from 10:00 p.m. to 11:00 p.m., the time at which a Live Performance in the Polk Street Neighborhood Commercial District under a Limited Live Performance Permit must conclude; and affirming the Planning Department's determination under the California Environmental Quality Act.

April 27, 2023 Public Safety and Neighborhood Services Committee - RECOMMENDED

May 09, 2023 Board of Supervisors - PASSED ON FIRST READING


Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Safai, Stefani and Walton
Excused: 1 - Ronen

May 16, 2023 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai and Walton
Excused: 1 - Stefani

File No. 230309

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 5/16/2023 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

5/26/23
Date Approved