

Legislation for Commission Review

BOS File No: 160962

Name: Police Code - Limited Live Performance Permits - Union Street
Neighborhood Commercial District

Legislation Overview:

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

Sponsor(s): Farrell, Mark

Date Introduced: 9/6/2016

Date Referred: N/A; this legislation was self-referred.

Scheduled for BOS Committee: TBD

Referred to Depts./Commissions: Referred to Planning Department for environmental review; Entertainment Commission and Police Department for information purposes.

Description:

Existing Law (enacted 9/12/2011)

The Entertainment Commission regulates the operation of Limited Live Performance ("LLP") Locales in the City through the issuance of LLP Permits under Article 15.1 of the Police Code. A LLP Locale has the following features:

- (1) the presentation of Live Performances is a secondary purpose of the locale rather than its primary purpose,
- (2) the locale is indoors or outdoors, with an area in which Live Performances are presented that is no greater than 200 square feet,
- (3) Live Performances conclude by 10 p.m., subject to exceptions discussed below,
- (4) the locale is not a private residence, and
- (5) patrons or members are admitted to the locale, which served food and/or beverages. (Police Code § 1060(r).)

One year after the LLP Permit has been granted, the permittee may request that the Director of the Entertainment Commission extend the hours for Live Performances until 11:00 p.m. The Director may grant an extension if there have been no significant public safety or public nuisance concerns at

or near the establishment, which were attributed to the operation of the LLP Permit.¹ However, the Director may not grant such an extension for LLP Permits in the following areas: (1) the North Beach Neighborhood Commercial District; (2) the Polk Street Neighborhood Commercial District; (3) the Union Street Neighborhood Commercial District; the (3) the north and south sides of Chestnut Street between the east side of Fillmore Street and the west side of Divisadero Street, and (4) the north side of Lombard Street, between Fillmore Street and Divisadero Street.²

Amendments to Current Law

The proposed ordinance allow LLP permit holders in the Union Street NCD to seek the 11:00 pm extension (i.e., it removes the Union Street NCD from the list of excluded areas noted above).

Legislative History

In 2011, Supervisors Mirkarimi, Wiener, Mar, and Campos introduced legislation with the intention of making San Francisco more music- and performer-friendly.³ The legislation created a cheaper permit for businesses such as cafes and restaurants, in which live entertainment is a secondary use. Certain high-density commercial districts⁴ were excluded from the 11pm extension.⁵

In 2013, the definition of a “Live Performance” was expanded to include “recorded music presented by a live disc jockey on the premises,” and the LLP Permit category was expanded to include “outdoor plazas, courtyards, or similar outdoor spaces.”⁶ The City was also granted additional regulatory and enforcement powers.⁷

In 2015, the Commission [unanimously approved](#) Planning Code amendments to allow accessory use entertainment (with limited live performance permits) in the Western South of Market Mixed Use General and Regional Commercial Districts.

¹ Police Code, Section 1060.38.1(a)

² Police Code, Section 1060.38.1(b)

³ BOS File No. 110506. <https://sfgov.legistar.com/LegislationDetail.aspx?ID=885566&GUID=788719B5-C0A9-450F-BFBB-63D49A299406&Options=ID|&Search=110506>

⁴ (1) the North Beach Neighborhood Commercial District; (2) the Polk Street Neighborhood Commercial District; (3) the Union Street Neighborhood Commercial District; the (3) the north and south sides of Chestnut Street between the east side of Fillmore Street and the west side of Divisadero Street, and (4) the north side of Lombard Street, between Fillmore Street and Divisadero Street.

⁵ See <http://sfappeal.com/2011/08/supes-approve-permit-allowing-cafes-restaurants-to-host-live-music/>

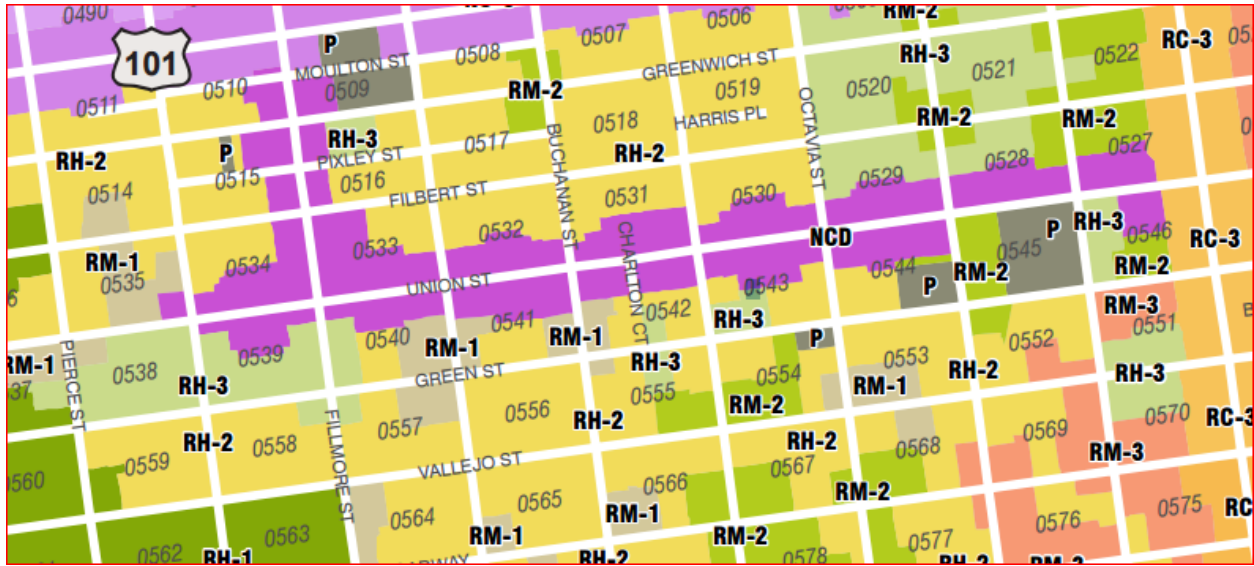
⁶ BOS File No. 130182. <https://sfgov.legistar.com/LegislationDetail.aspx?ID=1306846&GUID=70266D23-050D-45FF-AA42-ABA431DE9874&Options=ID|&Search=130182>

⁷ The legislation clarified that certain criminal, civil, and administrative penalties apply to the violation of any provisions of Article 15.1, 15.2, as well as to the excessive noise provisions of Article 29 and Police Code 49.

Staff Assessment

As a reminder, the Office of Small Business and Small Business Commission worked with the Planning and Entertainment Commissions to create the LLP Permit. At that time, the Union Street Association asked that the district be excluded; however, it is now supportive of the LLP permit and of this legislation.

Figure 1: Zoning Map of the Union Street Neighborhood Commercial District



Entertainment Commission staff confirmed that there is exactly one establishment in the Union Street NCD area that presently has a Limited Live Performance Permit (Bus Stop, 1901 Union Street). Bus Stop was granted its LLP permit on September 17, 2014 and the Entertainment Commission has received no complaints.