

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
BEN MARCUS-WILLERS,)
DAVID AU, ALICE LUONG & JENNIFER KWA,)
Appellant(s))
vs.)
ENTERTAINMENT COMMISSION,)
Respondent)

Appeal No. **24-027**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on March 26, 2024, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on March 20, 2024 to LionDanceME, of a One Time Outdoor Entertainment Event Permit (entertainment and/or amplified sound will occur on the following days and times: Saturdays and Sundays, 4/6/24 through 3/30/25, from 10:00 a.m. to 7:00 p.m.) at Grant Avenue (between California Street & Washington Street).

APPLICATION NO. ECOTE24-046

FOR HEARING ON April 17, 2024

Address of Appellant(s):

Address of Other Parties:

<p>Ben Marcus-Willers and David Au, Alice Luong & Jennifer Kwa, Appellant(s) Red Blossom Tea Company 831 Grant Avenue, San Francisco, CA 94108,</p>	<p>LionDanceME, Permit Holder(s) c/o Norman Lau, Agent for Permit Holder(s) LionDanceME 722 Commercial Street San Francisco, CA 94108</p>
---	---



Date Filed: March 27, 2024

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 24-027

I / We, Ben Marcus-Willers, Alice Luong, David Au & Jennifer Kwa (**Merchants of Grant Avenue**), hereby appeal the following departmental action: **ISSUANCE of One Time Event Permit No. ECOTE24-046** by the **Entertainment Commission** which was issued or became effective on: **March 20, 2024**, to: **LionDanceME**, for the property located at: **Grant Avenue (between California Street & Washington Street)**.

BRIEFING SCHEDULE:

Appellants' Brief is due on or before: 4:30 p.m. on **April 5, 2024**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, Maggie.weiland@sfgov.org, dylan.rice@sfgov.org and weflyhigh@liondanceme.com.

Respondent's, Department's, and Other Parties' Briefs are due on or before: 4:30 p.m. on **April 11, 2024**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, maggie.weiland@sfgov.org, dylan.rice@sfgov.org and ben@redblossomtea.com.

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, April 17, 2024, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment.

Appeal filed by email by Ben Marcus-Willers, appellant.

The Merchants of Grant Avenue

Board of Appeals, 49 South Van Ness Avenue, Suite 1475, San Francisco, CA 94103

25 March 2024

To Whom it May Concern,

On 19th March 2024, following recommendation from staff, the San Francisco Entertainment Commission voted unanimously to approve the consent agenda, including item 6A, a One Time Outdoor Event Permit #ECOTE24-046 for LionDanceME dba Grant Avenue Performances. According to the staff report, "All of the applicants conducted neighborhood outreach and there was no opposition from neighbors..." While it is true that the applicant conducted outreach, it was a wild misrepresentation to claim there was no neighborhood opposition. On 13th March 2024, having received only one day's notice, approximately 20 merchants representing the three affected blocks of Grant Avenue met at Far East Cafe with the applicant, along with Supervisor Aaron Peskin and several representatives of the SFMTA, regarding this permit and street closure. Of these merchants who were able to attend with last minute notice, a near unanimous majority voiced strong opposition to the permit and planned closure, citing negative impact to business, unreasonably heightened noise levels, and several other concerns. At this meeting, the applicant stated it was not his intention to harm the community and, if that was the case, he would happily cancel his plans. Hearing this, merchants felt assuaged and it was our assumption that the matter had been dealt with. It came as a shock, to merchants who had attended this meeting, then, that the permit had been approved on March 19th. Considering the very present language barrier in our community, the lack of clarity in this matter feels discriminatory. **We, the merchants and residents of Grant Avenue feel misled and wildly misrepresented in the decision process, and therefore wish to appeal this permit.** We have a more detailed letter, signed by a much larger majority of merchants, residents, and customers (including physically disabled customers affected by this closure), enumerating all of our concerns, and are eager to represent ourselves at an appeal hearing.

Signed,



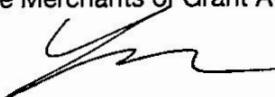
ALICE LUONG

RED BLOSSOM TEA COMPANY

DAVID K. AU

Wai Hing Imports, Inc.

The Merchants of Grant Avenue

 Jennifer Kwan Jen's gems.

From: [City and County of San Francisco](#)
To: [Norman Lau](#)
Subject: Permit Approval - LionDanceME Grant Avenue Performances, Permit #ECOTE24-046
Date: Wednesday, March 20, 2024 11:19:53 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

You have a new message from City and County of San Francisco

****Please have this approval letter available on-site during the event. This is your permit.****

Dear Norman Lau, LionDanceME:

This is your approval for your One Time Outdoor Entertainment Event Permit for the Grant Avenue Performances event located at Grant Ave between California St and Washington St, San Francisco, CA.

Entertainment and/or amplified sound will occur at the above location on the following date(s) and times:

Saturdays and Sundays, 04/06/24 - 03/30/25, from 10:00am to 7:00pm.

Sound-check date(s) and hours, if applicable:

This permit #ECOTE24-046 is APPROVED with the following conditions:

APPROVED by Entertainment Commission Acting Director Azevedo with the following conditions:

1. Good Neighbor Policy <https://www.sf.gov/information/good-neighbor-policy>.
2. Permit holder shall comply with Municipal Police Code Article 15.1 Section 1060.16 including but not limited to (b)(3): The volume of outdoor amplified sound shall be controlled so that it does not exceed ambient levels at a distance of 100 feet measured from the property plane.
3. No entertainment and/or amplified sound may occur outside of the date(s), time(s), and location(s) that the Entertainment Commission has approved for your event.
4. Amplified sound equipment must be stationary and fixed to a specific location.
5. While hosting entertainment and/or amplified sound, permit holder shall have a staff member on site who is able to provide proof of permit, and is aware of all permit conditions including any approved sound limits. (EC Good Neighbor Policy Condition #1).
6. Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who has direct authority over the premises or permitted location, knowledge of all permit conditions including any

approved sound limits, and shall respond in a timely manner to address concerns (EC Good Neighbor Policy Condition #4).

7. Within 24 hours of any violent incident, or any time SFPD responds to a call for service at the premises or permitted location, permit holder shall complete and send an Incident Report to the

Entertainment Commission and the SFPD District Station Permit Officer. The Incident Report Form is

available at https://sf.gov/sites/default/files/2022-06/Incident%20Report_Fillable.pdf.

8. Permit holder shall abide by all applicable City, State and Federal laws.

9. Permit holder shall comply with the Commission approved security plan.

10. Permit holder is required to allow inspection by any EC permit administrator, EC inspector, or San Francisco Police Officer. (Police Code Sec. 1060.11).

Permit is non-transferable and is valid only for the Person to whom it is issued for the premises specified in the permit.

Let us know if you have any questions.

Sincerely,

Kaitlyn Azevedo

Acting Director

San Francisco Entertainment Commission

49 South Van Ness Avenue, Suite 1482

San Francisco, CA 94103

628-652-6030 Main

Entertainment.Commission@sfgov.org

This message was sent regarding your submission to "One time outdoor entertainment event permit". If you'd like City and County of San Francisco to stop sending you messages, [click here](#) to unsubscribe.

BRIEF SUBMITTED BY THE APPELLANT(S)

5 April 2024

TO:

San Francisco Board of Appeals

49 South Van Ness Avenue, Suite 1475

San Francisco, CA 94103

boardofappeals@sfgov.org

(628) 652-1150

APPELLANT BRIEF - Appeal #24-027

Appeal Title: Ben Marcus-Willers, Alice Luong, David Au & Jennifer Kwa (Merchants of Grant Avenue) v. Entertainment Commission

Subject Property: Grant Avenue (between California St. & Washington St.)

Determination or Permit Type: One-Time Event Permit

Determination or Permit No.: ECOTE24-046

To the Board of Appeals,

We the appellants, on behalf of several merchants and residents on the affected blocks of Grant Avenue, strongly oppose any and all plans to close Grant Avenue on an extended basis for street performances, markets, and other events, including LionDanceME's permit (for which we have filed this appeal), approved by the Entertainment Commission on March 19th, 2024 to run nine hours per day, every Saturday and Sunday, for twelve months. Such events pose significant, tangible impacts to both public health and accessibility (particularly for disabled individuals) on an ongoing basis. **We therefore ask that you stand with our community by revoking permit ECOTE24-046.**

IMPACT TO PUBLIC HEALTH

First and foremost, **the permit in question presents immediate threats to the wellbeing of residents, merchants, and visitors due to prolonged, elevated noise levels.** According to Article 29 Section 2900 of the San Francisco Police Code:

“...the World Health Organization and U.S. Environmental Protection Agency have determined that persistent exposure to elevated levels of community noise is responsible for public health problems... [It is therefore] the policy of San Francisco to prohibit unwanted, excessive, and avoidable noise...No person shall produce or allow to be produced...a noise level more than ten dBA above the local ambient...[Additionally,] no fixed noise source may cause the noise level...

inside any sleeping or living room...to exceed... 55 dBA between the hours of 7am - 10pm with windows open.”

Police Code Section 1070.15 requires that event premises be, “...soundproofed in a manner that...will be effective to eliminate noise or reduce it to a reasonable level,” while the City’s policy on special events states, “The volume of [the event] must be controlled so that it is not audible more than 250 feet from the furthest attending audience member.”

Per City policy, **grounds for suspension** of a special event permit are present when, “The [event] has been operated in a manner that has harmed the public health, safety or welfare by significantly increasing pedestrian traffic, the incidence of disorderly conduct, or the level of noise in the area in which the premises are located.”

Based on past performances, these events are easily audible from several city blocks away — far beyond the allowable limit. When recently measured using the City’s recommended NIOSH SLM app, lion dancing drumming at street level reached **102 dB** when measured at a pedestrian distance of approximately 10 feet (EXHIBIT A), far exceeding City policy. These elevated noise levels violate Article 29 Sec. 2900 by forcing residents and merchants to close their doors and windows to reduce the impact, while merchants with an open frontage without doors/windows are simply forced to endure the noise. Moreover, the use of the public right of way (which, by its

nature, cannot be soundproofed) as the venue for this event means **the proposed event is inherently unable to comply with City policy.**

Given that these events are unable to conform to City policies within the proposed venue (the public street), we request the Board of Appeals revoke this permit. Local residents and merchants cannot reasonably be expected to endure the heightened noise levels caused by such events on the extended basis approved in the permit.


IMPACT TO ACCESSIBILITY

In a neighborhood where parking is already notoriously difficult, a street closure along one of the primary thoroughfares is the last thing our community's residents, merchants, and visitors need. For example, within the approved venue for LionDanceME's permit (Grant Avenue from California Street to Washington Street), we stand to lose nearly 30 precious street parking spaces and, more importantly, vehicle access to a significant stretch of the community. For merchants, this eliminates vehicle access to our storefronts, impacting our ability to load, unload, and conduct business operations, all on the two most important days of the week for retail business in our community: Saturday and Sunday. For residents and visitors, this dramatically reduces the accessibility of the neighborhood, **a particularly significant impact for disabled individuals**, many of whom rely on direct vehicle access to their destinations.

For the reasons listed above, we ask the Board of Appeals to stand with our community by revoking permit ECOTE24-046. For future applications, we ask the City

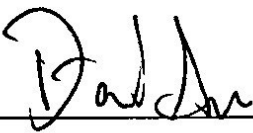
to be more considerate of our community: please amend the permitting process to require signed consent from a ninety percent majority of local residents and businesses directly impacted by these events.

Signed,



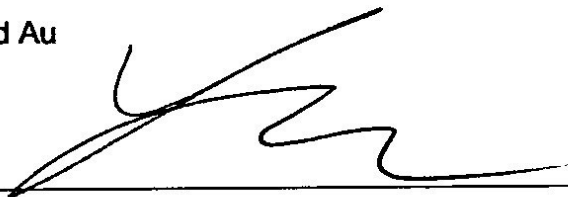
April 5th, 2024

Alice Luong



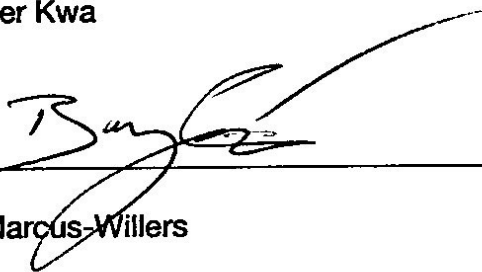
April 5th, 2024

David Au



April 5th, 2024

Jennifer Kwa



April 5th, 2024

Ben Marcus-Willers

5 April 2024

TO:

San Francisco Board of Appeals

49 South Van Ness Avenue, Suite 1475

San Francisco, CA 94103

boardofappeals@sfgov.org

(628) 652-1150

APPELLANT EXHIBITS - Appeal #24-027

Appeal Title: Ben Marcus-Willers, Alice Luong, David Au & Jennifer Kwa (Merchants of Grant Avenue) v. Entertainment Commission

Subject Property: Grant Avenue (between California St. & Washington St.)

Determination or Permit Type: One-Time Event Permit

Determination or Permit No.: ECOTE24-046

EXHIBIT A:

Noise measurement report of lion dance drumming using NISOH SLM app, measured 3/24/24. Max level recorded: 102 dB.



Noise measurement report

Date: 3/24/24, 12:22PM

Operator: Appellant for Appeal #24-027

Place: Clay Street @ Waverly Place

Measurement results

Measurement time (hh:mm:ss)	00:01:00
LAeq	93.5 dB
Max. level	102.0 dB
LCpeak	123.4 dB
TWA	66.7 dB
Dose	1.5 %
Projected dose	709.1 %

Notes

Lion dancing performance.

EXHIBIT B:

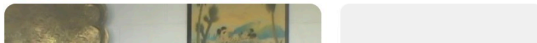
Change.org petition for Keep Chinatown Open (opposing Chinatown street closures) showing more than 1000 supporters as of April 5th, 2024. **Full petition available at change.org/keep-chinatown-open**

Keep Chinatown Open



Started March 28, 2024

Supporter Voices



1,191 Signatures **1,500** Next Goal

1,165 people signed this week

Keep Chinatown Open

Share on Facebook

[Send an email to friends](#)

[Send a message via WhatsApp](#)

[Tweet to your followers](#)

[Copy link](#)

EXHIBIT C:

Image showing residential windows facing directly onto Grant Avenue's 800 block.



EXHIBIT D:

Permanent street sign erected by SFMTA prematurely, closing street to parking and stopping on dates affected by permit in question.



I saw this at March 8, 2024. I send this to Chinatown Merchant United. (Ed)

EXHIBIT E:

Applicant's notice to affected residents and merchants regarding permit application.

LionDanceME

(415) 830 - 5363

weflyhigh@liondanceme.com

www.LionDanceMe.com



March 7th, 2024

Dear Neighbor,

My name is Norman and I am the Founder of LionDanceME. This letter is to notify you that we are applying for a One Time Outdoor Event Permit with extended duration from the San Francisco Entertainment Commission.

We are applying for this permit so we can continue to host the Grant Avenue Shared Spaces events for 24 or more days of outdoor entertainment/amplified sound within a 12-month period on **Grant Avenue between California Street and Washington Street, on Saturdays and Sundays, from April 6, 2024 through March 30, 2025, from 10:00pm to 7:00pm.** The One Time Outdoor Event Permit requires that outdoor entertainment/amplified sound must end after 23 days within a 12-month period unless the applicant receives prior approval from the seven-member Entertainment Commission. Additionally, we are required to abide by permit conditions which include conditions of the Entertainment Commission's Good Neighbor Policy, available at <https://www.sf.gov/information/good-neighbor-policy>. We look to continue being a good neighbor by adhering to the policy and listening to any feedback and/or concerns you may have regarding this event.

Our permit application will be heard by the Entertainment Commission on Tuesday, March 19, 2024 at 5:30pm. To view the meeting agenda, visit <https://sfgov.org/entertainment/public-notices-meetings> starting on the Thursday prior to the meeting date. If you have any questions, please feel free to contact me, or you may contact the Entertainment Commission directly: entertainment.commission@sfgov.org.

Thank you for your continued support. Please feel free to reach out to me by email at weflyhigh@liondanceme.com or by phone number at (415) 830-5363 if you have any questions.

Sincerely,

Norman Lau

LionDanceME

weflyhigh@liondanceme.com

(415) 830-5363



Good Neighbor Policy



1. While hosting entertainment, permit holder shall always have a staff member on site who is able to provide proof of permit, is trained in every aspect of venue operation, and is aware of all permit conditions.
2. Permit holder is responsible for the safety and security of venue patrons and the surrounding neighborhood. The Commission approved security plan shall be followed, and permit holder shall secure the sidewalk for a 100-foot radius in all directions around the premises of the business to prevent injury to persons and/or damage to property.¹ Security staff shall be placed at all entrances and exits during the period from 10:00pm to such time past closing that all patrons have left the vicinity.
3. Permit holder shall post easily visible signs outside each entrance and exit instructing patrons to:
 - a) Respect the neighborhood by keeping voices low,
 - b) Follow City & County of SF smoking regulations², and
 - c) Obey City & County of SF anti-loitering regulations.³All signs and walkways shall be well lit. Sidewalks shall be kept clear for pedestrians. Cars shall not be double parked.
4. Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who has direct authority over the premises, knowledge of all permit conditions, and shall respond in a timely manner to address concerns.

¹ SF Municipal Police Code Article 15.1 "security plan" definition

² SF Health Code Article 19F SEC. 1009.22(i)(1)

³ SF Municipal Police Code Article 2 Section 121(b)

⁴ https://www.abcc.ca.gov/programs/LEAD/Online_LEAD_Training.html

⁵ SF Municipal Police Code Article 29 Section 2909(b)

5. Permit holder shall maintain, and be prepared to verify, records at the premises of current L.E.A.D certification⁴ for all persons working at the premises.
6. Permit holder shall maintain all entrances and exits to the building and all sidewalks within 100 feet of the premises in a clean and sanitary condition. At some point between 30 minutes after closing and 8:00am, permit holder shall walk the area within 100 feet of the property and dispose of any litter that may have been left by patrons.
7. Permit holder shall take measures to reduce the amount of sound that escapes the venue. All doors and windows must be kept closed while hosting entertainment, unless otherwise conditioned on the permit. Permit holder shall be familiar with, and abide by, sound ordinances enforced by the Entertainment Commission, including but not limited to, the following:
 - a) Regulation of Noise - Noise Limits⁵
 - 1) Commercial & Industrial Property⁵
 - 2) Public Property⁶
 - b) Outdoor Amplified Sound Regulations⁷
 - c) Unnecessary Noise⁸
8. Within 24 hours of any violent incident, or any time SFPD responds to a call for service at the premises, permit holder shall complete and send an incident report⁹ to (1) their SFPD District Station Permit Officer and (2) the Entertainment Commission.

⁶ SF Municipal Police Code Article 29 Section 2909(c)

⁷ SF Municipal Police Code Article 15.1 Section 1060.16(b)(3)

⁸ SF Municipal Police Code Article 1 Section 49(b)

⁹ https://sfgov.org/entertainment/sites/default/files/Incident_Report.pdf

Approved 2/5/19

EXHIBIT F (Following pages):

Signatures collected from local merchants and residents in opposition of the permit and Chinatown street closures at large.

The Businesses & Residents of Grant Avenue - 都板街的商人和居民

David H. Au
Name 簽名 Business 公司 Resident 居民

829 Grant Ave. SF CA
Address 地址

Quana Au
Name 簽名 Business 公司 Resident 居民

829 Grant Ave SF CA
Address 地址

Amy Au
Name 簽名 Business 公司 Resident 居民

807 Grant Ave SE CA
Address 地址

[Signature]
Name 簽名 Business 公司 Resident 居民

805 Grant Ave S.F CA
Address 地址

[Signature]
Name 簽名 Business 公司 Resident 居民

808 GRANT AVE SF CA
Address 地址

Yi Jiang
Name 簽名 Business 公司 Resident 居民

814 Grant Ave
Address 地址

[Signature]
Name 簽名 Business 公司 Resident 居民

825 clay Street
Address 地址

[Signature]
Name 簽名 Business 公司 Resident 居民

812 clay st
Address 地址

[Signature]
Name 簽名 Business 公司 Resident 居民

100 Waverly Plac
Address 地址

[Signature]
Name 簽名 Business 公司 Resident 居民

65 Waverly
Address 地址

[Signature]
Name 簽名 Business 公司 Resident 居民

65 Waverly
Address 地址

[Signature]
Name 簽名 Business 公司 Resident 居民

825 clay st
Address 地址

The Businesses & Residents of Grant Avenue - 都板街的商人和居民

SANDY
Name 簽名 Business 公司 Resident 居民

806 clay St
Address 地址

Lyndon
Name 簽名 Business 公司 Resident 居民

812 CLAY ST 101
Address 地址

Zella
Name 簽名 Business 公司 Resident 居民

825 CLAY ST
Address 地址

Mme
Name 簽名 Business 公司 Resident 居民

912 GRANT AVE. 106
Address 地址

AMY
Name 簽名 Business 公司 Resident 居民

914
Address 地址
UPD Lounge 916 GRANT AVE.

VINCENT LEE
Name 簽名 Business 公司 Resident 居民

Address 地址

Bao Kang Zhang
Name 簽名 Business 公司 Resident 居民

910 GRANT AVE
Address 地址

Chokiu Ho
Name 簽名 Business 公司 Resident 居民

912 GRANT AVE
Address 地址

Jan
Name 簽名 Business 公司 Resident 居民

900 GRANT AVE.
Address 地址

Fanny
Name 簽名 Business 公司 Resident 居民

801 Grant Ave
Address 地址

Fanny
Name 簽名 Business 公司 Resident 居民

800 Grant Ave
Address 地址

Andy
Name 簽名 Business 公司 Resident 居民

803 Grant Ave
Address 地址

The Merchants of Grant Avenue - 都板街的商人

Sean Nilas
Name 簽名

Patrick Arrieta
Name 簽名

Carly Witham
Name 簽名

Gloria LEUNG
Name 簽名

ORGIL ZAYA
Name 簽名

Sharon Gong
Name 簽名

Natalie Pineda
Name 簽名

Edgar Rosas
Name 簽名

Miguel Li
Name 簽名

Sian San Shu
Name 簽名

Zenji Zhao
Name 簽名

GUIBIANG XIE
Name 簽名

Kou Hong Lo
Name 簽名

Zheng Sheng Chen
Name 簽名

JIN Sheng XI
Name 簽名

Zhi lan zhang
Name 簽名

Empress by Boon
Business 公司

Empress by Boon
Business 公司

Empress by Boon
Business 公司

Empress by Boon
Business 公司

Empress by Boon
Business 公司

Empress by Boon
Business 公司

Empress by Boon
Business 公司

Empress by Boon
Business 公司

Empress by Boon
Business 公司

Empress by Boon
Business 公司

Empress by Boon
Business 公司

Empress by Boon
Business 公司

Empress by Boon
Business 公司

Empress by Boon
Business 公司

Empress by Boon
Business 公司

Empress by Boon
Business 公司

The Merchants of Grant Avenue - 都板街的商人

Name 簽名

QIYUAN SU

Name 簽名

HUIYUAN SITU

Name 簽名

YUW DU

Name 簽名

Xiao Qin Xu

Name 簽名

Deleang SITU

Name 簽名

HUIYUAN SITU

Name 簽名

JIAN ZE XU

Name 簽名

Name 簽名

Name 簽名

Name 簽名

Name 簽名

Name 簽名

Name 簽名

Name 簽名

Name 簽名

Business 公司

Empress by Born

Business 公司

Empress by Born

Business 公司

Empress by Born

Business 公司

Empress by Born

Business 公司

Empress by Born

Business 公司

Empress by Born

Business 公司

Empress by Born

Business 公司

Business 公司

Business 公司

Business 公司

Business 公司

Business 公司

Business 公司

Business 公司

Business 公司

Name	姓名	公司	居民	地址
	Daphny			912 Grant Ave
	hou		✓	912 Grant Ave #101 812 clay
	hen cai kuo		✓	812 clay st #102
	AWAN FONG		✓	912 Grant Ave #102
				802 CLAY ST 205
	Guo Cai Yang		✓	802 CLAY 206
	Li wei ren		✓	802 clay 203
	Wang Kan Jung		✓	802 clay 103
	Mee Kin Fong		✓	802 clay 106
	ZU SHUN LEI		✓	802 clay 105
	Charles LEI		✓	802 clay 204
	Christal Zhang		✓	912 Grant 107
	Bun Yi Fong		✓	912 Grant 101
	Suegli zhou		✓	912 Grant 104
	MA		✓	912 Grant 208
	CUI JU		✓	912 Grant Ave 102

The Merchants of Grant Avenue

MERCHANT APPROVAL FOR FUTURE EVENTS

Given the appreciable impact on the local community, we hereby request that future applicants for street closures along Grant Avenue receive signed approval from a ninety percent majority of the Grant Avenue merchants as a mandatory component of the permit application process.

For all the reasons listed above, we hope the Entertainment Board stands with our community in denying LionDanceME's permit application.

Signed,

Sergio Coronel
Name 簽名

David K. Au
Name 簽名

Alice Luong
Name 簽名

Jennifer Kwa
Name 簽名

Aiyan Huang
Name 簽名

EDWARD SIU
Name 簽名

Sian W. Ma
3/e

Anna Au
~~張~~

NewAge Camera 827@Yahoo.com
Business 公司

Wai Hing Imports wai hing imports @ hotmail.com
Business 公司

Red Blossom Tea alice@redblossomtea.com
Business 公司

Jen's gems Jennifergem@Yahoo.com
Business 公司

Fortune Gifts Aiyan.huang@Att.net
Business 公司

CLASSICS TOUR edsiu88@yahoo.com
Business 公司

Powell Franding CO
837 Grant AVE
TWAN KEE 843 GRANT AVE

WAI HING IMPORTS

Shangri-La 814 Grant Ave.

The Merchants of Grant Avenue

MERCHANT APPROVAL FOR FUTURE EVENTS

Given the appreciable impact on the local community, we hereby request that future applicants for street closures along Grant Avenue receive signed approval from a ninety percent majority of the Grant Avenue merchants as a mandatory component of the permit application process.

For all the reasons listed above, we hope the Entertainment Board stands with our community in denying LionDanceME's permit application.

Signed,

MIN NGAI ARTS & CRAFTS

Name 簽名

MINNGAI@GMAIL.COM
Business 公司

[Signature]

Name 簽名

M&L SHEN. COY.

Business 公司

John Ma

Name 簽名

838 GRANT AVE RM 402

Business 公司

Francis Lo

Name 簽名

HEART OF SHANGHAI
847-867 GRANT AVE

Business 公司

[Signature]

Name 簽名

TUNG LA JEWELRY

Business 公司

Yan ci kuang

Name 簽名

717 Grant Ave. Kite Shop

Business 公司

Jennifer Kim

805 Grant Ave. Jen's gems

Sergio Coronei

827 Grant Ave

[Signature]

480 Grant Ave

Don Gabriel

179 Grant Ave

Joanna Tan

525 Grant Ave S.F. CA 94108

(Rich) Yuichi Duan

525 Grant Ave S-F CA 94108

Glenn Zhu

527 Grant Ave SF CA 94108

Justin Riep

522 Grant Ave SF CA 94108

Hoang Bich

335 Grant Ave SF CA 94108

[Signature]

4 of 4

720 Grant Ave

The Merchants of Grant Avenue

MERCHANT APPROVAL FOR FUTURE EVENTS

Given the appreciable impact on the local community, we hereby request that future applicants for street closures along Grant Avenue receive signed approval from a ninety percent majority of the Grant Avenue merchants as a mandatory component of the permit application process.

For all the reasons listed above, we hope the Entertainment Board stands with our community in denying LionDanceME's permit application.

Signed,

Qiu Wen Xie
Name 簽名

Connie Lau
Name 簽名

Jim Rong Ran
Name 簽名

Deepak Pradhan
Name 簽名

Carla
Name 簽名

GENNIO
Name 簽名

Xorxes
Name 簽名

Hoi In Leo
- In SE
Wan Feng Tan

823 Grant Ave # 2 SE CA 94108
Business 公司

823 Grant Ave APT 12
Business 公司

823 Grant Ave APT #1
Business 公司

823 Grant Ave # 22 (13)
Business 公司

823 Grant Ave #4
Business 公司

823 GRANT AVE #10
Business 公司

823 Grant Ave #7
Business 公司

823 Grant Ave # 16
823 Grant Ave # 17
823 Grant Ave # 14

The Merchants of Grant Avenue

MERCHANT APPROVAL FOR FUTURE EVENTS

Given the appreciable impact on the local community, we hereby request that future applicants for street closures along Grant Avenue receive signed approval from a ninety percent majority of the Grant Avenue merchants as a mandatory component of the permit application process.

For all the reasons listed above, we hope the Entertainment Board stands with our community in denying LionDanceME's permit application.

Signed,

LIN, QUD EN

Name 簽名

Liu, Kevin

Name 簽名

Lia, Goldie

Name 簽名

Ye, J.

Name 簽名

Name 簽名

Name 簽名

NAME/簽名

Name/簽名

NAME/簽名

NAME/簽名

NAME/簽名

Lin's Gift Trading Company

(Business 公司/Residence 住宅)

Asian Trends

Business 公司/Residence 住宅

LIN'S GIFTS LLC

Business 公司/Residence 住宅

750 Grant Ave.

Business 公司/Residence 住宅

Business 公司/Residence 住宅

Business 公司/Residence 住宅

Residence/住宅

Residence/住宅

Residence/住宅

Residence/住宅

Residence/住宅


The Merchants of Grant Avenue

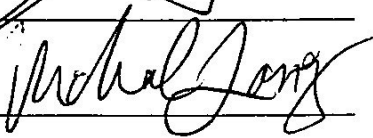
MERCHANT APPROVAL FOR FUTURE EVENTS

Given the appreciable impact on the local community, we hereby request that future applicants for street closures along Grant Avenue receive signed approval from a ninety percent majority of the Grant Avenue merchants as a mandatory component of the permit application process.

For all the reasons listed above, we hope the Entertainment Board stands with our community in denying LionDanceME's permit application.

Signed,



Name 簽名


Name 簽名

FOUR KINGS RESTAURANT

Business 公司
FOUR KINGS

Business 公司

Name 簽名

Business 公司

Name 簽名

Business 公司

Name 簽名

Business 公司

Name 簽名

Business 公司

The Merchants of Grant Avenue

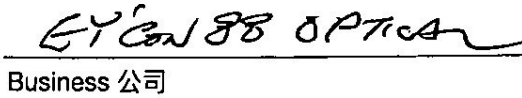
MERCHANT APPROVAL FOR FUTURE EVENTS

Given the appreciable impact on the local community, we hereby request that future applicants for street closures along Grant Avenue receive signed approval from a ninety percent majority of the Grant Avenue merchants as a mandatory component of the permit application process.

For all the reasons listed above, we hope the Entertainment Board stands with our community in denying LionDanceME's permit application.

Signed,


Name 簽名


Business 公司

Name 簽名

Business 公司

Name 簽名

Business 公司

Name 簽名

Business 公司

Name 簽名

Business 公司

Name 簽名

Business 公司

The Businesses & Residents of Grant Avenue - 都板街的商人和居民

[Signature]
Resident 居民
Name 簽名 Business 公司 Resident 居民

710 Grant Ave #30
S.F. CA 94108
Address 地址

Maggie Gong
Name 簽名 Business 公司 Resident 居民

710 Grant Ave #47
S.F. CA 94108
Address 地址

Wang Da Zhi Lai
Name 簽名 Business 公司 Resident 居民

70 Grant + Alameda
S.F. CA 94108
Address 地址

Hui Zi Chen
Name 簽名 Business 公司 Resident 居民

710 Grant Ave #46
S.F. CA 94108
Address 地址

Teng Yue Chen YUHAO ZHU
Name 簽名 Business 公司 Resident 居民

710 Grant Ave #36
S.F. CA 94108
Address 地址

Zhao Yiwen
Name 簽名 Business 公司 Resident 居民

710 Grant Ave #37
S.F. CA 94108
Address 地址

Cai Yi Yu
Name 簽名 Business 公司 Resident 居民

710 Grant Ave #201
S.F. CA 94108
Address 地址

Xin Shun MA
Name 簽名 Business 公司 Resident 居民

710 Grant Ave #408
S.F. CA 94108
Address 地址

Rui Zhen Zhou
Name 簽名 Business 公司 Resident 居民

710 Grant Ave #308
S.F. CA 94108
Address 地址

Jinyan Zuo
Name 簽名 Business 公司 Resident 居民

710 Grant Ave #304
S.F. CA 94108
Address 地址

Kuyi Xu
Name 簽名 Business 公司 Resident 居民

710 Grant Ave #305
S.F. CA 94108
Address 地址

Yang Guang 0
Name 簽名 Business 公司 Resident 居民

710 Grant Ave #310
S.F. CA 94108
Address 地址

Yianding
Name 簽名 Business 公司 Resident 居民

710 Grant Ave #307
S.F. CA 94108
Address 地址

Resident 居民

BRIEF SUBMITTED BY PERMIT HOLDER(S)

11 April 2024

To:

San Francisco Board of Appeals

49 South Van Ness Avenue, Suite 1475

San Francisco, CA 94103

boardofappeals@sfgov.org

(628) 652-1150

Permit Holder's Brief - Appeal No. 24-027

Appeal Title: Ben Marcus-Willers, Alice Luong, David Au & Jennifer Kwa (Merchants of Grant Avenue) v.

Entertainment Commission

Subject Property: Grant Avenue (between California St. & Washington St.)

Determination or Permit Type: One-Time Event Permit

Determination or Permit No.: ECOTE24-046

Dear Members of the San Francisco Board of Appeals,

We, LionDanceME, have held the One-Time Event Permit for the Subject Property on Grant Avenue (between California St. & Washington St.) for nearly three (3) years, after inheriting the permit and responsibilities from the Chinatown Merchants Association. The inception of this permit was initially for “Walkway Weekends”, an initiative that Betty Louie in conjunction with the Chinatown Merchants Association created to prohibit cars from driving on certain streets during weekends to allow for more foot traffic, with the hope to further generate interest for businesses (EXHIBIT K).

The One-Time Event permit allows for live performances to be held twice a week from 10am - 7pm. However, our weekly street closures have typically been reduced to only one day a week. Over this period, our activities have significantly contributed to the increased foot traffic along Grant Avenue and have fostered active engagement within our community.

In response to the concerns raised by the appellants regarding the permit granted to LionDanceME for the live street performances on Grant Avenue, we value community input and wish to address the points raised.

- **Noise Disturbance:** While our performances may generate some noise, we have taken proactive measures to minimize any disturbance to nearby residents and businesses. We strictly adhere to permitted hours of operation and ensure that our performances are conducted within reasonable noise levels. We have reduced our street closure to only one day a week, with most lion dance performances lasting approximately 30 minutes. The appellant states a measurement of lion dance drumming at street level when measured at a pedestrian distance of approximately 10 feet reaching 102 dB in their brief. However, according to Applied Acoustics, lion dance performances in an *indoor* setting were found to be below 87dbA (EXHIBIT J). The lion dance performances are *outdoors* on Grant Avenue, positioned to be more than 10 feet away from storefronts, with volunteers guiding pedestrians and spreading out the audience to maintain a comfortable sound level (EXHIBIT B). We have never had 9 hours of straight

drumming. Street performances combine a combination of lion dancing, dragon dancing, hip hop dance, and various forms of visual and performing arts by our volunteer students.

- **Traffic Congestion:** LionDanceME is committed to promoting a safe and accessible environment on Grant Avenue. Our street closure is limited to the 700 block between Sacramento Street and Clay Street. Adjacent intersections allow for through-vehicular traffic, alleviating traffic congestion.
- **Disruption to Local Businesses:** Contrary to concerns, our presence on Grant Avenue has been beneficial to local businesses, evidenced by increased foot traffic and community engagement. We collaborate closely with neighboring establishments to ensure that our activities complement rather than detract from their operations. The events held in Chinatown range from the historical markets, fairs, festivals, and weekly street closure events. All have had active participation of those in the local community including neighborhood organizations, youth groups, local merchants, etc. These have been long cherished traditions within our community. Historically, without any restrictions of requiring agreement from 90% of the merchants (EXHIBIT G). Merchants are only one of several stakeholders in the community.
- **Impact on Public Safety:** We prioritize safety during our performances, stationing volunteers around the area to maintain clear pathways for emergencies.

We emphasize the importance of preserving street closures and live entertainment in Chinatown. By granting LionDanceME the opportunity to host these free live performances, we offer students a safe and open space to showcase their cultural heritage and hone their skills in performing arts, including, but not limited to, the art of lion dancing (EXHIBIT B). Additionally, in acknowledging Chinatown's density, whereas according to Malcolm Yeung, Executive Director of the Chinatown Community Development Center in an SFGate Article (2021), "there are close to 500 families and thousands of senior citizens living in Chinatown SRO's" (EXHIBIT K), the Shared Spaces on Grant Avenue provides a safe space for these families and senior citizens to walk and enjoy the activities.

Contrary to the belief that these weekly performances occur “as a spectacle for tourists” and “exoticize” lion dancing (EXHIBIT F), we are enthused by the opportunity to share our culture with pedestrians, whether they are tourists or local residents. Through maintaining this Shared Space, we are advocating for:

- **Cultural Preservation:** Street closures provide opportunities for cultural celebrations, festivals, and events, crucial for maintaining the identity and pride of the community (EXHIBIT A).
- **Community Engagement:** These events create spaces for residents to come together, socialize, and connect, fostering a sense of belonging and promoting unity among diverse groups within Chinatown (EXHIBIT B).
- **Economic Boost:** Street closures draw crowds and attract tourism, leading to increased foot traffic and sales for local shops and restaurants, stimulating the local economy and attracting investment (EXHIBIT C).
- **Safety and Accessibility:** Temporary street closures create safer environments for pedestrians to explore and enjoy, prompting city planners to consider pedestrian-friendly infrastructure improvements (EXHIBIT D, H).
- **Civic Engagement:** Street closures for community events encourage civic participation and pride, empowering residents to actively engage in event planning and execution (EXHIBIT E).

In consideration of concerns from Chinatown Merchants on Grant Avenue, we propose amending our One-Time Event Permit to the following schedule that balances the City’s interests (EXHIBIT H) and community interests (EXHIBIT D, I), while respecting the space of our neighbors.

Proposed Amendment to Schedule:

1. Reduction of the permit’s Subject Property from: “Grant Avenue, between California St. and Washington St.” to “Grant Avenue, between Sacramento St. and Clay St.”, AND
2. Reducing the One-Time Event permit to each Saturday of the month.

In conclusion, our performances have positively impacted the community, fostering a vibrant and inclusive atmosphere. We are committed to addressing concerns and collaborating with stakeholders to ensure the success of our endeavors. We urge recognition of the value these events bring to Chinatown, and we hope for the release of the permit hold. Shared Spaces play a vital role in keeping the community open, inclusive, and vibrant for generations to come.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to be the name 'Norman Lau', written in a cursive style.

Norman Lau

Founder

LionDanceME

-----END OF PERMIT HOLDER'S BRIEF-----

**Exhibit A: Cultural Preservation
Opportunities to Celebrate Our Culture Beyond Lunar New Year**

Chinese Benevolence Banquet



Chinese Benevolent Association Celebration



High School Rallies



City Hall Performance



Christmas Tree Lighting



APEC Presidential Welcoming



**Exhibit B: Community Engagement
Promoting Unity, Diversity, Equity, and Inclusion**

World Lion & Dragon Dance Day 2023



Anti Asian Hate Rally



Shared Spaces - Saturday Showcase



Shared Spaces - Saturday Showcase



Youth Dance Revolution



Community Participation



Exhibit C: Economic Boost

Increased Foot Traffic, Tourism, and Attraction of Mainstream Media Outlets

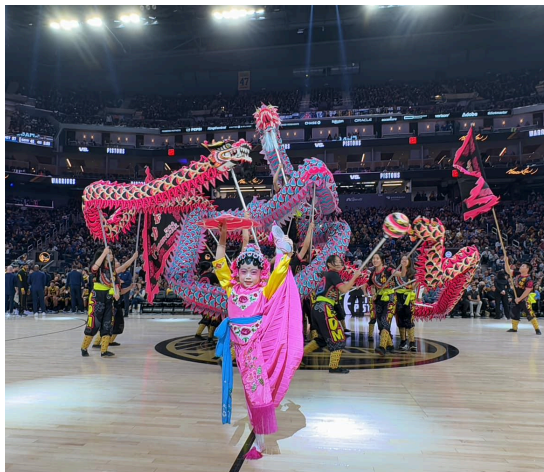
Upcoming Inter-League Dragon Dance Competition



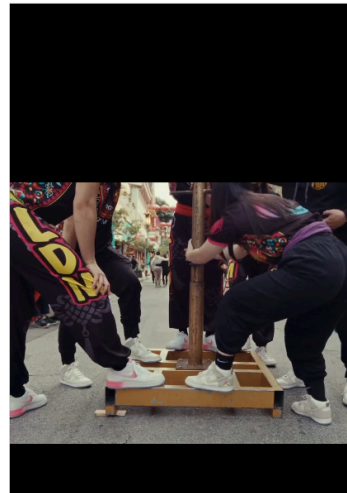
Upcoming Youth Dance Revolution Competition



Warriors Event



Nike Commercial

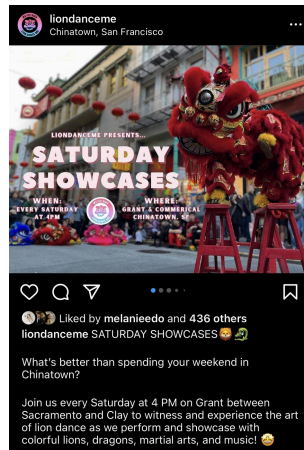


maekan and thedarksideinitiative
Original audio

maekan
maekan A tribute to Chinatown and a celebration of cultures

For over a decade, LionDanceME has trained and performed the traditional art of lion dance in San Francisco. Its own studio is located in the heart of Chinatown. Students of all ages participate in local competitions and community events, including the annual Lunar New Year Festival in San Francisco. Sessions can last up to six hours at a time, with many routines practiced to perfection to ensure safety during live performances

In celebration of AAPI month and San Francisco's Chinatown, Nike released a pack featuring a Dunk High and Air Force 1 Low, honoring the people, values and culture that helped build



Testimony from Tane, Owner of "The Wok Shop" (57 Years in Business)

Petition - Tane Video.mp4

Exhibit D: Safety and Accessibility A Safe Environment for Pedestrians to Explore and Enjoy

A Call to Save Chinatown's Shared Spaces



1,577 Signatures 2,500
Next Goal

61 people signed today

Sign this petition



First name

Last name

Email

Started April 5, 2024

Change.org @change@t.change.org Unsubscr Sun, Apr 7, 1:53AM (4 days ago)

New message from Juliana, Petition expert

LionDanceME, great news!

The petition you signed, [A Call to Save Chinatown's Shared Spaces](#), has reached **1,000 signatures today!** Thank you for helping us achieve this important milestone.

Betty Lauren Gee
Let's keep Lion Dancing alive. It's part of our culture, plus it should be shared with the next generations and all who's interested. It should stay in our largest Chinatown outside of Asia. 😊👍

4d Like Reply 2

Arthur Wong
Can you imagine going to Honolulu and not getting to see a Hula performance? Shouldn't it be about Keeping Tradition Alive?

4d Like Reply

Eric Dew
I walk along Grant and see them all the time. I think it's great.

4d Like Reply

Annie Sin
It's a good tourist attraction

4d Like Reply

Betty Lauren Gee
Let's keep Lion Dancing alive. It's part of our culture, plus it should be shared with the next generations and all who's interested. It should stay in our largest Chinatown outside of Asia. 😊👍

Andrew Seigner · 5 days ago
Shared Spaces are so vital, for all members of the community. Thank you for doing this!

1 · Report

Wa Vuong · 5 days ago
This is a great opportunity to promote Chinese Lion Dance and spread it arts and culture! It also gives opportunity for the youth to step up and learn leadership roles and skills! This help keep kids off the street and doing something positive for the community! This should continue!!!

1 · Report

Steven Lee is with **Norman Lau** and **97 others** at **Chinatown, San Francisco**.
4d · San Francisco, CA

Latest update: Good Job everyone, over 1100 signatures sending a strong message of support before their mediation. Keep spreading the word. Let get the number to 1500 by the end of today.

Here is the question and the rebuttal:
Do you support having Lion Dance exhibitions for tourists, one or two weekend days, on only one block of Grant Ave in Chinatown?

Believe it or not, there are people out there who want to end this on Grant Ave. Something that has been popular with visitors in Chinatown for the last four years. Lion Dance performances are part of our history and culture.

Something the oldest Chinatown in the country should be educating visitors as a important part of our life's. In my opinion, why be restricted to major events to see Lion dances exhibitions?

The Community should appreciate that Lion Dance Me is willing to pay for the permits and expenses necessary to bring their students out one or two days for FREE. A big component to attract and entertain tourist in Chinatown.

Please sign this petition if you agree.
<https://www.change.org/.../a-call-to-save-chinatown-s...>

Thank you all.

Kris Ga Chun
That is an offer we can't refuse. Not only great for tourists, but for Chinese Americans who have moved out to the suburbs, and the youth who have limited exposure to our heritage.

4d Like Reply 2

David N
Brisbane, Australia
1,706 contributions

●●●●●

Wonderful atmosphere encompassing what a true Chinatown should be
May 2023 · Couples

We enjoyed our time in Chinatown. Sunny day with a vibrant atmosphere that was assisted by Chinese dragon show and dancing in the street. Plenty of options for food also

Written May 15, 2023
This review is the subjective opinion of a TripAdvisor member and not...

I support all weekend street closure because I believe that when there is no traffic, it makes it safe for family to browse the stores. It makes more fun and more accessible to the surrounding area. Norman's lion dance on Grant is a big attraction for Chinatown and I hope that to continue.

From Laura Li dba: CL Printing

Mabel Mar
We should retain it, it's part of our rich culture.

4d Like Reply Edited

Sammy Zoeller
It's one of the best happenings in Chinatown .. to see the fantastic Lion Dancers .. I go there .. I take friends there ... I direct people there when they want to know about Chinatown .. it's such a positive draw to get people there and then they walk around ... Who is it that wants to end this?????

4d Like Reply 4

This group of young Chinese American persistently showed up in Chinatown to support and serve SF Chinatown community with their spare time, specially during the pandemic, we should all applaud for them. They did it for 3 years to the community. Instead, a few of the merchants on Grant Ave used petition to deny their contribution. I found it's too pity.

George L, Long time Supporter of Chinatown Community

Exhibit E: Civic Engagement

Empowering and Encouraging Youths and Residences to Engage in Civic Participation and Pride

Teamwork & Leadership



Revitalize Chinatown



Volunteering Opportunities



Giving Back to Community Members



Local Participation



Supporting Local Chinatown Merchants



Cross-Cultural Exchange



Exhibit F:

Letter from The Businesses & Residents of Grant Avenue to Mayor London Breed, Supervisor Aaron Peskin, and the Entertainment Commission (Commissioners Bleiman, Caminong, Perez, Thomas, and Wang), Page 5

The Businesses & Residents of Grant Avenue - 都板街的商人和居民

IMPACT TO CULTURAL DIGNITY & COMMUNITY

Lion dancing is a culturally significant and venerated East Asian practice, with origins in Ancient China's Zhou Dynasty (1046-256 BCE). The dance is traditionally used for spiritual purification and to bring luck, and is customarily reserved for important holidays (like Lunar New Year) and other significant occasions (such as business grand openings, weddings, etc). **Performing the dance on a weekly basis as a form of entertainment is culturally inappropriate, as it exoticizes this ancient custom and denigrates its significance in the name of amusing tourists.**

Chinatown is not a theme park built for the pleasure of tourists; we are a vibrant community of residents and multi-generational, local businesses supporting the livelihoods of thousands of San Franciscans. **Hosting these excessively loud performances in the public right of way, on an ongoing basis and without appropriate occasion, interferes significantly with the "right of [local residents/merchants] to the peaceful and quiet use and enjoyment of their property" referenced in Section 1070.15 of the San Francisco Police Code.** Forcing residents and merchants to endure this disturbance for the duration proposed by the applicant infringes on our rights and our health, and displays an utter lack of regard for Chinatown as a place of residence, business, and community.

To be clear, we are not anti-lion dancing. However, this venerated custom should be reserved for appropriate cultural occasions (such as Lunar New Year, etc.), and not performed on a weekly basis as a spectacle for tourists.

對文化尊嚴和社區的影響

舞獅是一種具有重要文化意義且受人尊敬的東亞習俗，起源於中國古代周朝（公元前 1046-256 年）。這種舞蹈傳統上用於淨化精神和帶來好運，並且通常保留在重要節日（如農曆新年）和其他重大場合（如商業開幕、婚禮等）。每週表演舞蹈作為一種娛樂形式在文化上是不合適的，因為它使這種古老的習俗具有異國情調，並以娛樂遊客的名義貶低了其意義。

唐人街不是為遊客而建的主題樂園；我們是一個充滿活力的社區，由居民和多代當地企業組成，為數千名舊金山人的生計提供支持。在沒有適當場合的情況下，在公共通行權上持續舉辦這些聲音過大的表演，會嚴重干擾第 1070.15 條中提到的「[當地居民/商人]和平、安靜地使用和享受其財產的權利」舊金山警察法典。強迫居民和商人在申請人提出的期限內忍受這種干擾，侵犯了我們的權利和健康，並且表現出對唐人街作為居住地、商業和社區的完全不尊重。

需要明確的是，我們並不反對舞獅。然而，這種受人尊敬的習俗應該保留在適當的文化場合（例如農曆新年等），而不是作為遊客的奇觀每週進行一次。

Exhibit G:

Letter from The Businesses & Residents of Grant Avenue to Mayor London Breed, Supervisor Aaron Peskin, and the Entertainment Commission (Commissioners Bleiman, Caminong, Perez, Thomas, and Wang), Page 7

The Merchants of Grant Avenue

MERCHANT APPROVAL FOR FUTURE EVENTS

Given the appreciable impact on the local community, we hereby request that future applicants for street closures along Grant Avenue receive signed approval from a ninety percent majority of the Grant Avenue merchants as a mandatory component of the permit application process.

For all the reasons listed above, we hope the Entertainment Board stands with our community in denying LionDanceME's permit application.

Signed,


Name 簽名


Business 公司

Name 簽名

Business 公司

Name 簽名

Business 公司

Name 簽名

Business 公司

Name 簽名

Business 公司

Name 簽名

Business 公司

Exhibit H: San Francisco General Plan, Chinatown Area Plan

POLICY 4.3

Guide the location of tourist oriented uses away from predominantly residential neighborhood commercial areas.

Such uses as large restaurants and gift stores do not belong in residential neighborhood commercial areas because they do not primarily serve the local residents. Furthermore, the neighborhood economy is vital for the tourist industry itself. Tourists come to Chinatown not only to shop and eat, but to see a thriving Chinese community with small businesses and institutions that cater to residents. These uses should not be crowded out by tourist-oriented uses.

POLICY 4.4

Expand open space opportunities.

Chinatown has long been designated as a high-need neighborhood and has been granted acquisition funds for a new park in the Prop. J Open Space acquisition program. Chinatown has been the only designated high-need neighborhood which as of 1987 had not yet received a new park. Site acquisition in such a densely built-up area containing so much residential population has been extremely difficult, but the City is proceeding to acquire a site on Powell Street.

Both conventional and innovative means of assembling open space should be explored. In addition to the much needed new park, Chinatown has opportunities to use and develop alternative forms of open space including, school yards, alleyways and sidewalks. Air rights on existing publicly-owned property such as Ping Yuen housing complexes should be used for additional open space. Finally, existing resources should be used in ways that enable more people to benefit from high quality outdoor areas.

The following specific measures should be pursued:

- Aggressively continue to implement the alleyway improvement program.
- Improve existing school yards and provide for their use during non-school hours.
- Maximize use of existing public recreation facilities through better maintenance and revamping and redesign where appropriate.

Tourism

OBJECTIVE 5

RETAIN AND ENHANCE CHINATOWN'S ROLE AS A VISITOR ATTRACTION.

The San Francisco Convention and Tourist Bureau reports that of the two to three million visitors to San Francisco each year, at least three out of four visit Chinatown. During peak visitor days, visitors may outnumber local residents. An estimated one third of the estimated 20,000 jobs in Chinatown are related to visitors and therefore its tourist role is important to the neighborhood.

Exhibit I: A Call to Save Chinatown's Shared Spaces Physical Petition

Signatures collected from local merchants and residents in support of the Chinatown Shared Spaces, street closures, markets, fairs, and more.

 SaveChinatownSharedSpaces.pdf

 SaveChinatownSharedSpaces2.pdf

請願書主題: 呼籲支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍

Subject: A Call to Save Chinatown's Shared Spaces and Keep Lion Dance Alive in Chinatown

請您與我們團結一起, 致力保護唐人街的文化遺產。我們的請願書主張保留唐人街的共享空間並讓舞獅在唐人街繼續活躍, 唐人街共享空間會為我們社區激發更多活躍的動力。它不僅不會帶來不便, 反而會因此成為我們社區的新命脈來促進文化交流和經濟增長。透過簽名, 您將捍衛唐人街的精髓, 確保繼續為我們子孫後代提供一個充滿傳統精神和文化活力的社區。Please Stand and with us in solidarity as we strive for the preservation of Chinatown's cultural legacy. Our petition advocates for the continued support of vital Chinatown's Shared Spaces that fuel the heartbeat of our community. These Chinatown's Shared Spaces aren't mere inconveniences; they are the lifeblood of our neighborhood, fostering cultural vibrancy and economic vitality. By signing, you champion the essence of Chinatown, ensuring that its streets remain alive with the spirit of tradition and opportunity for generations to come.

一起支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍, 為的是:

In supporting the continued Shared Spaces in Chinatown, we are advocating for:

- 保護與傳承中華文化 **Cultural Preservation**
- 凝聚社區, 互助互愛, 展現華人的魅力 **Community Cohesion**
- 振興華埠經濟, 推廣華埠旅遊業 **Economic Boost**
- 為長者和兒童提供安全, 無車的活動空間 **Safety and Accessibility**
- 提供年輕人參與華埠社區活動的平台 **Civic Engagement**

我們敦促您幫助認識到共享空間為唐人街帶來的巨大價值。您的簽名將代表與我們一起支持這些活動, 並在上訴聽證會上發出您的聲音, 以確保我們的社區為子孫後代保持開放、包容和活力。

We urge you to help recognize the immense value that Shared Spaces bring to Chinatown. Join us in supporting these events and lending your voice at our appeal hearing to ensure that our community remains open, inclusive, and vibrant for generations to come.

簽署此請願書: 支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍!

SIGN THIS PETITION to Save Chinatown's Shared Spaces and Keep Lion Dance Alive in Chinatown!

簽名 SIGNATURE	Merchant/Resident/Community)	地址 ADDRESS
	商戶 居民 社區	39 wavelly PL S.F CA 94108
	商戶 居民 社區	641 Glorietta Blvd Lafayette
	商戶 居民 社區	828 Stockton
	商戶 居民 社區	754 Commercial St
	商戶 居民 社區	767 Jackson St
	商戶 居民 社區	868 Jackson S.F CA
	商戶 居民 社區	163 PRINCETON ST. SF 94134
	商戶 居民 社區	1448 Treatway St
	商戶 居民 社區	871 Sacramento St
	商戶 居民 社區	1137 Broderick St.

請願書主題: 呼籲支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍

Subject: A Call to Save Chinatown's Shared Spaces and Keep Lion Dance Alive in Chinatown

請您與我們團結一起，致力保護唐人街的文化遺產。我們的請願書主張保留唐人街的共享空間並讓舞獅在唐人街繼續活躍，唐人街共享空間會為我們社區激發更多活躍的動力。它不僅不會帶來不便，反而會因此成為我們社區的新命脈來促進文化交流和經濟增長。透過簽名，您將捍衛唐人街的精髓，確保繼續為我們子孫後代提供一個充滿傳統精神和文化活力的社區。Please Stand and with us in solidarity as we strive for the preservation of Chinatown's cultural legacy. Our petition advocates for the continued support of vital Chinatown's Shared Spaces that fuel the heartbeat of our community. These Chinatown's Shared Spaces aren't mere inconveniences; they are the lifeblood of our neighborhood, fostering cultural vibrancy and economic vitality. By signing, you champion the essence of Chinatown, ensuring that its streets remain alive with the spirit of tradition and opportunity for generations to come.

一起支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍，為的是：

In supporting the continued Shared Spaces in Chinatown, we are advocating for:

- 保護與傳承中華文化 **Cultural Preservation**
- 凝聚社區，互助互愛，展現華人的魅力 **Community Cohesion**
- 振興華埠經濟，推廣華埠旅遊業 **Economic Boost**
- 為長者和兒童提供安全，無車的活動空間 **Safety and Accessibility**
- 提供年輕人參與華埠社區活動的平台 **Civic Engagement**

我們敦促您幫助認識到共享空間為唐人街帶來的巨大價值。您的簽名將代表與我們一起支持這些活動，並在上訴聽證會上發出您的聲音，以確保我們的社區為子孫後代保持開放、包容和活力。

We urge you to help recognize the immense value that Shared Spaces bring to Chinatown. Join us in supporting these events and lending your voice at our appeal hearing to ensure that our community remains open, inclusive, and vibrant for generations to come.

簽署此請願書: 支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍!

SIGN THIS PETITION to Save Chinatown's Shared Spaces and Keep Lion Dance Alive in Chinatown!

簽名 SIGNATURE	Merchant/Resident/Community	地址 ADDRESS
Joseph Lau	商戶 <input checked="" type="radio"/> 居民 <input type="radio"/> 社區 <input type="radio"/>	554-19th Ave SF ca 94121
May Lau	商戶 <input type="radio"/> 居民 <input type="radio"/> 社區 <input checked="" type="radio"/>	534-19th Ave SF, CA 94121
Kendrick Lau	商戶 <input type="radio"/> 居民 <input type="radio"/> 社區 <input checked="" type="radio"/>	534-19th Ave SF, CA 94121
Kimberly Lau	商戶 <input type="radio"/> 居民 <input type="radio"/> 社區 <input checked="" type="radio"/>	534-19th Ave SF CA 94121
Nelly Lau	商戶 <input type="radio"/> 居民 <input type="radio"/> 社區 <input checked="" type="radio"/>	534-19th Ave SF, CA 94121
Michael Guo	商戶 <input type="radio"/> 居民 <input type="radio"/> 社區 <input checked="" type="radio"/>	2558 38th Ave SF 94116
Kenneth	商戶 <input type="radio"/> 居民 <input type="radio"/> 社區 <input checked="" type="radio"/>	231 23rd AVE SF 94121
Joseph	商戶 <input type="radio"/> 居民 <input type="radio"/> 社區 <input checked="" type="radio"/>	1823 41st AVE SF CA 94122
Chris	商戶 <input type="radio"/> 居民 <input type="radio"/> 社區 <input checked="" type="radio"/>	351 Vernon Street SF, CA 94132
Star	商戶 <input type="radio"/> 居民 <input type="radio"/> 社區 <input checked="" type="radio"/>	64217 AVE 94121 SF, CA

請願書主題: 呼籲支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍

Subject: A Call to Save Chinatown's Shared Spaces and Keep Lion Dance Alive in Chinatown

請您與我們團結一起，致力保護唐人街的文化遺產。我們的請願書主張保留唐人街的共享空間並讓舞獅在唐人街繼續活躍，唐人街共享空間會為我們社區激發更多活躍的動力。它不僅不會帶來不便，反而會因此成為我們社區的新命脈來促進文化交流和經濟增長。透過簽名，您將捍衛唐人街的精髓，確保繼續為我們子孫後代提供一個充滿傳統精神和文化活力的社區。Please Stand and with us in solidarity as we strive for the preservation of Chinatown's cultural legacy. Our petition advocates for the continued support of vital Chinatown's Shared Spaces that fuel the heartbeat of our community. These Chinatown's Shared Spaces aren't mere inconveniences; they are the lifeblood of our neighborhood, fostering cultural vibrancy and economic vitality. By signing, you champion the essence of Chinatown, ensuring that its streets remain alive with the spirit of tradition and opportunity for generations to come.

一起支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍，為的是：

In supporting the continued Shared Spaces in Chinatown, we are advocating for:

- 保護與傳承中華文化 Cultural Preservation
- 凝聚社區，互助互愛，展現華人的魅力 Community Cohesion
- 振興華埠經濟，推廣華埠旅遊業 Economic Boost
- 為長者和兒童提供安全，無車的活動空間 Safety and Accessibility
- 提供年輕人參與華埠社區活動的平台 Civic Engagement

我們敦促您幫助認識到共享空間為唐人街帶來的巨大價值。您的簽名將代表與我們一起支持這些活動，並在上訴聽證會上發出您的聲音，以確保我們的社區為子孫後代保持開放、包容和活力。

We urge you to help recognize the immense value that Shared Spaces bring to Chinatown. Join us in supporting these events and lending your voice at our appeal hearing to ensure that our community remains open, inclusive, and vibrant for generations to come.

簽署此請願書: 支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍!

SIGN THIS PETITION to Save Chinatown's Shared Spaces and Keep Lion Dance Alive in Chinatown!

簽名 SIGNATURE	Merchant/Resident/Community	地址 ADDRESS
	商戶 居民 社區	862 El Corro Blvd Danville, CA 94506
	商戶 居民 社區	71, Park Manor Dr Daly City CA 94015
	商戶 居民 社區	55 Varennes St SF CA 94133
	商戶 居民 社區	1415 Power St SF CA 94133
	商戶 居民 社區	55 Winery Pl SF CA 94108
	商戶 居民 社區	140 Waverly Pl SF CA 94108
	商戶 居民 社區	714 Deak St Al 94134
	商戶 居民 社區	1280 Laguna St. CA 94115
	商戶 居民 社區	1288 Laguna St CA 94115
	商戶 居民 社區	526 28th Ave. SF CA 94121

簽署此請願書: 支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍!

SIGN THIS PETITION to Save Chinatown's Shared Spaces and keep lion dance alive in Chinatown!

簽名 SIGNATURE	Merchant/Resident/Community	地址 ADDRESS
<i>Helina Leung</i>	商戶 居民 <input checked="" type="checkbox"/> 社區	526 28 th Ave. SF. CA 94121
<i>[Signature]</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	40 Wentworth Pl APT. 4 SF CA 94108
<i>Ruilian Leung</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	1204 Mason st #21
<i>Hui Fang Tan</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	866 JACK SF : 94133
<i>Beth Owen</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	260-26TH AVE. Apt. 75. SF. CA 94121
<i>Jina Wang</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	57 Waverly Place S.F. 94108
<i>Yue Sin Young</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	614 SPRUCE St 94118
<i>William Poon</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	524 Point Lobos S.F. CA 94121
<i>Min Han</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	710-11th Ave. S. F. Ca 94118
<i>Chau Wai Wai</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	24 VINTON SF. CA 94108
<i>Hudson Lai</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	826 Jackson St.
<i>WEI LI ZENG</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	101 Waverly Pl
<i>Wei Han 2019</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	101 Waverly Pl.
<i>Michael Durand</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	36 Toga Ave SF 94134
<i>YANMING LI</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	238 GRAMPA AVE SF 94112
<i>Josiah Chan</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	88 Payson Ave. SF CA 94134
<i>[Signature]</i>	商戶 <input checked="" type="checkbox"/> 居民 社區	757 Clay St SF CA
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	

請願書主題: 呼籲支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍

Subject: A Call to Save Chinatown's Shared Spaces and Keep Lion Dance Alive in Chinatown

請您與我們團結一起，致力保護唐人街的文化遺產。我們的請願書主張保留唐人街的共享空間並讓舞獅在唐人街繼續活躍，唐人街共享空間會為我們社區激發更多活躍的動力。它不僅不會帶來不便，反而會因此成為我們社區的新命脈來促進文化交流和經濟增長。透過簽名，您將捍衛唐人街的精髓，確保繼續為我們子孫後代提供一個充滿傳統精神和文化活力的社區。 Please Stand and with us in solidarity as we strive for the preservation of Chinatown's cultural legacy. Our petition advocates for the continued support of vital Chinatown's Shared Spaces that fuel the heartbeat of our community. These Chinatown's Shared Spaces aren't mere inconveniences; they are the lifeblood of our neighborhood, fostering cultural vibrancy and economic vitality. By signing, you champion the essence of Chinatown, ensuring that its streets remain alive with the spirit of tradition and opportunity for generations to come.

一起支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍，為的是：

In supporting the continued Shared Spaces in Chinatown, we are advocating for:

- 保護與傳承中華文化 **Cultural Preservation**
- 凝聚社區，互助互愛，展現華人的魅力 **Community Cohesion**
- 振興華埠經濟，推廣華埠旅遊業 **Economic Boost**
- 為長者和兒童提供安全，無車的活動空間 **Safety and Accessibility**
- 提供年輕人參與華埠社區活動的平台 **Civic Engagement**

我們敦促您幫助認識到共享空間為唐人街帶來的巨大價值。您的簽名將代表與我們一起支持這些活動，並在上訴聽證會上發出您的聲音，以確保我們的社區為子孫後代保持開放、包容和活力。

We urge you to help recognize the immense value that Shared Spaces bring to Chinatown. Join us in supporting these events and lending your voice at our appeal hearing to ensure that our community remains open, inclusive, and vibrant for generations to come.

簽署此請願書: 支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍!

SIGN THIS PETITION to Save Chinatown's Shared Spaces and Keep Lion Dance Alive in Chinatown!

簽名 SIGNATURE	Merchant/Resident/Community	地址 ADDRESS
<i>Jess She</i>	商戶 居民 社區	233 CLAY ST. S.F. CA 94108
<i>Li</i>	商戶 居民 社區	506 Southhill Blvd., DALY CITY CA 94014
<i>Cherk Yin Tsang</i>	商戶 居民 社區	855 Stockton, S.F. CA 94133
<i>Man</i>	商戶 居民 社區	855 Stockton, 3rd S.F. CA 94133
<i>Syr</i>	商戶 居民 社區	506 Southhill Blvd. DALY CITY, 94014
<i>Zongsheng</i>	商戶 居民 社區	
<i>Jh Zhao</i>	商戶 居民 社區	126 Waverly
<i>Chunwong</i>	商戶 居民 社區	80. BRUCE AVE 94112
<i>Adang</i>	商戶 居民 社區	717 Grant Ave. 94108 <small>kite shop</small>
<i>Da</i>	商戶 居民 社區	718 Grant Ave

130

請願書主題：呼籲支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍

Subject: A Call to Save Chinatown's Shared Spaces and Keep Lion Dance Alive in Chinatown

請您與我們團結一起，致力保護唐人街的文化遺產。我們的請願書主張保留唐人街的共享空間並讓舞獅在唐人街繼續活躍，唐人街共享空間會為我們社區激發更多活躍的動力。它不僅不會帶來不便，反而會因此成為我們社區的新命脈來促進文化交流和經濟增長。透過簽名，您將捍衛唐人街的精髓，確保繼續為我們子孫後代提供一個充滿傳統精神和文化活力的社區。Please Stand and with us in solidarity as we strive for the preservation of Chinatown's cultural legacy. Our petition advocates for the continued support of vital Chinatown's Shared Spaces that fuel the heartbeat of our community. These Chinatown's Shared Spaces aren't mere inconveniences; they are the lifeblood of our neighborhood, fostering cultural vibrancy and economic vitality. By signing, you champion the essence of Chinatown, ensuring that its streets remain alive with the spirit of tradition and opportunity for generations to come.

一起支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍，為的是：

In supporting the continued Shared Spaces in Chinatown, we are advocating for:

- 保護與傳承中華文化 **Cultural Preservation**
- 凝聚社區，互助互愛，展現華人的魅力 **Community Cohesion**
- 振興華埠經濟，推廣華埠旅遊業 **Economic Boost**
- 為長者和兒童提供安全，無車的活動空間 **Safety and Accessibility**
- 提供年輕人參與華埠社區活動的平台 **Civic Engagement**

我們敦促您幫助認識到共享空間為唐人街帶來的巨大價值。您的簽名將代表與我們一起支持這些活動，並在上訴聽證會上發出您的聲音，以確保我們的社區為子孫後代保持開放、包容和活力。

We urge you to help recognize the immense value that Shared Spaces bring to Chinatown. Join us in supporting these events and lending your voice at our appeal hearing to ensure that our community remains open, inclusive, and vibrant for generations to come.

簽署此請願書：支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍！

SIGN THIS PETITION to Save Chinatown's Shared Spaces and Keep Lion Dance Alive in Chinatown!

簽名 SIGNATURE		地址 ADDRESS
張電安	商戶 <input checked="" type="checkbox"/> 居民 <input checked="" type="checkbox"/> 社區 <input type="checkbox"/>	730 WASHINGTON ST.
SHIRLEY	商戶 <input checked="" type="checkbox"/> 居民 <input checked="" type="checkbox"/> 社區 <input type="checkbox"/>	1101 GRANT AVE.
Catherine Lam	商戶 <input checked="" type="checkbox"/> 居民 <input checked="" type="checkbox"/> 社區 <input type="checkbox"/>	672 Broadway
蔡祥才	商戶 <input checked="" type="checkbox"/> 居民 <input checked="" type="checkbox"/> 社區 <input type="checkbox"/>	143 GIVE
陳智	商戶 <input type="checkbox"/> 居民 <input checked="" type="checkbox"/> 社區 <input type="checkbox"/>	769 Sacramento
吳敏嫻	商戶 <input type="checkbox"/> 居民 <input checked="" type="checkbox"/> 社區 <input type="checkbox"/>	769 Grant
梁文沛	商戶 <input type="checkbox"/> 居民 <input checked="" type="checkbox"/> 社區 <input type="checkbox"/>	26 OH.FF ST 413
陳文	商戶 <input checked="" type="checkbox"/> 居民 <input checked="" type="checkbox"/> 社區 <input type="checkbox"/>	10
曾福平	商戶 <input checked="" type="checkbox"/> 居民 <input checked="" type="checkbox"/> 社區 <input type="checkbox"/>	809
李其祥	商戶 <input checked="" type="checkbox"/> 居民 <input checked="" type="checkbox"/> 社區 <input type="checkbox"/>	1788

簽署此請願書: 支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍!

SIGN THIS PETITION to Save Chinatown's Shared Spaces and keep lion dance alive in Chinatown!

簽名 SIGNATURE	商戶 居民 社區	地址 ADDRESS
Meri	商戶 居民 社區	49 Walter A. Linn Place - SF CA ⁹⁴¹⁰⁸
Hui Tam	商戶 居民 社區	59 Walter A. Linn Place SF CA ⁹⁴¹⁰⁸
Candy	商戶 居民 社區	51 Walter A. Linn Place SF CA ⁹⁴¹⁰⁸
Xiaohu Shen	商戶 居民 社區	81A
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	

請願書主題：呼籲支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍

Subject: A Call to Save Chinatown's Shared Spaces and Keep Lion Dance Alive in Chinatown

請您與我們團結一起，致力保護唐人街的文化遺產。我們的請願書主張保留唐人街的共享空間並讓舞獅在唐人街繼續活躍，唐人街共享空間會為我們社區激發更多活躍的動力。它不僅不會帶來不便，反而會因此成為我們社區的新命脈來促進文化交流和經濟增長。透過簽名，您將捍衛唐人街的精髓，確保繼續為我們子孫後代提供一個充滿傳統精神和文化活力的社區。 Please Stand and with us in solidarity as we strive for the preservation of Chinatown's cultural legacy. Our petition advocates for the continued support of vital Chinatown's Shared Spaces that fuel the heartbeat of our community. These Chinatown's Shared Spaces aren't mere inconveniences; they are the lifeblood of our neighborhood, fostering cultural vibrancy and economic vitality. By signing, you champion the essence of Chinatown, ensuring that its streets remain alive with the spirit of tradition and opportunity for generations to come.

一起支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍，為的是：

In supporting the continued Shared Spaces in Chinatown, we are advocating for:

- 保護與傳承中華文化 **Cultural Preservation**
- 凝聚社區，互助互愛，展現華人的魅力 **Community Cohesion**
- 振興華埠經濟，推廣華埠旅遊業 **Economic Boost**
- 為長者和兒童提供安全，無車的活動空間 **Safety and Accessibility**
- 提供年輕人參與華埠社區活動的平台 **Civic Engagement**

我們敦促您幫助認識到共享空間為唐人街帶來的巨大價值。您的簽名將代表與我們一起支持這些活動，並在上訴聽證會上發出您的聲音，以確保我們的社區為子孫後代保持開放、包容和活力。

We urge you to help recognize the immense value that Shared Spaces bring to Chinatown. Join us in supporting these events and lending your voice at our appeal hearing to ensure that our community remains open, inclusive, and vibrant for generations to come.

簽署此請願書：支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍！

SIGN THIS PETITION to Save Chinatown's Shared Spaces and Keep Lion Dance Alive in Chinatown!

簽名 SIGNATURE

地址 ADDRESS

簽名 SIGNATURE	商戶 居民 社區	地址 ADDRESS
Jing Kang Li	商戶 居民 社區	443 Vietnam St SF 94112
HU, Dong YU	商戶 居民 社區	443 Vietnam St. 94112
Feng G	商戶 居民 社區	1064 Stockton St #1 SF CA 94108
Qu Li	商戶 居民 社區	1064 Stockton St #1 SF CA 94108
Wilson Li	商戶 居民 社區	1001 Capitol Ave S.T. CA 94112
TIE Zhu J.	商戶 居民 社區	1001 CAPITOL AVE S. T. CA 94112.
	商戶 居民 社區	
	商戶 居民 社區	
	商戶 居民 社區	

請願書主題：呼籲支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍

Subject: A Call to Save Chinatown's Shared Spaces and Keep Lion Dance Alive in Chinatown

請您與我們團結一起，致力保護唐人街的文化遺產。我們的請願書主張保留唐人街的共享空間並讓舞獅在唐人街繼續活躍，唐人街共享空間會為我們社區激發更多活躍的動力。它不僅不會帶來不便，反而會因此成為我們社區的新命脈來促進文化交流和經濟增長。透過簽名，您將捍衛唐人街的精髓，確保繼續為我們子孫後代提供一個充滿傳統精神和文化活力的社區。Please Stand and with us in solidarity as we strive for the preservation of Chinatown's cultural legacy. Our petition advocates for the continued support of vital Chinatown's Shared Spaces that fuel the heartbeat of our community. These Chinatown's Shared Spaces aren't mere inconveniences; they are the lifeblood of our neighborhood, fostering cultural vibrancy and economic vitality. By signing, you champion the essence of Chinatown, ensuring that its streets remain alive with the spirit of tradition and opportunity for generations to come.

一起支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍，為的是：

In supporting the continued Shared Spaces in Chinatown, we are advocating for:

- 保護與傳承中華文化 Cultural Preservation
- 凝聚社區，互助互愛，展現華人的魅力 Community Cohesion
- 振興華埠經濟，推廣華埠旅遊業 Economic Boost
- 為長者和兒童提供安全，無車的活動空間 Safety and Accessibility
- 提供年輕人參與華埠社區活動的平台 Civic Engagement

我們敦促您幫助認識到共享空間為唐人街帶來的巨大價值。您的簽名將代表與我們一起支持這些活動，並在上訴聽證會上發出您的聲音，以確保我們的社區為子孫後代保持開放、包容和活力。

We urge you to help recognize the immense value that Shared Spaces bring to Chinatown. Join us in supporting these events and lending your voice at our appeal hearing to ensure that our community remains open, inclusive, and vibrant for generations to come.

簽署此請願書：支持保留唐人街的共享空間並讓舞獅在唐人街繼續活躍！

SIGN THIS PETITION to Save Chinatown's Shared Spaces and Keep Lion Dance Alive in Chinatown!

簽名 SIGNATURE

地址 ADDRESS




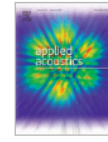
	商戶 居民 社區	22 Ross Alley SF
Xubia Li	商戶 居民 社區	847 day st # 25 CA SF
Fang Xian Tom	商戶 居民 社區	847 day st # 26 CA SF
Jian Ai Zhu	商戶 居民 社區	282 Myanmar St SF CA
meiyun wu	商戶 居民 社區	38 salmon st. SF. CA
	商戶 居民 社區	56 ROSS ALLEYS-7 CO <small>Fortune Cookies</small>
Wang Tom	商戶 居民 社區	56 Ross Alley SF CO
	商戶 居民 社區	108 Waverly Pl. #3 SF CA
Laura Li	商戶 居民 社區	111 Waverly Place SF
Ran Bing, Lu Li	商戶 居民 社區	20 Waverly Place SF

Exhibit J: The sound of drumming for traditional Taiko drumming and lion dance





Applied Acoustics
Volume 185, 1 January 2022, 108434



The sound of drumming for traditional Taiko drumming and lion dance

Hsiao Mun Lee^a  , Saurabh Garg^b, Kian Meng Lim^b, Heow Pueh Lee^b

Show more 

+ Add to Mendeley  Share  Cite

<https://doi.org/10.1016/j.apacoust.2021.108434>

[Get rights and content](#) 

Abstract

Drumming is an important part of traditional performances in different cultures around the world. Taiko drumming, the drumming with lion dance and the related instruments for traditional cultural performances, can produce sounds loud enough to potentially damage the hearing. In this study the sound track and the sound levels of a typical Taiko performance in Hiroshima, traditional lion dance performances with drumming and other accompanying musical instruments in a school and a shopping mall in Singapore, as well as a traditional drumming performance in a school concert hall were recorded and analyzed to assess the potential sound exposure. For both lion dance performances, the A-weighted equivalent sound pressure level with slow time response (LAS_{eq}) was found to be below 87dBA and a half an hour performance was not likely to infringe the The National Institute for Occupational Safety and Health (NIOSH) standard. On the other hand, the half an hour of Taiko drumming performance may hit the recommended exposure level (REL) from NIOSH with LAS_{eq} of 97dBA. Both the Taiko drumming and lion dance performances were found to have significant low frequency content with the C-weighted sound levels higher than the corresponding A-weighted sound levels. The idea of using a calibrated smartphone for assessing the sound levels of drumming and traditional lion dance performance is that it can be carried out at any time and any location with the encountering of a drumming performance without the need for pre-preparation of sound measurement equipment.

Exhibit K: SFGate Article, “How Betty Louie is helping to keep San Francisco’s Chinatown businesses thriving” (2021)

SFGATE

turned to the overcrowded living conditions in Chinatown’s Single Room Occupancy hotels. According to Yeung, there are close to 500 families and thousands of senior citizens living in Chinatown SRO’s. In order to minimize

SFGATE

Louie, in conjunction with the Chinatown Merchants Association, was also instrumental in working with the city to create Walkway Weekends. The initiative prohibited cars from driving on certain streets during weekends to allow for more socially-distanced foot traffic, which she hoped would further generate interest for businesses. Grant Avenue, the main hub of

**BRIEF SUBMITTED BY
RESPONDENT DEPARTMENT**



Entertainment Commission

April 11, 2024

Honorable President Jose Lopez
Honorable Members, Board of Appeals
Board of Appeals
49 South Van Ness, Suite 1475
San Francisco, CA 94103

Dear President Lopez and Honorable Members:

RE: Appeal No. 24-027 Ben Marcus-Willers, Alice Luong, David Au & Jennifer Kwa
(Merchants of Grant Avenue) RE: One Time Outdoor Event Permit No. ECOTE24-046
for LionDanceME's Grant Avenue Performances, located at Grant Avenue between
California Street and Washington Street.

I. INTRODUCTION

On March 19, 2024, the Entertainment Commission ("Commission") granted a One Time Outdoor Event permit (No. ECOTE24-046) to LionDanceME dba Grant Avenue Performances, located at Grant Avenue between California Street and Washington Street, in San Francisco, CA, on Saturdays and Sundays, April 6, 2024 – May 30, 2025, from 10:00am-7:00pm (Exhibit A).

On March 27, 2024, Ben Marcus-Willers, Alice Luong, David Au & Jennifer Kwa (Merchants of Grant Avenue) ("Appellant") appealed the grant of the permit to the Board of Appeals ("Board"). The appeal, including their brief submitted on April 5, 2024, raises three main issues: 1) lack of community access and representation in the decision process; 2) heightened, prolonged

noise levels that negatively affect the wellbeing and health of the public; and 3) the street closure's negative impact on accessibility for businesses and the public.

The Entertainment Commission is requesting that the Board of Appeals uphold the grant of the permit and work with LionDanceME and the Appellant to come up with a compromise to modify the permit's conditions in order to address community concerns.

II. OVERVIEW: ENTERTAINMENT COMMISSION

In 2002, the San Francisco voters created the Entertainment Commission (“the Commission”) as the Charter body responsible for live entertainment and nightlife in San Francisco. Under Section 4.117 of the Charter, the seven-member Commission consists of representatives who reflect the interests of City “neighborhood associations or groups,” “entertainment associations or groups,” the “urban planning community,” the “law enforcement community,” and the “public health community.” Under Chapter 90 of the Administrative Code, the Commission is responsible for promoting – and regulating – entertainment venues and events for the economic and cultural enrichment of San Franciscans and visitors to San Francisco. Among other things, the law directs the Commission to “(1) assist the organizers and operators of cultural, entertainment, athletic, and similar events and establishments to apply for, and obtain from the Commission and other City departments when the applicant satisfies the requirements therefore, all necessary permits from the City; (2) promote the responsible conduct and operation of such events and establishments; [and] (3) promote the development of a vibrant entertainment and late-night entertainment industry within the City” (S.F. Admin. Code § 90.1) (Exhibit B).

The Commission strives to balance the interests of those presenting entertainment – and the people and communities whose lives are directly enriched by the presentation of

entertainment – with the interests of the public at large, which also may benefit from entertainment. It promotes the cultural, economic, employment, and other benefits of a vibrant entertainment industry while protecting the health, safety, and public welfare of the community – and particularly of local residents and businesses – through the permitting process (including the placement of conditions on permits) and various enforcement mechanisms.

III. DEFINITION OF ENTERTAINMENT; ONE TIME EVENT AND ONE TIME EVENT PERMIT; ONE TIME OUTDOOR EVENT PERMIT WITH EXTENDED DURATION

As defined in Police Code Article 15.1 Section 1060, “Entertainment” consists of any of the following, except when conducted in a Private Residence: (a) Any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry recitation, conducted in or upon any premises to which patrons or members are admitted. (b) The playing or use of any instrument capable of producing or used to produce musical or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments, or karaoke, or recorded music presented by a live disc jockey on the premises. (c) A fashion or style show. (d) The act of any female entertainer, while visible to any customer, who exposes the breast or employs any device or covering which is intended to simulate the breast, or wears any type of clothing so that the breast may be observed (Exhibit B).

Also defined in Police Code Section 1060 is “One Time Event”, which is “an indoor event, or outdoor event such as a concert, parade, fair, festival, athletic event, or block party, that is organized for a group of people, (a) at which Entertainment is furnished or occurs, and (b) which takes place at any location in the City that is not a Private Residence.” In addition, Section

1060 defines “One Time Event Permit” as “a permit, as further described in Section 1060.29, allowing a Person to conduct a One Time Event on the premises specified in the permit for no longer than one 24-hour period” (Exhibit B). In terms of designating a limited length of time for a single One Time Event Permit, Section 1060.29 subsections (c) and (d) further explain that: “A Person may obtain a single One Time Event Permit authorizing events during consecutive or non-consecutive 24-hour periods for the same premises;” and that the Commission has authority to require a hearing and place appropriate permit conditions upon receiving a One Time Event Permit application “at any premises where events have occurred for a total of 12 or more days within the previous 12-month period” (Exhibit B). In other words, a single One Time Event Permit may be used for multiple days (12 or more) at the same premises but not to exceed a 12-month period, and can be subject to additional review by the seven-member Commission at a hearing.

For clarity purposes, because the One Time Event Permit can be used for an outdoor or indoor event, the Commission has been using the label of “One Time Outdoor Event Permit” to refer to a One Time Event Permit with outdoor entertainment activity. (Similarly, the Commission has been using the label of “One Time Indoor Event Permit” to refer to a One Time Event with indoor entertainment activity.)

In December 2021, the Commission adopted review guidelines for a One Time Outdoor Event Permit application that requests 24 or more days of outdoor entertainment/amplified sound within a 12-month period at the same premises, among other characteristics, referred to as a “One Time Outdoor Event Permit with Extended Duration.” These guidelines 1) give Commission staff the authority to determine whether a Commission hearing is required under Article 15.1 Section 1060.16 of Police Code, or whether a determination can be done

administratively by the Director; and 2) establish the criteria that Commission staff shall use in making such a determination (Exhibit B, Criteria for One Time Outdoor Events with Extended Duration).

IV. DETERMINATION OF APPLICATION FOR ONE TIME OUTDOOR EVENT PERMIT WITH EXTENDED DURATION

To understand the application process for a One Time Outdoor Event Permit with Extended Duration, it's important to demonstrate where the Commission derives its authority and the steps and timing required for making a determination. Section 1061.1 of Police Code gives the Commission authority to require a permit in advance from any person hosting a One Time Event, stating that "it shall be unlawful for any Person to own, conduct, operate, or maintain, or to cause or permit to be conducted, operated, or maintained, any ... One-Time Event ... in the City and County of San Francisco without first having obtained the required permit from the Director or Entertainment Commission" (Exhibit B). In addition, Police Code Section 1060.29 and the recently adopted "Criteria for One Time Outdoor Events with Extended Duration" set forth the procedure and guidelines for the Commission to approve a One Time Outdoor Event Permit with Extended Duration (Exhibit B). Procedural steps are as follows:

- Upon receipt of the application, Commission staff reviews the application for feasibility (Is the proposed activity legal? Can it be processed in time?), completeness, and clarity. Staff checks to make sure that the applicant has submitted the property approval from the relevant City department (e.g., SFMTA permit for a street closure) or private property owner/manager.
- Staff send the application to the Police District Station that has jurisdiction over where

the event will take place. The District Station has 72 hours to respond with their recommendation.

- Staff notifies the applicant that a Commission meeting is required (held on the 1st and 3rd Tuesdays of the month) and that they will need to conduct neighborhood outreach to all residents and businesses within 250 feet of the event premises in advance of the meeting. Staff confirms the Commission meeting date with the applicant and sends the applicant a template outreach letter (including the meeting date and how to send feedback to the Commission) with instructions and timing for distribution (at least 10 days before the meeting) and the requirements to send the staff proof of outreach (final letter, map where letter was delivered) by the week prior to the Commission meeting.
- Staff sends a permit memo with recommended staff conditions, the application, neighborhood outreach materials, and any neighbor opposition/support letters received to the Commissioners by the Friday before the meeting.
- Commissioners review the application materials to ensure that the legal standards for granting the permit are met, ask questions, hear public comment, decide what conditions (including time, place, and manner restrictions, if necessary) may be appropriate to place on the permit.
- For permits on the Regular agenda, Commissioners call upon the applicant to present their event plans and answer any questions. For permits on the Consent agenda, Commissioners do not call upon the applicant, though they may vote to move an item from the Consent to the Regular agenda. After public comment and any discussion, Commissioners take a vote on whether to approve the permit.
- If the Commissioners vote to approve the permit, staff issue the final permit, signed by

the Director. Staff sends the approved permit electronically in an email and share it with the Commission staff's Enforcement Team.

V. THE GRANT OF THE PERMIT AT ISSUE

This section sets forth the timeline and actions taken for granting LionDanceME's permit, based on the procedural steps stated above.

- February 19, 2024: LionDanceME submits the One Time Outdoor Event permit application. Dylan Rice (Commission staff) determines that a Commission meeting is required based on applicant's request to host 24 or more days of outdoor entertainment (Exhibit C).
- February 20, 2024: Dylan Rice emails a copy of the application to SFPD Central Station Permit Officer for their recommendation (no response was received from Central Station before the permit was granted).
- February 21, 2024 & February 22, 2024: Dylan Rice emails Norman Lau and Julie Mei of LionDanceME to schedule the Commission meeting (March 19, 2024) and sends the neighborhood outreach requirements, including the letter template and Good Neighbor Policy (GNP) (Exhibit C).
- February 27, 2024: Dylan Rice receives a copy of their approved Shared Spaces street closure permit from Julie Mei via email (Exhibit C).
- March 11, 2024: The outreach letter is delivered to all businesses and residents within 250 feet of the entertainment location, according to Julie Mei's email (Exhibit C).
- March 12, 2024: Julie Mei emails Dylan Rice the outreach letter and map as proof that neighborhood outreach was completed (Exhibit C).
- March 14, 2024: The Commission publishes the [agenda on its website](#) for the March 19,

2024 Commission meeting, listing LionDanceME's permit.

- March 15, 2024: Dylan Rice shares LionDanceME's permit application materials (including outreach) and staff recommendations with Commissioners and staff to prepare for the March 19, 2024 Commission meeting (Exhibit C).
- March 19, 2024. Commission meeting takes place at City Hall. There is no person making public comment on this item, and no objections have been received by the Commission for this permit leading up to the meeting. Commissioners vote to approve the permit with the staff recommendations (including the Good Neighbor Policy and the 100 feet sound limit rule) on the consent agenda.
- March 20, 2024: The Commission's Deputy Director Kaitlyn Azevedo (acting on behalf of Director Maggie Weiland) signs off on the permit via Screendoor platform and Dylan Rice issues the permit to LionDanceME via email (Exhibit A).

VI. ADDRESSING THE APPELLANT'S CONCERNS

The Commission will address herein the Appellant's three main issues referenced in the introduction. Regarding the issue of lack of community access and representation in the decision process, in their preliminary statement on March 27, 2024, the Appellant states: "We...feel mislead and wildly misrepresented in the decision process." They state that Commission staff, at the March 19, 2024 Commission meeting, misrepresented them by saying "there was no neighborhood opposition." Furthermore, they state that the Commission's decision to approve the permit "came as a shock" when they were under the impression from LionDanceME at a March 13, 2024 community meeting that LionDanceME would "cancel their plans" in response to community concerns. The Appellant states that this community meeting was attended by

Chinatown merchants, SFMTA, and Supervisor Peskin. The Appellant goes further to say that the Commission discriminated against their community in terms of language access:

“Considering the very present language barrier on our community, the lack of clarity in this matter feels discriminatory.” The Commission wants to take community concerns into account before granting a permit; and for One Time Outdoor Event permits with extended duration, we require that the permit applicant conduct outreach to affected neighbors. Unfortunately, the Commission did not receive the Appellant’s or any community concerns prior to, or during, the March 19th Commission meeting, and the Commission had no knowledge of any neighborhood opposition – until after receiving the notice of the appeal from the Board. Nor did the Commission receive any communication from LionDanceME stating that they were going to “cancel their plans.” In addition, the Commission was not aware of the March 13th community meeting. In an effort to alert affected neighbors in advance of permit approval, we instructed LionDanceME to conduct neighborhood outreach using our outreach letter template and send staff the proof of outreach prior to the Commission meeting, which they did on March 12, 2024 (Exhibit C). In the outreach letter, the date, time, and location of the EC meeting is included and the letter advises neighbors to contact the EC with any feedback. If Commission staff had received neighbor complaints, we would have shared the complaints with the Commissioners before making a determination and would have tried to mediate between LionDanceME and neighbors to come up with a compromise. We, the Commission, want to make it very clear that our intention was never to discriminate against communities that do not speak English as a first language. The Commission definitely hears the Appellant about the language access issue and, moving forward, the Commission will require that permit applicants hosting events in Chinatown include a Chinese translation of the neighborhood outreach letter in their distribution.

Another issue raised by the Appellants was “heightened, prolonged noise levels that negatively affect the wellbeing and health of the public.” In their April 5, 2024 brief, they assert that the volume of sound caused by LionDanceME was too loud per City code and a threat to their health and wellbeing. They cite Police Code Article 29 “Regulation of Noise,” which is not relevant to special events: “...The World Health Organization and U.S. Environmental Protection Agency have determined that persistent exposure to elevated levels of community noise is responsible for public health problems... [It is therefore] the policy of San Francisco to prohibit unwanted, excessive, and avoidable noise...No person shall produce or allow to be produced...a noise level more than ten dBA above the local ambient...[Additionally,] no fixed noise source may cause the noise level...inside any sleeping or living room...to exceed... 55 dBA between the hours of 7am - 10pm with windows open” (Exhibit B). They also cite Police Code Section 1060.16 Outdoor Amplified Sound Regulations, which does apply to special events in the Commission’s jurisdiction: “The volume of [the event] must be controlled so that it is not audible more than 250 feet from the furthest attending audience member” (Exhibit B). In regard to the latter citation, for LionDanceME’s permit, the Commission conditioned their sound limit to be stricter than this: “The volume of outdoor amplified sound shall be controlled so that it does not exceed ambient levels at a distance of 100 feet measured from the property plane” (Exhibit A). In layman’s terms, this means that should a person walk 100 feet from the periphery of the event (property plane) in any direction, the volume of amplified sound coming from the performance should not exceed the area’s ambient sound levels and should blend in with other local sounds such as cars driving by, sirens, construction, etc.

While Commission staff were not present to witness and verify the Appellant’s sound decibel measurement taken on March 24, 2024, it’s important to note that if a permit holder

violates the conditions of a permit, or violates the law as it relates to a permit, the Commission has ample remedial and enforcement powers. Police Code Sections 1060.20 – 1060.36 give the Commission’s Executive Director and the Commission authority to continue its oversight and enforcement during the operation of an entertainment permit. The Commission has a variety of enforcement tools including suspension or revocation of a permit, issuance of administrative penalties, and compliance with a Security Plan. There are three types of possible suspensions – the “public safety” suspension by the Executive Director (Section 1060.20.3); the “limited 15-day” suspension by the Executive Director (subject to appeal to the Commission), on specified grounds, including noise violations and violations of the Security Plan (Section 1060.20.2); and other suspensions imposed by the Commission, on those grounds and many others, for longer periods of time (Section 1060.20.1). In addition, a permit can be revoked in cases where the public safety is seriously threatened by the continued operation of a business (or event), or where the business (or event), as operated, constitutes a serious public nuisance. (Section 1060.20.4.) Administrative penalties can be imposed for a violation of a permit condition or a legal violation. (Section 1060.25(b).) As a proactive approach, the Commission’s Inspector can and will work with the event organizer onsite during the first approved activation to ensure that the event organizer knows how loud they can be and how they can stay in compliance (Exhibit B).

The final issue to address is the street closure’s negative impact on accessibility for businesses and the public. In their brief submitted on April 5, 2024, the Appellant states that for the local merchants, the street closure on Grant Avenue “eliminates vehicle access to our storefronts, impacting our ability to load, unload, and conduct business operations...” The Commission does not have authority over the street closure and the use or occupancy of the street – that falls under the jurisdiction of SFMTA, which manages the Interdepartmental Staff

Committee on Traffic and Transportation (ISCOTT). While the Commission is a voting member of ISCOTT, the SFMTA is the City department that oversees street closures and in this particular case, issued LionDanceME's street closure permit (Transportation Code Article 6, Sec. 6.1) (Exhibit B). As stated above, the Commission's authority is to regulate the entertainment and amplified sound activity.

VII. CONCLUSION

For the reasons set forth in this letter, including referenced materials and documents attached as exhibits and incorporated herein by reference, the Commission requests that the Board uphold the Commission's grant of the One Time Outdoor Event permit to LionDanceME and provides mediation between the parties to come up with a compromise and modify the permit's time, place, and manner conditions as appropriate.

Respectfully submitted,

Maggie Weiland

Executive Director

San Francisco Entertainment Commission

List of Exhibits

Exhibit A – Granted Permit

- LionDanceME OTOE Permit No. ECOTE24-046

Exhibit B – Relevant Sections of Municipal Code

- One Time Outdoor Events with Extended Hours Criteria
- Police Code Article 15.1 Section 1060 – Definitions
- Police Code Article 15.1 Section 1060.16 - Outdoor Amplified Sound Regulations
- Police Code Article 29 - Regulation of Noise
- Police Code Section 1060.20.1 - Suspension by the Entertainment Commission
- Police Code Section 1060.20.2 - Limited Suspension by the Director; Appeal to Entertainment Commission
- Police Code Section 1060.20.3 - Suspension for Public Safety by the Director
- Police Code Section 1060.20.4 - Revocation of a Permit
- Police Code Section 1060.25 - Criminal, Administrative, and Civil Penalties
- Police Code Section 1060.29 - One Time Event Permit
- Police Code Section 1061.1 - Permit Required
- Police Code Sections 1060.20 – Suspension
- Police Code Sections 1060.36 - Authority of San Francisco Police Department
- SF Admin Code Chapter 90 - Entertainment Commission
- SF Admin Code Section 90.1 - Declaration of Policy
- SF Charter Section 4.117 - Entertainment Commission
- SF Transportation Code Article 6 Section 6.1 - Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT)

Exhibit C – Permit Application Materials

- 3-19-24 memo for Commissioners
- Email correspondence with LionDanceME
- grant-lion dance me shared space-0424-permit (SFMTA Street Closure Permit)
- LionDanceME - OTOE Permit App
- LionDanceME (LDM) - Outreach Letter and Good Neighbor Policy (GNP)
- Neighborhood outreach map – LionDanceME
- Preparation Instructions for March 19 2024 EC Meeting

EXHIBIT A

From: [City and County of San Francisco](#)
To: [Norman Lau](#)
Subject: Permit Approval - LionDanceME Grant Avenue Performances, Permit #ECOTE24-046
Date: Wednesday, March 20, 2024 11:19:53 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

You have a new message from City and County of San Francisco

****Please have this approval letter available on-site during the event. This is your permit.****

Dear Norman Lau, LionDanceME:

This is your approval for your One Time Outdoor Entertainment Event Permit for the Grant Avenue Performances event located at Grant Ave between California St and Washington St, San Francisco, CA.

Entertainment and/or amplified sound will occur at the above location on the following date(s) and times:

Saturdays and Sundays, 04/06/24 - 03/30/25, from 10:00am to 7:00pm.

Sound-check date(s) and hours, if applicable:

This permit #ECOTE24-046 is APPROVED with the following conditions:

APPROVED by Entertainment Commission Acting Director Azevedo with the following conditions:

1. Good Neighbor Policy <https://www.sf.gov/information/good-neighbor-policy>.
2. Permit holder shall comply with Municipal Police Code Article 15.1 Section 1060.16 including but not limited to (b)(3): The volume of outdoor amplified sound shall be controlled so that it does not exceed ambient levels at a distance of 100 feet measured from the property plane.
3. No entertainment and/or amplified sound may occur outside of the date(s), time(s), and location(s) that the Entertainment Commission has approved for your event.
4. Amplified sound equipment must be stationary and fixed to a specific location.
5. While hosting entertainment and/or amplified sound, permit holder shall have a staff member on site who is able to provide proof of permit, and is aware of all permit conditions including any approved sound limits. (EC Good Neighbor Policy Condition #1).
6. Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who has direct authority over the premises or permitted location, knowledge of all permit conditions including any

approved sound limits, and shall respond in a timely manner to address concerns (EC Good Neighbor Policy Condition #4).

7. Within 24 hours of any violent incident, or any time SFPD responds to a call for service at the premises or permitted location, permit holder shall complete and send an Incident Report to the

Entertainment Commission and the SFPD District Station Permit Officer. The Incident Report Form is

available at https://sf.gov/sites/default/files/2022-06/Incident%20Report_Fillable.pdf.

8. Permit holder shall abide by all applicable City, State and Federal laws.

9. Permit holder shall comply with the Commission approved security plan.

10. Permit holder is required to allow inspection by any EC permit administrator, EC inspector, or San Francisco Police Officer. (Police Code Sec. 1060.11).

Permit is non-transferable and is valid only for the Person to whom it is issued for the premises specified in the permit.

Let us know if you have any questions.

Sincerely,

Kaitlyn Azevedo
Acting Director
San Francisco Entertainment Commission
49 South Van Ness Avenue, Suite 1482
San Francisco, CA 94103
628-652-6030 Main
Entertainment.Commission@sfgov.org

This message was sent regarding your submission to "One time outdoor entertainment event permit". If you'd like City and County of San Francisco to stop sending you messages, [click here](#) to unsubscribe.

EXHIBIT B

Guidelines for Entertainment Commission Review of One Time Outdoor Event Permit Applications Requesting Extended Duration under Article 15.1 of the Police Code

ADOPTED: 12-07-2021

AMENDED: 10-03-2023

Background

Passed by the Board on July 27, 2021, the Small Business Recovery Act legislation (BOS File No. [210285](#)) went into effect on September 3, 2021. The goal of this legislation is to support the recovery of small businesses by allowing for more regulatory flexibility in terms of uses, duration of arts and entertainment activity, and permit processes.

The SBRA legislation made these changes to the Police Code Article 15.1:

- Allows temporary events with outdoor entertainment or amplified sound to occur more than 12 days per location per 12-month period with additional review by the Director or the Commission. Previously, the Police Code limited this activity to 12 days per location per year;
- Removes the cap of one permit per month issued for the same premises;
- Gives the 7-member Commission the authority to review, condition, and approve these permit applications with extended duration – or delegate this responsibility to the Director.

Per the legislation, the Entertainment Commission now has the authority to review applications for One Time Outdoor Events that request outdoor entertainment or amplified sound occurring more than 12 days per year at the same premises. In order to successfully implement these new changes, the Entertainment Commission must establish criteria for when and how a One Time Outdoor Event permit application requesting extended duration should be heard by the Commission or should be handled administratively by the Director. The legislation also illustrates the need to align EC processes and criteria for reviewing all extended-duration One Time Outdoor Events, including those requesting outdoor amplified sound and/or entertainment for more than 6 hours per day, or before 9am and/or after 10pm (per Police Code Article 15.1 Section 1060.16), at the same premises.

Transfer of Just Add Music (JAM) Permits with ongoing entertainment activity

On September 25, 2020, during the Shelter in Place, the Mayor enacted the 27th Supplement to the Declaration of Emergency that authorized the Entertainment Commission to create the Just Add Music or “JAM” Permit pandemic program as a way to facilitate safer outdoor entertainment at Shared Spaces and other outdoor locations in a manner consistent with Health Order rules. With the expiration of the program’s grace period on September 27, 2023 for JAM permits with ongoing activity, and given the City’s lengthened timeline for approving permanent “Legislated” Shared Spaces permits and Café Tables and Chairs permits, the Entertainment Commission is seeking an interim solution to sustain entertainment operations for JAM permitted businesses that wish to obtain a “brick and mortar” (BAM) entertainment permit for their outdoor parklet or sidewalk location--which must receive the aforementioned City property approvals before ongoing entertainment may be approved. To get to this ultimate goal of “JAM to BAM,” the Entertainment Commission would allow this pool of ongoing JAM

permits to transfer their JAM permit information and permit conditions to a new One Time Outdoor Event Permit with Extended Duration. Upon issuance, this new One Time Outdoor Event Permit would be valid for up to 365 days, or until receiving the brick and mortar entertainment permit, whichever happens first.

The Commission adopts the following guidelines to:

(1) delegate to Commission staff the Commission's authority to determine whether a hearing is required under Article 15.1 Section 1060.16 of Police Code, or whether a determination can be done administratively; and (2) establish the criteria that Commission staff shall use in making such a determination.

Hearing by the Entertainment Commission

- A)** Upon receipt of a One Time Outdoor Event Permit application requesting extended duration, the Commission Director or designated staff shall review the application and determine that a **Commission hearing is required** when the proposed event has any of the following characteristics:
1. An event requesting 24 or more days of outdoor amplified sound/entertainment per 12-month period at the same premises, excluding JAM permits transferred to One Time Outdoor Event Permits with Extended Duration based on the criteria listed below in the administrative approval section. These days can be consecutive or non-consecutive;
 2. An event requesting to hold outdoor amplified sound/entertainment before 9am or after 10pm ("after hours"). See exception to the "After Hours" rule below for events with precedent.
 3. An event that the Director recommends that the Commission review based on the event location's history of complaints, code violations, intensity of sound or entertainment activity, and/or density of permitted spaces with outdoor entertainment and/or amplified sound and nearby sensitive receptors.
- B)** When a hearing is required, the Commission Director or designated staff shall place the permit application on the **Consent Agenda** if the proposed event satisfies all of these requirements:
1. The event sponsor is a community-serving non-profit organization such as a residents' association, Community Benefit District, merchants' association, or a City agency;
 2. It is an annual or recurring event and its location and footprint have not substantially changed since the preceding event;
 3. It has an event footprint of two (2) blocks or less, if applicable;
 4. The event has no more than two (2) stages, performance areas, or locations with amplified sound equipment

When an application does not satisfy the requirements to be placed on Consent Agenda, it shall be placed on the Regular Agenda.

The Commission hearings shall include the review of any relevant supporting data and materials including, but not limited to, enforcement reports, history of neighbor complaints, Police District recommendations, neighborhood outreach documents, and/or sound measurements conducted by Commission staff. At the hearing, the Commission shall make a determination on the application and provide staff with any permit conditions if and when a permit is approved.

Application Review and Administrative Determination by Staff (Hearing Not Required)

The following shall be reviewed administratively by the Director or designated staff and do not require a hearing:

- A) One Time Outdoor Event Permit Applications** that do not have any of the above characteristics and that include:
1. An event requesting more than 6 hours for outdoor amplified sound/entertainment per day;
 2. An “after hours” event with precedent, defined as an event requesting to hold outdoor amplified sound/entertainment before 9am or after 10pm that satisfies all of the following requirements: 1) it’s an annual event; 2) the event’s hours, footprint, and activities are substantially similar to the previous year’s event, not exceeding a gap of 36 months between events; 3) there were no substantial complaints or violations related to the event during the preceding event; and 4) the applicant provides a plan to conduct meaningful neighborhood outreach to affected neighbors in advance of the event.
 3. An application that was previously approved by the Entertainment Commission at a hearing that is requesting to amend their One Time Outdoor Event permit to add, extend, or change the event hours, dates and/or locations on the condition that the application conduct meaningful neighborhood outreach to affected neighbors at least 10 days prior to first date where this addition or extension or change will occur. A request for an amendment is not required for an event where the permit holder has cancelled or reduced the event hours, dates and/or locations based on their business plans.
- B) JAM Permit Transfers** defined as the original JAM permit application materials and the most recent approved JAM permit and permit conditions, that includes **ALL** of the following:
1. The JAM Permit was issued between September 25, 2020 and March 31, 2023 and remained in good standing up to and including September 27, 2023, the end date of the grace period. A JAM permit in good standing shall be defined as, but shall not be limited to:
 - a. There are no current compliance issues including no active Notices of Violation or Citations from the Entertainment Commission and/or any other City agency.
 - b. The JAM permit has not been suspended or revoked by the Entertainment Commission;
 - c. A JAM permitted premises with a property approval that has not been suspended or revoked by the regulating City land authority, such as SF Dept. of Public Works, SFMTA, or other City land authority; or the JAM permitted premises has not been permanently closed or removed by the owner, the City or some other entity.
 2. The most recent JAM Permit or JAM Permit amendment was approved for ongoing outdoor entertainment activity, such as daily, weekly or other recurring timeframe with no defined end date, and not to be confused with any JAM permit issued for one or more temporary events happening on specific dates;

3. JAM Permit holder and their JAM-permitted outdoor premises have received a conditional approval or final approval of their Legislated Shared Spaces Permit and/or Café Tables and Chairs Permit from SF Dept. of Public Works or SFMTA, or a permit or approval from another City land authority to use City-owned property, where applicable;
4. The JAM Permit Transfer Survey completed and signed by the JAM permit holder containing their attestations that they agree 1) to transfer their JAM permit information to a One Time Outdoor Event Permit with Extended Duration; 2) to abide by the conditions of the new One Time Outdoor Event permit; and 3) that there shall be no changes to the time, place, and manner of entertainment activity as stated in their most recent approved JAM permit.

Adopted by the Entertainment Commission: December 7, 2021

AYES: 4 ; NAYS: 0 ; ABSENT: 3

Amended by the Entertainment Commission: October 3, 2023

AYES: 6 ; NAYS: 0 ; ABSENT: 1

Maggie Weiland, Executive Director

SEC. 1060. DEFINITIONS.

For the purposes of this Article 15.1, unless otherwise provided in this Article, the following words and phrases shall mean:

“Amplified Sound Equipment.” Any machine or device, including but not limited to a loudspeaker, for the reproduction or amplification of the human voice, music, or other sound. Notwithstanding the foregoing sentence, Amplified Sound Equipment shall not include: (a) warning devices, such as but not limited to sirens, on authorized emergency vehicles, or warning devices, such as but not limited to horns, on other vehicles used only for traffic safety purposes; (b) radio or television sets that are (1) permanently installed in motor vehicle to receive programs broadcast from regularly licensed and established radio or television stations, or (2) installed in any dwelling house to receive programs broadcast from regularly licensed and established radio or television stations for the pleasure and entertainment of the occupants of such dwelling houses, or (3) established or maintained in stores indoors to demonstrate radio or television sets carried for sale or demonstration; (c) other mechanical sound or voice-reproducing devices used for the pleasure and entertainment of the occupants of private motor vehicle, or (d) pedestrian operated bullhorns, not exceeding 10 watts, E.I.A.; provided, however, that the provisions of Section 49 of this Code shall be applicable to all items encompassed in exceptions (a)-(d).

“Any Sidewalk Abutting the Premises.” The sidewalk not more than 50 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 permit applicant or Permittee.

“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.

“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.

“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); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); felony sexual assault loitering for lewd or lascivious purposes (Cal. Penal Code § 647(d)); loitering on private property without lawful business (Cal. Penal Code § 647(h)); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code § 153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section 49 or Article 29).

“Corrective Action.” Action which includes, but is not limited to, the following:

- (a) Requesting assistance from the local law enforcement agency in a timely manner regarding the conduct.
- (b) Requesting those individuals engaging in Conduct that Constitutes a Nuisance to cease the conduct, or ejecting those Persons from the premises.
- (c) Revising the Security Plan, subject to approval by the Entertainment Commission or the Director as provided under this Article.

“Director.” The Executive Director of the Entertainment Commission or individual designated by the Director to act on his or her behalf.

“Entertainment.” Any of the following, except when conducted in a Private Residence:

- (a) Any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry recitation, conducted in or upon any premises to which patrons or members are admitted.
- (b) The playing or use of any instrument capable of producing or used to produce musical or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments, or karaoke, or recorded music presented by a live disc jockey on the premises.
- (c) A fashion or style show.
- (d) The act of any female entertainer, while visible to any customer, who exposes the breast or employs any device or covering which is intended to simulate the breast, or wears any type of clothing so that the breast may be observed.

“Fixed Place Outdoor Amplified Sound Locale.” A Business that uses Amplified Sound Equipment, not attached to a Sound Truck, at any location out of doors in the City for more than a total of 12 days, whether consecutive or non-consecutive, per 12-month period, and at which Entertainment is not furnished or does not occur; for example, playing recorded music on Any Sidewalk Abutting the Premises, patio, courtyard, plaza, or other outdoor space that is under the control of the Business or for which the Business has obtained a permit to use from the City. This definition shall not include private property that is a Private Residence.

“Fixed Place Outdoor Amplified Sound Permit.” A permit allowing a Fixed Place Amplified Sound Locale to use Amplified Sound Equipment outdoors.

“Just Add Music (JAM) Permit.” A temporary permit for authorization to provide outdoor entertainment or outdoor amplified sound on City sidewalks, City streets, and outdoor property that is not in the public right-of-way, issued pursuant to the 27th Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020, which Supplement is dated September 25, 2020.

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

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

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

(b) The locale is indoors, or consists of an outdoor patio, plaza, courtyard, or similar space, with or without open means of public ingress and egress, with an area in which Live Performances are presented that is no greater than 200 square feet. For purposes of this provision, "outdoor patio, plaza, courtyard, or similar space" also shall include, regardless of the square footage of the Live Performance area, (1) any Plaza as identified in Administrative Code Chapter 94 or (2) any Shared Space as identified in Administrative Code Chapter 94A.

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

(d) The locale is not a Private Residence.

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

"Live Performance." Any act, play, review, pantomime, scene, song, dance act, song and dance act, poetry recitation, fashion or style show, recorded music presented by a live disc jockey on the premises, or the playing or use of any instrument capable of producing or used to produce musical or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments.

)¹ "Manager." The individual authorized by the Permittee to exercise discretionary power to organize, direct, carry out or control the operations of the Business.

"One Time Event." An indoor event, or outdoor event such as a concert, parade, fair, festival, athletic event, or block party, that is organized for a group of people, (a) at which Entertainment is furnished or occurs, and (b) which takes place at any location in the City that is not a Private Residence.

"One Time Event Permit." A permit, as further described in Section 1060.29, allowing a Person to conduct a One Time Event on the premises specified in the permit for no longer than one 24-hour period.

"One Time Outdoor Amplified Sound." An outdoor gathering, occurrence, or event at which (a) no Entertainment is furnished or occurs, and (b) Amplified Sound Equipment not attached to Sound Trucks is used to project sound outside of any building or at any location out of doors in the City that is not a Private Residence.

"One Time Outdoor Amplified Sound Permit." A permit allowing One Time Outdoor Amplified Sound on the premises specified in the permit.

"Permittee." The Person to whom a permit has been issued under this Article.

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

"Place of Entertainment." Every premises, including outdoor premises, to which patrons or members are admitted which serves food, beverages, or food and beverages, including but not limited to alcoholic beverages, for consumption on the premises and wherein Entertainment is furnished or occurs upon the premises.

"Private Residence." A residence that is used solely or primarily to provide housing and not rented out to third parties for Entertainment uses.

"Professional Entertainer." A person who is compensated for his or her performance. This definition does not restrict the definition of "Entertainment" in this Section 1060 and is relevant only to the extent the term "Professional Entertainer" is used in this Article.

"Sale of the Business" or "Sell the Business." The sale or other transfer of the ownership interest in a Business that results in a Person (who did not already have such a percentage interest) owning 50% or more of the Business, regardless of the form of ownership.

"Security Guard." A person who has a valid Proprietary Private Security Officer registration document issued by the California Department of Consumer Affairs; or a person who is a Patrol Special Police Officer appointed by the Police Commission or an assistant to a Patrol Special Police Officer and is operating in accordance with rules of the Police Commission governing Patrol Special Police Officers and assistants to Patrol Special Police Officers; or, a person who is a Private Patrol Operator, as defined by California Business and Professions Code Sections 7582.1-7582.2, as may be amended from time to time.

"Security Plan." A plan that adequately addresses the safety of persons and property by (a) providing a ratio of one Security Guard to a specific number of individuals as described in the paragraph immediately below (b) securing the sidewalk for a 100-foot radius in all directions around the premises of the Business to prevent injury to persons and/or damage to property, and (c) providing for the orderly dispersal of individuals and traffic from the premises of the Business and within 100 feet of any door that patrons use to enter or exit the premises. The phrase "100 feet" in (c) means 100 feet from the door in both directions on the same side of the street as the premises of the Business. The plan shall include sufficient staff with the requisite experience to implement the plan.

The Security Plan must provide at least one Security Guard for every 100 individuals anticipated to be present at any one time during Entertainment events on the premises of the Business, with the following two qualifications. There must always be at least one Security Guard for every 100 individuals actually present at any one time during Entertainment events on the premises of the Business. Further, in those areas of the City where a conditional use authorization is required for a late night use, on Thursdays, Fridays, Saturdays, and Sundays from 9:00 p.m. until closing (including early morning hours Friday, Saturday, Sunday, and Monday) the Security Plan must provide at least one Security Guard for every 100 individuals authorized by the Occupancy Permit during Entertainment events on the premises of the Business.

The definition of Security Plan in this Section 1060 does not limit the discretion of the Entertainment Commission and Director as specified in this Article to impose more stringent requirements for a Security Plan as circumstances warrant.

If no Entertainment event is occurring on the premises, the Security Plan⁰¹² does not have to include Security Guards, but the Entertainment Commission retains discretion to impose Security Guard requirements as part of a Security Plan.

“Sound Truck.” Any motor vehicle or other means of conveyance, having mounted thereon, attached thereto, or carrying any Amplified Sound Equipment, except that an “Unenclosed Tour Bus” as defined in Section 2913 of this Code shall not be considered a Sound Truck for purposes of this Article.

“Sound Truck Permit.” A permit allowing a Sound Truck to use Amplified Sound Equipment.

“Tax Collector.” Tax Collector of the City and County of San Francisco.

(Amended by Ord. 42-83, App. 2/4/83; Ord. 325-91, App. 9/4/91; Ord. 165-93, App. 5/28/93; Ord. 262-04, File No. 041148, App. 11/4/2004; Ord. 239-09, File No. 080323, App. 11/20/2009; Ord. [172-11](#), File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. [100-13](#), File No. 130182, App. 6/6/2013, Eff. 7/6/2013; Ord. [82-14](#), File No. 140064, App. 6/13/2014, Eff. 7/13/2014; Ord. [224-16](#), File No. 160893, App. 11/22/2016, Eff. 12/22/2016; Ord. [163-17](#), File No. 170443, App. 7/27/2017, Eff. 8/26/2017; Ord. [205-19](#), File No. 181211, App. 9/11/2019, Eff. 10/12/2019; Ord. [111-21](#), File No. 210285, App. 8/4/2021, Eff. 9/4/2021; Ord. [96-23](#), File No. 230309, App. 5/26/2023, Eff. 6/26/2023; Ord. [250-23](#), File No. 230861, App. 12/14/2023, Eff. 1/14/2024, Retro. 1/1/2023)

CODIFICATION NOTE

1. So in Ord. [163-17](#).

SEC. 1060.16. OUTDOOR AMPLIFIED SOUND REGULATIONS.

(a) **Findings.** The use or operation of amplified sound equipment to project sound outside of any building or at any location out of doors in the City may be detrimental to the health, welfare, and safety of the inhabitants of the City, in that such use or operation diverts the attention of pedestrians and vehicle operators in the public streets and places, thus increasing traffic hazards and potentially causing injury to life and limb. Further, such use or operation may disturb the public peace and comfort and the peaceful enjoyment by the people of their rights to use the public streets and places for street and other public purposes, and may disturb the peace, quiet, and comfort of the neighboring inhabitants. Therefore, the proper regulation of such use and operation of outdoor amplified sound equipment as set forth in this Section 1060.16 and Sections 1060.5.2, 1060.27, and 1060.29.2 is essential to protect the health, welfare, and safety of the inhabitants of the City, to secure the health, safety, comfort, convenience, and peaceful enjoyment by the people of their rights to use the public streets and places, and to secure the peace, quiet, and comfort of the City's inhabitants.

(b) Unless otherwise permitted by the Entertainment Commission following a public hearing, and except as to Sound Truck Permits which are governed by Section 1060.27 of this Article 15.1, any permit issued pursuant to this Article that authorizes the use of Amplified Sound Equipment to project sound outside of any building or at any location out of doors in the City shall include the following conditions with regard to outdoor amplified sound:

(1) Hours of operation of outdoor Amplified Sound Equipment shall be no earlier than 9:00 a.m. and no later than 10:00 p.m.;

(2) Amplified speech and music shall not be unreasonably loud, raucous, or jarring to persons of normal sensitivities within the area of audibility, nor louder than permitted in subsection (c); and

(3) The volume of outdoor sound shall be controlled so that it will not be audible for a distance in excess of 250 feet from the property line of the Business or premises or from the periphery of the attendant audience.

(c) In considering whether to impose noise limits that are different from those in subsection (b) of this Section 1060.16, the Commission shall consider the following factors:

(1) Whether the Business, premises, or event will generate outdoor amplified sound in the evening;

(2) In the case of an amendment to an existing permit, the length of time the Business or premises has operated, either under the current operator or prior operators;

(3) In the case of an amendment to an existing permit, whether the Commission, Police Department, Department of Public Health, or other City entity has received noise complaints related to the operation of the Business or premises;

(4) The proximity of the Business or premises to other outdoor amplified sound or commercial uses;

(5) The proximity of the Business or premises to existing residential buildings; and/or

(6) The proximity of the Business or premises to hospitals, schools, houses of worship, courthouses, public libraries, or mortuaries and those facilities' normal hours of use.

(d) For Fixed Outdoor Amplified Sound permits, a Commission sound inspector shall perform a sound test per Section 1060.15 of this Code before the Permittee may commence operations under the permit. The Commission may also require that a Commission sound inspector perform a sound test per Section 1060.15 before a Permittee may commence operations under a One Time Amplified Sound Permit.

(Added by Ord. [163-17](#), File No. 170443, App. 7/27/2017, Eff. 8/26/2017)

ARTICLE 29:

REGULATION OF NOISE

Sec. 2900.	Declaration of Policy.
Sec. 2901.	Definitions.
Sec. 2902.	Noise Level Measurement.
Sec. 2904.	Waste Disposal Services.
Sec. 2905.	Vehicles and Nonstationary Source Repairs.
Sec. 2907.	Construction Equipment.
Sec. 2908.	Construction Work at Night.
Sec. 2909.	Noise Limits.
Sec. 2910.	Variances.
Sec. 2912.	Additional Responsibilities of the Department of Public Health and the Department of Building Inspection.
Sec. 2913.	Use of Amplified Sound on Unenclosed Tour Buses.
Sec. 2916.	Enforcement.
Sec. 2917.	Violations.
Sec. 2920.	Authority to Adopt Rules and Regulations.
Sec. 2922.	Preemption.
Sec. 2924.	City Undertaking Limited to Promotion of General Welfare.
Sec. 2926.	Severability.

SEC. 2900. DECLARATION OF POLICY.

(a) Building on decades of scientific research, the World Health Organization and the U.S. Environmental Protection Agency have determined that persistent exposure to elevated levels of community noise is responsible for public health problems including, but not limited to: compromised speech, persistent annoyance, sleep disturbance, physiological and psychological stress, heart disease, high blood pressure, colitis, ulcers, depression, and feelings of helplessness.

(b) The General Plan for San Francisco identifies noise as a serious environmental pollutant that must be managed and mitigated through the planning and development process. But given our dense urban environment, San Francisco has a significant challenge in protecting public health from the adverse effects of community noise arising from diverse sources such as transportation, construction, mechanical equipment, entertainment, and human and animal behavior.

(c) In order to protect public health, it is hereby declared to be the policy of San Francisco to prohibit unwanted, excessive, and avoidable noise. It shall be the policy of San Francisco to maintain noise levels in areas with existing healthful and acceptable levels of noise and to reduce noise levels, through all practicable means, in those areas of San Francisco where noise levels are above acceptable levels as defined by the World Health Organization's Guidelines on Community Noise.

■ (Added by Ord. 274-72, App. 9/20/72; amended by Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. [75-14](#), File No. 140226, App. 5/28/2014, Eff. 6/27/2014)

SEC. 2901. DEFINITIONS.

(a) "Ambient" means the lowest sound level repeating itself during a minimum ten-minute period as measured with a type 1, precision sound level meter, using slow response and "A" weighting. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this chapter, in no case shall the ambient be considered or determined to be less than: (1) Thirty-five dBA for interior residential noise, and (2) Forty-five dBA in all other locations. If a significant portion of the ambient is produced by one or more individual identifiable sources of noise that contribute cumulatively to the sound level and may be operating continuously during the minimum ten-minute measurement period, determination of the ambient shall be accomplished with these separate identifiable noise sources silent or otherwise removed or subtracted from the measured ambient sound level.

(b) "Director" means the Director or department head of any City department having administrative or enforcement responsibilities under this Article or any other provision of the Municipal Code regarding noise control, as well as his or her designee.

(c) "Dwelling Unit" means

(1) a dwelling space consisting of essentially complete independent living facilities for one or more persons, including, for example, permanent provisions for living and sleeping;

(2) a room in group housing, even if such room lacks private cooking facilities and private plumbing facilities, such as rooms in senior citizen housing, single room occupancy or residential hotels, dorms, hostels, or shelters; or,

(3) a housekeeping room as defined in the Housing Code.

015

(d) "Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service. This term shall not include testing of emergency equipment.

(e) "Fixed source" means a machine or device capable of creating a noise level at the property upon which it is regularly located, including but not limited to: industrial and commercial process machinery and equipment, pumps, fans, air-conditioning apparatus or refrigeration machines.

(f) "Low frequency ambient" means the lowest sound level repeating itself during a ten-minute period as measured with a sound level meter, using slow response and "C" weighting. The minimum sound level shall be determined with the music or entertainment noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this chapter, in no case shall the local ambient be considered or determined to be less than: (1) Forty-five dBC for interior residential noise, and (2) Fifty-five dBC in all other locations. If a significant portion of the ambient is produced by one or more individual identifiable sources that would otherwise be operating continuously during the minimum ten-minute measurement period, determination of the low-frequency ambient shall be accomplished with these separate identifiable noise sources silent or otherwise removed or subtracted from the measured ambient sound.

(g) "Noise level" means the maximum continuous sound level or repetitive peak sound level, produced by a source or group of sources as measured with a sound level meter. In order to measure a noise level, the controls of the sound level meter should be arranged to the setting appropriate to the type of noise being measured. For example, the settings should be slow response for continuous noise sources and fast response for noises with rapid onset and decline.

(h) "Person" means a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private in nature, but shall not include the City and County of San Francisco.

(i) "Place of Entertainment" has the same meaning as the term is defined in San Francisco Police Code Section 1060.

(j) "Powered construction equipment" means any tools, machinery, or equipment used in connection with construction operations which can be driven by energy in any form other than manpower, including all types of motor vehicles when used in the construction process of any construction site, regardless of whether such construction site be located on-highway or off-highway, and further including all helicopters or other aircraft when used in the construction process except as may be preempted for regulation by State or Federal law.

(k) "Property plane" means a vertical plane including the property line that determines the property boundaries in space.

(l) "Public Property " means property leased or owned by a governmental entity, to which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground located within the City and County of San Francisco.

(m) "Residential Property" means any property that has at least one dwelling unit and has been approved for human habitation by the City and County of San Francisco.

(n) "Sound level," expressed in decibels (dB), means a logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard S1.1, "Acoustic Terminology," paragraph 2.9, or successor reference. All references to dB in this chapter refer to the A-level or C-level weighting scale, abbreviated dBA or dBC, measured as set forth in this section.

(o) "Limited Live Performance Locale" has the same meaning as the term is defined in San Francisco Police Code Section 1060.

(Amended by Ord. 309-73, App. 8/10/73; Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. [172-11](#), File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. [100-12](#), File No. 120405, App. 6/8/2012, Eff. 7/8/2012)

SECS. 2901.1-2901.14. RESERVED.

■ (Repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2902. NOISE LEVEL MEASUREMENT.

A person measuring the outside noise level shall take measurements with the microphone not less than four feet above the ground, at least four and one-half feet distant from walls or similar large reflecting surfaces, and protected from the effects of wind noises and other extraneous sounds by the use of appropriate windscreens. A person measuring the inside noise level measurements shall take measurements with the microphone at least three feet distant from any wall, and the average measurement of at least three microphone positions throughout the room shall be used to determine the inside noise level measurement.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2903. RESERVED.

■ (Added by Ord. 274-72, App. 9/20/72; repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2904. WASTE DISPOSAL SERVICES.

It shall be unlawful for any person authorized to engage in waste removal, collection, or disposal services or recycling removal or collection services to provide such services so as to create an unnecessary amount of noise, in the judgment of the Director of Public Health. For the purpose of this Section, noise emitted by equipment shall not be deemed unnecessary or without justification if the person engaged in such services has to the extent the Director of Public Health has Judged reasonably feasible, incorporated available sound-deadening devices into equipment used in rendering those services.

Notwithstanding the foregoing, it shall be unlawful for any person authorized to engage in waste removal, collection, or disposal services, or recycling removal or garbage-collection services to operate hydraulic compaction or mechanical processing systems on any truck-mounted waste, recycling, or garbage loading and/or compacting equipment or similar mechanical device so as to create mechanical or hydraulic noise exceeding 75 dBA when measured at a distance of 50 feet from the equipments. This maximum noise level does not apply to the noise associated with crushing, impacting, dropping, or moving garbage on the truck, but only to the truck's mechanical processing system. All other waste disposal or collection noises are subject to the Director of Public Health's judgment as described in this Section.

— (Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2905. VEHICLE AND NONSTATIONARY SOURCE REPAIRS.

It shall be unlawful for any person within any residential area of the City and County to repair, rebuild, or test any motor vehicle or nonstationary source in such a manner as to cause unnecessary, excessive or offensive noise.

(Added by Ord. 274-72, App. 9/20/72)

SEC. 2906. RESERVED.

— (Added by Ord. 274-72, App. 9/20/72; repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2907. CONSTRUCTION EQUIPMENT.

(a) Except as provided for in Subsections (b), (c), and (d) hereof, it shall be unlawful for any person to operate any powered construction equipment if the operation of such equipment emits noise at a level in excess of 80 dBA when measured at a distance of 100 feet from such equipment, or an equivalent sound level at some other convenient distance.

(b) The provisions of Subsections (a) of this Section shall not be applicable to impact tools and equipment, provided that such impact tools and equipment shall have intake and exhaust mufflers recommended by the manufacturers thereof and approved by the Director of Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation, and that pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers thereof and approved by the Director of Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation.

(c) The provisions of Subsection (a) of this Section shall not be applicable to construction equipment used in connection with emergency work.

(d) Helicopters shall not be used for construction purposes for more than two hours in any single day or more than four hours in any single week.

— (Amended by Ord. 309-73, App. 8/10/73; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2908. CONSTRUCTION WORK AT NIGHT.

It shall be unlawful for any person, between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day to erect, construct, demolish, excavate for, alter or repair any building or structure if the noise level created thereby is in excess of the ambient noise level by 5 dBA at the nearest property plane, unless a special permit therefor has been applied for and granted by the Director of Public Works or the Director of Building Inspection. In granting such special permit the Director of Public Works or the Director of Building Inspection shall consider: if construction noise in the vicinity of the proposed work site would be less objectionable at night than during daytime because of different population levels or different neighboring activities if obstruction and interference with traffic, particularly on streets of major importance, would be less objectionable at night than during daytime; if the kind of work to be performed emits noises at such a low level as to not cause significant disturbance in the vicinity of the work site, if the neighborhood of the proposed work site is primarily residential in character wherein sleep could be disturbed; if great economic hardship would occur if the work were spread over a longer timers if the work will abate or prevent hazard to life or property; and if the proposed night work is in the general public interest. The Director of Public Works or the Director of Building Inspection shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise emissions, as required in the public interest.

The provisions of this Section shall not be applicable to emergency work.

— (Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2909. NOISE LIMITS.

(a) **Residential Property Noise Limits.**

(1) No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on residential property over which the person has ownership or control, a noise level more than five dBA above the ambient at any point outside of the property plane.

017

(2) No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on multi-unit residential property over which the person has ownership or control, a noise level more than five dBA above the local ambient three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.

(b) **Commercial And Industrial Property Noise Limits.** No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on commercial or industrial property over which the person has ownership or control, a noise level more than eight dBA above the local ambient at any point outside of the property plane. With respect to noise generated from a licensed Place of Entertainment, licensed Limited Live Performance Locale, or other location subject to regulation by the Entertainment Commission or its Director, in addition to the above dBA criteria a secondary low frequency dBC criteria shall apply to the definition above. No noise or music associated with a licensed Place of Entertainment, licensed Limited Live Performance Locale, or other location subject to regulation by the Entertainment Commission or its Director, shall exceed the low frequency ambient noise level defined in Section 2901(f) by more than 8 dBC.

(c) **Public Property Noise Limits.** No person shall produce or allow to be produced by any machine or device, or any combination of same, on public property, a noise level more than ten dBA above the local ambient at a distance of twenty-five feet or more, unless the machine or device is being operated to serve or maintain the property or as otherwise provided in this Article.

(d) **Fixed Residential Interior Noise Limits.** In order to prevent sleep disturbance, protect public health and prevent the acoustical environment from progressive deterioration due to the increasing use and influence of mechanical equipment, no fixed noise source may cause the noise level measured inside any sleeping or living room in any dwelling unit located on residential property to exceed 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. or 55 dBA between the hours of 7:00 a.m. to 10:00p.m. with windows open except where building ventilation is achieved through mechanical systems that allow windows to remain closed.

(e) **Noise Caused By Activities Subject To Permits From the City and County of San Francisco.** None of the noise limits set forth in this Section apply to activity for which the City and County of San Francisco has issued a permit that contains noise limit provisions that are different from those set forth in this Article.

(Added by Ord. 274-72, App. 9/20/72; amended by Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. [172-11](#), File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. [100-13](#), File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 2910. VARIANCES.

The Directors of Public Health, Public Works, Building Inspection, or the Entertainment Commission, or the Chief of Police may grant variances to noise regulations, over which they have jurisdiction pursuant to Section 2916. All administrative decisions granting or denying variances are appealable to the San Francisco Board of Appeals.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2911. RESERVED.

(Added by Ord. 274-72, App. 9/20/72; repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2912. ADDITIONAL RESPONSIBILITIES OF THE DEPARTMENT OF PUBLIC HEALTH AND THE DEPARTMENT OF BUILDING INSPECTION.

(a) The Department of Public Health shall designate a Noise Prevention and Control Officer to coordinate the responsibilities of the Department of Public Health under this Article and the Health Code with respect to noise.

(b) The Department of Public Health may monitor the noise complaint response by all City agencies charged with regulating noise under this Article. City Departments and Agencies charged with responsibility for responding to noise complaints shall cooperate and share information with the Department of Public Health in tracking and monitoring complaint responses.

(c) At least every two years the Department of Public Health shall make recommendations to the Planning Commission for noise assessment and prevention in land use planning or environmental review.

(d) The Department of Public Health may investigate and take enforcement action on any noise complaint resulting in human health impacts. The Director of the Department of Public Health shall be the sole determiner of what constitutes a human health impact with respect to noise.

(e) The Department of Building Inspection shall send acoustical reports submitted with each building permit to the Department of Public Health within 15 days of the date the building permit applicant submits the acoustical report to the Department of Building Inspection.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2913. USE OF AMPLIFIED SOUND ON UNENCLOSED TOUR BUSES.

(a) For purposes of this Section, "Unenclosed Tour Bus" shall mean a privately-owned passenger vehicle for hire with a capacity of nine or more passengers, including the driver, that:

(1) is used primarily for the conveyance of passengers over the public streets, for the purpose of visiting or viewing places of interest; and

(2) lacks either a permanently attached solid roof covering all seating areas of the vehicle or permanently attached side panels, which with any doors or windows closed, fully enclose the sides of the vehicle.

(b) Effective October 1, 2012, it shall be a violation of this Section for any Person to operate an Unenclosed Tour Bus using electronically amplified sound to communicate with passengers without having received authorization from the Director of the Department of Public Health or his or her designee ("Director of Public Health") that the sound system is in compliance with the requirements of this Section.

(c) The Director of Public Health may approve the electronically amplified sound system on an Unenclosed Tour Bus and issue a Certificate of Authorization to Operate Electronically Amplified Sound on Unenclosed Tour Buses ("Certificate") where the Director of Public Health determines that either:

(1) At maximum volume and without modification, the sound system is not audible at a distance of 50 or more feet outside the vehicle with the vehicle windows open and any operable or removable roof or side panels opened or removed; or

(2) The sound system includes volume limiting technology, which in its default mode prevents the sound system from being heard at a distance of 50 or more feet outside the vehicle. Such a system may include an override mode for use in emergencies.

(d) Following a hearing, the Director of Public Health may suspend or revoke a Certificate for any violation of this Section. The Director of Public Health may base such action on 1) the Director of Public Health's determination that the Certificate holder has violated this Section; or 2) a citation from the San Francisco Police Department for any violation of this Section or California Vehicle Code Section 27007, or any successor provisions. A Certificate holder may appeal the suspension or revocation of a Certificate to the Board of Appeals.

(e) The Owner or Operator of the Unenclosed Tour Bus shall post the Certificate in a clearly visible location on the exterior of the vehicle.

(f) The Director of Public Health shall review the compliance history of each approved Unenclosed Tour Bus and reinspect the Unenclosed Tour Bus annually, and upon any change in ownership, and if found in compliance with this Section and any implementing regulations, the Director of Public Health may reissue the Certificate.

(g) The Director of Public Health shall report to the Board of Supervisors one year from the effective date of this ordinance and every two years thereafter:

(1) the number of Certificates issued to Unenclosed Tour Buses;

(2) the number of complaints received by the Director of Public Health regarding Unenclosed Tour Buses; and

(3) the effectiveness of the Department of Public Health's program to regulate amplified sound from Unenclosed Tour Buses and any suggested changes to the program.

(h) Decisions by the Director of Public Health regarding the issuance or reissuance of Certificates may be appealed to the Board of Appeals.

(i) The fee for the initial application to obtain a Certificate and for each yearly renewal shall be \$394, payable to the Director of Public Health. The initial application fee shall be due at the time of application. The annual fee to renew the Certificate shall be due on July 1.

Beginning with fiscal year 2013-2014, fees set forth in this Section may be adjusted each year, without further action by the Board of Supervisors, as set forth in this Section.

Not later than April 1, the Director of Public Health shall report to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other information that the Controller determines appropriate to the performance of the duties set forth in this Section.

Not later than May 15, the Controller shall determine whether the current fees have produced or are projected to produce revenues sufficient to support the costs of providing the services for which the fees are assessed and that the fees will not produce revenue that is significantly more than the costs of providing the services for which the fees are assessed.

The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs of operation without producing revenue which is significantly more than such costs. The adjusted rates shall become operative on July 1.

(j) The requirements of this Section shall not apply to an Unenclosed Tour Bus equipped with and using electronically amplified sound to communicate with passengers where all non-emergency communications through the system are audible to passengers only through technology designed to make such communications audible only to the individual listener, such as individual headsets or headphones.

(k) The noise standards set forth in Section 2909 shall not apply to Unenclosed Tour Buses.

(Added by Ord. [100-12](#), File No. 120405, App. 6/8/2012, Eff. 7/8/2012)

(Former Sec. 2913 repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SECS. 2914-2915. RESERVED.

■ (Repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2916. ENFORCEMENT.

The Director of Public Health may enforce the provisions of Section 2904, 2909, and 2912 of this Article 29.

The Department of Building Inspection may enforce the provisions of Sections 2907 and 2908 of this Article insofar as said provisions relate to construction operations conducted on private property under appropriate permits issued pursuant to the San Francisco Building Code, Housing Code, Electrical Code, and Plumbing Code. Insofar as these provisions relate to construction operations conducted on publicly-owned property subject to the police power of the City and County of San Francisco, the Department of Public Works may enforce the provisions of Sections 2907 and 2908 of this Article.

The Executive Director of the Entertainment Commission may enforce noise standards associated with licensed Places of Entertainment, licensed Limited Live Performance Locales, licensed Fixed Place Outdoor Amplified Sound Locales, permitted One Time Events, permitted One Time Outdoor Amplified Sound Permits, permitted Sound Truck Permits, or other location or activity subject to regulation by the Entertainment Commission or its Director.

The Chief of Police or his or her designee ("Chief of Police") shall also enforce the provisions of Section 2913 of this Article. The Chief of Police shall make law enforcement activities related to Unenclosed Tour Buses under Section 2913 a priority for one year after the effective date of the ordinance enacting that Section.

The Chief of Police may enforce Section 2909 as well as the provisions of this Article that relate to noise created by humans or any other noise source not specifically assigned or designated to another Department or Agency.

(Added by Ord. 274-72, App. 9/20/72; amended by Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. [172-11](#), File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. [100-12](#), File No. 120405, App. 6/8/2012, Eff. 7/8/2012; Ord. [100-13](#), File No. 130182, App. 6/6/2013, Eff. 7/6/2013; Ord. [163-17](#), File No. 170443, App. 7/27/2017, Eff. 8/26/2017)

SEC. 2917. VIOLATIONS.

(a) **Criminal Penalties.** Any person violating any of the provisions of this Article 29 shall be deemed guilty of an infraction or misdemeanor. When charged as an infraction, and upon conviction thereof, such person shall be fined in an amount not exceeding (1) \$100 for a first violation of this Article; (2) \$200 for a second violation of this Article; and (3) up to \$300 for each additional violation of this Article within one year of the date of a second or subsequent violation. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(b) **Administrative Penalties.** Administrative penalties shall be assessed and collected by the Departments specified in Section 2916 of this Article in accordance with San Francisco Administrative Code Chapter 100.

(c) **Civil Penalties.**

(1) **Presumption of Noncompliance with Order.** In addition to any other penalties provided in this Article, any person or entity served with a notice or order by the Director setting forth the nature of the violation of this Article, demanding correction of such violation, and specifying the time within which such violation must be corrected, shall be presumed, in subsequent civil proceedings, to have failed to comply with that notice or order at and after the time given in that notice or order for correction of such violation, after the time period specified in the notice or order has expired without correction of that violation.

(2) **Penalty Amounts.** Any person or entity violating this Article shall be liable for a civil penalty of up to \$500 per violation for each day such violation is committed or permitted to continue, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the City and County of San Francisco by the City Attorney in any court of competent jurisdiction.

(3) **Setting Civil Penalty.** In assessing the amount of the civil penalty, the Court shall consider anyone or more of the relevant circumstances presented by any of the parties to the case, including but not limited to the following: the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of the defendant's misconduct, and the defendant's assets, liabilities, and net worth. In addition, such violations will not be deemed legally abated until the property owner makes full payment of the assessment of costs and fees awarded to the City under this Article or any applicable State law.

(4) **Cost Recovery.** In any civil proceeding filed by the City Attorney to collect civil penalties, the Court may award the Department the costs and fees, including but not limited to attorneys' fees, and costs of investigation, enforcement, abatement, and litigation, authorized under this Article.

(Added by Ord. 274-72, App. 9/20/72; amended by Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. [100-13](#), File No. 130182, App. 6/6/2013, Eff. 7/6/2013; Ord. [163-17](#), File No. 170443, App. 7/27/2017, Eff. 8/26/2017)

SEC. 2918. [REPEALED.]

(Added by Ord. 274-72, App. 9/20/72; amended by Ord. 278-08, File No. 081119, App. 11/25/2008; repealed by Ord. [75-14](#), File No. 140226, App. 5/28/2014, Eff. 6/27/2014)

SEC. 2920. AUTHORITY TO ADOPT RULES AND REGULATIONS.

The Director of Public Health may issue and amend rules, regulations, standards, guidelines, or conditions to implement and enforce this Article.

(Added by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2922. PREEMPTION.

020

In adopting this Article, the Board of Supervisors does not intend to regulate or affect the rights or authority of the State to do those things that are required, directed, or expressly authorized by Federal or State law. Further, in adopting this Article, the Board of Supervisors does not intend to prohibit that which is prohibited by Federal or State law. This Article shall be construed so as not to conflict with applicable federal or state laws, rules, or regulations. Nothing in this Article shall authorize any City agency or department to impose any duties or obligations in conflict with limitations on municipal authority established by state or federal law at the time such agency or department action is taken.

■ (Added by Ord. 278-08, File No. 081119, App. 11/25/2008; amended by Ord. [100-12](#), File No. 120405, App. 6/8/2012, Eff. 7/8/2012)

SEC. 2924. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

In undertaking the adoption and enforcement of this Article, the City is assuming an undertaking only to promote the general welfare. The City does not intend to impose the type of obligation that would allow a person to sue for money damages for an injury that the person claims to suffer as a result of a City officer or employee taking or failing to take an action with respect to any matter covered by this Article.

■ (Added by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2926. SEVERABILITY.

If any of the provisions of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Article are severable.

(Added by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 1060.20.1. SUSPENSION BY THE ENTERTAINMENT COMMISSION.

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

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

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

(A) In a manner that has harmed the public health, safety, or welfare by significantly increasing pedestrian congestion, the incidence of disorderly conduct, or the level of noise in the area in which the premises are located, and

(B) The Permittee has refused or failed, upon request by the Police Department, Entertainment Commission or the Director, to take reasonable steps to alleviate these conditions, such as providing additional off-street parking, security, soundproofing, restroom facilities, or refuse containers; or

(3) (A) The Permittee or any employee or agent of the Permittee has engaged in conduct on the premises of the Business, or in connection with the operation of the Business, that would constitute a violation of any 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); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); felony sexual assault; loitering for lewd or lascivious purposes (Cal. Penal Code § 647(d)); loitering on private property without lawful business (Cal. Penal Code § 647(h)); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code § 153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section 49 or Article 29); or

(B) The Permittee has failed to take reasonable steps within the Permittee's control upon the request of the Police Department, the Entertainment Commission or the Director to halt conduct on the premises of the Business, or in connection with the operation of the Business, that would constitute a violation of the laws set forth in Section (a)(3)(A) of this Section; or

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

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

(5) The Permittee has failed to submit a proposed Security Plan as required by Section 1060.31; or

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

(7) The Permittee or any agent or employee of the Permittee has failed to request emergency medical services as required by Section 1060.20(b).

(b) **HEARING PROCEDURE AND DETERMINATION.**

(1) The Entertainment Commission shall give the Permittee and the Manager written notice of a hearing to determine whether to suspend a permit. The notice shall set forth the grounds for the proposed suspension and the date, time and location of the hearing.

(2) The Chief of Police or the Chief's designee may request in writing that the Director bring a suspension proceeding before the Entertainment Commission. If, within 10 business days of receiving the request, the Director has not brought the suspension proceeding, the Chief may bring the suspension proceeding before the Entertainment Commission. In such a case, the Chief or the Chief's representative shall present the case for suspension. The Director may join in presenting the case for suspension if the Director agrees to do so.

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

(1) For the first violation under Subsection (a)(1) through (7) of this Section, for up to 30 days.

(2) For the second violation of the same or any other provision of Subsection (a)(1) through (7) within six months of the order of suspension for the first violation, for up to 60 days.

(3) For the third and subsequent violation of the same or any other provision of Subsection (a)(1) through (7) within six months of the order of suspension for the second or any subsequent violation, for up to 90 days.

(4) For the purpose of Subsections (c)(2) and (3) of this Section, calculation of the six months shall not include any period of time during which the permit was suspended.

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

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

(a) **GROUNDS FOR SUSPENSION.** The Director may suspend any permit issued under this Article for a period of up to fifteen days if the Director determines, after providing the Permittee, or his or her agent, including but not limited to the Manager, at least five days written notice and an opportunity to respond, that any of the circumstances set forth in Subsections (a)(1), (2), or (3) of this Section has occurred. Each order of limited suspension may include multiple violations under Subsections (a)(1), (2), or (3) of this Section. The Director shall provide the written notice required under this Subsection either by mail and electronically or by personal delivery.

(1) The Business has exceeded the allowable noise emissions under Section 49 or Article 29 of the San Francisco Police Code, or as required under any condition imposed on the permit, on three separate days within a three month time period. The Director may suspend a permit under this Subsection (a)(1) only if:

(A) The San Francisco Police Department, the Director, or an authorized agent of either has issued a noise emission report for each violation showing noise levels that exceed those allowed under Section 49 or Article 29 of the San Francisco Police Code, or as required under any condition imposed on the permit, and

(B) The Director has provided notice of the issuance of each noise emission report to the Permittee or his or her agent, including but not limited to the Manager electronically or by mail within three City business days of its issuance.

(2) The Permittee or any employee or agent of the Permittee has engaged in Conduct that Constitutes a Nuisance or the Permittee has failed to take reasonable steps within the Permittee's control to halt another Person from engaging in Conduct that Constitutes a Nuisance. "Conduct that Constitutes a Nuisance" as defined in Section 1060(d), means 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); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); felony sexual assault; loitering for lewd or lascivious purposes (Cal. Penal Code § 647(d)); loitering on private property without lawful business (Cal. Penal Code § 647(h)); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code § 153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section 49 or Article 29).

This Subsection (a)(2) applies only when both of the following apply:

(A) The conduct occurred on the premises of, or on Any Sidewalk Abutting the Premises of, the Business, and

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

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

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

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

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

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

(5) The Entertainment Commission may adopt a regulation establishing a procedure which would allow the Director or the Commission, or both, to stay and vacate an order of limited suspension if the Permittee submits and complies with a plan to address the problems that gave rise to the suspension.

(c) The Director shall initiate suspension proceedings before the Commission under Section 1060.20.1 against any Business that is suspended by the Director under this Section three times in any twelve-month period. For purposes of this Subsection (c), "suspended by the Director" includes a suspension affirmed in whole or part or modified by the Commission if appealed pursuant to Subsection (b)(2) but does not include a suspension overturned by the Commission on appeal. This Subsection (c) shall not in any way preclude the Commission from otherwise exercising its authority to suspend a Business under Section 1060.20.1, or preclude the Director or Chief of Police or Chief's designee from initiating a suspension proceeding under Section 1060.20.1.

(d) **POLICE DEPARTMENT RECOMMENDATION OF LIMITED SUSPENSION BY THE DIRECTOR.** The Chief of Police, or the Chief's designee, may recommend to the Director, orally or in writing, that the Director suspend a permit in accordance with the grounds for suspension stated in Subsection (a) above. If the recommendation is oral, ~~it~~ shall later be reduced to writing and filed with the Director when time permits. If the Director fails to follow the oral or written recommendation, the Director shall report to the Entertainment Commission both the recommendation and the reason or reasons for not following the recommendation. This report shall occur at the next regular Commission meeting subsequent to the recommendation, consistent with the provisions of the Brown Act and Sunshine Ordinance. For purposes of this Subsection (d), the Captain for the district where the Place of Entertainment is located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise.

This Subsection (d) shall not preclude any Police Officer from recommending to the Director that the Director suspend a permit in accordance with the grounds for suspension stated in Subsection (a) above.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009; amended by Ord. [100-13](#), File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

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

(a) **GROUNDS FOR SUSPENSION.** The Director may suspend any permit issued under this Article for up to 72 hours if the Director determines, after providing the Permittee at least 8 hours written notice and an opportunity to respond, that any of the circumstances set forth in Subsection (a)(1) (A) or (B) of this Section has occurred either on the Premises of the Business, on Any Sidewalk Abutting the Premises of the Business, or within 100 feet of the Premises of the Business, provided in this last instance that the person engaging in the conduct that would constitute a violation of a law specified in Subsection (a)(1)(A) had been on the Premises of the Business no more than 30 minutes before engaging in that conduct; that the conduct has resulted or could have resulted in serious bodily injury or death; and that continued operation of the Business poses a serious threat to public safety.

(1) (A) The Permittee or any employee or agent of the Permittee has engaged in conduct that would constitute a violation of any of the following laws: assault and battery (Cal. Penal Code §§ 240, 242, 245); felony sexual assault; sexual battery (Cal. Penal Code § 243.4); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); pimping (Cal. Penal Code § 266); discharging firearm (Cal. Penal Code §§ 246, 246.3); unlawful weapon (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code §§ 415, 416, 417); unlawful threats (Cal. Penal Code § 422); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); or

(B) The Permittee has failed to take reasonable steps within the Permittee's control and within the limits of the law to halt the conduct of another Person that would constitute a violation of any law described in Subsection (a)(1)(A) of this Section.

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

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

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

(e) **POLICE DEPARTMENT RECOMMENDATION OF SUSPENSION FOR PUBLIC SAFETY.** The Chief of Police, or the Chief's designee, may recommend to the Director, orally or in writing, that the Director suspend a permit for public safety in accordance with the grounds for suspension stated in Subsection (a) above. If the recommendation is oral, it shall later be reduced to writing and filed with the Director when time permits. If the Director fails to follow the oral or written recommendation, the Director shall report to the Entertainment Commission both the recommendation and the reason or reasons for not following the recommendation. This report shall occur at the next regular Commission meeting subsequent to the recommendation, consistent with the provisions of the Brown Act and Sunshine Ordinance. For purposes of this Subsection (e), the Captain for the district where the Place of Entertainment is located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise.

This Subsection (e) shall not preclude any Police Officer from recommending to the Director that the Director suspend a permit for public safety in accordance with the grounds for suspension stated in Subsection (a) above.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009; amended by Ord. [100-13](#), File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.20.4. REVOCATION OF A PERMIT.

(a) **Grounds for Revocation.** The Entertainment Commission may revoke any permit issued under this Article if it determines after a public hearing that any of the following conditions exist:

- (1) The Permittee has knowingly made any false, misleading, or fraudulent statement of material fact or has knowingly omitted a material fact in the application for a permit.
- (2) The Permittee has failed to pay any fee or charge required under this Article.
- (3) The Permittee has failed to surrender the permit as required by Section 1060.24(b).
- (4) One or more of the grounds for suspension enumerated in Section 1060.20.1(a) applies, and considerations of public safety warrant revocation of the permit. For purposes of this provision, "considerations of public safety" means a substantial risk of physical harm or injury to individuals. In determining whether considerations of public safety warrant revocation, the Commission shall evaluate the likelihood and seriousness of the threat to public safety that continued operation of the Business under the permit presents. In making its determination, the Commission shall consider the following factors: (i) the history of violence and other public safety problems associated with the operation of the Business; (ii) a pattern of the Permittee's noncompliance with Security Plan requirements imposed by law or as a condition of the permit; (iii) the frequency of the Permittee's violations of other provisions of law or permit conditions, which violations have contributed to violence or other public safety problems associated with the operation of the Business; (iv) the degree to which the Permittee's action or inaction has been responsible for violence and other public safety problems associated with the operation of the Business; and (v) the degree to which the City, through the Entertainment Commission, Director, Police Department, or otherwise, has notified the Permittee of violence or other public safety problems associated with the operation of the Business and/or of the need to take action to reduce such problems, and the promptness and efficacy of the Permittee's responses.
- (5) One or more of the grounds for suspension enumerated in Section 1060.20.1(a) applies, and revocation is warranted because the problems that those grounds have created have been serious and continuing, and the action or inaction of the Permittee contributing to those problems has been persistent; provided, that the circumstances warranting revocation under this provision would constitute a public nuisance within the meaning of Section 3480 of the California Civil Code.

(b) **Hearing by Commission.** The Entertainment Commission shall give the Permittee and the Manager written notice of a hearing to determine whether to revoke a permit. The notice shall set forth the grounds for the proposed revocation and the date, time and location of the hearing.

(c) **Application for Permit After Revocation.** The revocation of a permit under this Article shall not preclude the Permittee from applying for a new permit under this Article, except that, notwithstanding any other provision of law, including but not limited to Sections 1060.5(f) and 1060.5.1(f), revocation under Section 1060.20.4(a)(4) or Section 1060.20.4(a)(5) shall render the Permittee ineligible to apply for a new permit under this Article for one year from the date of revocation.

(d) When considering whether to revoke a permit under this Article, the Commission and the Director shall consider any previous denial of a permit application or previous suspension or revocation of a permit, under this Article or Article 15.2, for the same permit applicant or Permittee when the circumstances warranting the previous action are relevant to the current determination.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009; amended by Ord. 217-10, File No. 100674, App. 8/9/2010; Ord. [172-11](#), File No. 110506, App. 9/12/2011, Eff. 10/12/2011)

SEC. 1060.25. CRIMINAL, ADMINISTRATIVE, AND CIVIL PENALTIES.

(a) **CRIMINAL PENALTIES.** Any person who violates any provision of this Article 15.1 shall be deemed guilty of an infraction. Any person who violates this Article, or Police Code Section 49, more than once in a 12-month period shall be guilty of a misdemeanor. A first violation of this Article 15.1, or Police Code Section 49, is an infraction that is punishable by a fine of not more than \$100. A second violation within one year of the date of the first violation is a misdemeanor punishable by a fine of not to exceed \$1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment, at the discretion of the prosecutor. A third or subsequent violation within one year of the date of the second or subsequent violation is a misdemeanor punishable by a fine of not to exceed \$1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment, at the discretion of the prosecutor. Each day a Person conducts, operates, or maintains a Business without a valid permit shall constitute a separate violation.

(b) ADMINISTRATIVE PENALTIES.

(1) The Director may issue administrative citations for the violation of any condition imposed on a permit granted under this Article 15.1 and the violation of any provision of this Article including but not limited to Section 1060.1 (operating without a lawful Place of Entertainment permit) and Section 1060.31 or 1060.32 (governing Security Plans). In addition, the Director may issue administrative citations for the violation of any provision of law regarding such permits, including but not limited to permits authorized under Police Code Article 29 (Regulation of Noise). Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," is hereby incorporated in its entirety and shall govern the amount of fees and the procedure for imposition, enforcement, collection, and administrative review of administrative citations issued under this subsection (b). The Director shall impose fines for violations of any permit condition and any violation of Section 1060.31 or 1060.32 as set forth in Section 100.5(a) of the Administrative Code. For purposes of calculating and imposing the administrative penalties under this subsection (b), each day a violation occurs or continues shall constitute a separate violation. The Director may recover any costs and fees, including but not limited to attorneys' fees, for enforcement initiated through this Section and authorized under this Article.

(2) Notwithstanding subsection (b)(1), the procedure governing the appeal of a citation set forth in Administrative Code Chapter 100 is revised as provided in this subsection (b)(2). The Controller may designate the Director of the Department of Public Works as a hearing officer under Administrative Code Section 100.7, but shall designate such officer for no more than one appeal a month and for no more than 12 times in a 12-month period.

(3) **Failure to Pay the Administrative Penalties.** If the responsible party fails to pay the administrative penalties to the Department within 30 days of service of the administrative citation, or within 30 days of the date the penalties have been upheld on appeal, the Director may take such action to collect the fees as he or she deems appropriate, including referral of the matter to the Bureau of Delinquent Revenue Collection under Article V, Section 10.39 of the Administrative Code, initiation of lien proceedings under Article XX, Section 10.230 *et seq.* of the Administrative Code, and/or requesting that the City Attorney pursue collection of the penalties imposed against the responsible party in a civil action. The City Attorney may request its attorneys' fees in any action that the City Attorney pursues to collect the administrative penalties or to enforce collection of the penalties.

(c) CIVIL PENALTIES.

(1) **Presumption of Noncompliance with Order.** In addition to any other penalties provided in this Article 15.1, any person or entity served with a notice or order by the Director setting forth the nature of the violation of this Article, demanding correction of such violation, and specifying the time within which such violation must be corrected, shall be presumed, in subsequent civil proceedings, to have failed to comply with that notice or order at and after the time given in that notice or order for correction of such violation, after the time period specified in the notice or order has expired without correction of that violation.

(2) **Injunction.** In a civil action brought by the City Attorney, any person who commits, or proposes to commit, an action in violation of this Article 15.1 may be enjoined therefrom.

(3) **Penalty Amounts.** Any person or entity violating this Article 15.1 shall be liable for a civil penalty of up to \$1,000 per violation for each day such violation is committed or permitted to continue, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the City and County of San Francisco by the City Attorney in any court of competent jurisdiction.

(4) **Setting Civil Penalty.** In assessing the amount of the civil penalty, the Court shall consider any one or more of the relevant circumstances presented by any of the parties to the case, including but not limited to the following: the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of the defendant's misconduct, and the defendant's assets, liabilities, and net worth. In addition, such violations will not be deemed legally abated until the property owner makes full payment of the assessment of costs and fees awarded to the City under this Article or any applicable State law.

(5) **Cost Recovery.** In any civil proceeding filed by the City Attorney to collect civil penalties, the Court may award the City costs and fees, including but not limited to attorneys' fees, and costs of investigation, enforcement, abatement, and litigation, authorized under this Article.

(d) The remedies specified in this Article 15.1 shall not preclude any other remedies available under state or local law.

(Amended by Ord. 273-73, App. 7/6/73; Ord. 262-04, File No. 041148, App. 11/4/2004; Ord. 239-09, File No. 080323, App. 11/20/2009; Ord. [100-13](#), File No. 130182, App. 6/6/2013, Eff. 7/6/2013; Ord. [163-17](#), File No. 170443, App. 7/27/2017, Eff. 8/26/2017; Ord. [250-18](#), File No. 180002, App. 11/2/2018, Eff. 12/3/2018)

SEC. 1060.29. ONE TIME EVENT PERMIT.

(a) This Section 1060.29 provides a procedure for permitting a Person to conduct, maintain, promote, or sponsor Entertainment on the premises specified in the One Time Event Permit, including operation between 2:00 a.m. and 6:00 a.m. No Person shall conduct, maintain, promote or sponsor Entertainment between 2:00 a.m. and 6:00 a.m. without a One Time Event Permit or an Extended-Hours Premises Permit. One Time Event Permits may be issued for a premises for which a Place of Entertainment Permit has been issued, but for which no Extended-Hours Premises Permit has been issued, when the applicant proposes operating between 2:00 a.m. and 6:00 a.m. Nevertheless, the One Time Event Permit is not intended to function as a routine substitute for a Person's securing either the Place of Entertainment Permit or the Extended-Hours Permit when the Person's course of conduct indicates that either or both of those permits would be more appropriate to seek. For purposes of One Time Event Permits, the word "premises" means the area or structure where the event for which a permit is sought occurs, and includes outdoor areas.

(b) Except as otherwise provided in this Section 1060.29, the Director may issue One Time Event Permits and applicants may appeal the Director's denial of an application to the Entertainment Commission.

(c) A Person may obtain a single One Time Event Permit authorizing events during consecutive or non-consecutive 24-hour periods for the same premises. One Time Event Permits may not authorize events on the same premises for consecutive 24-hour periods without a six-hour break between the end time for the first 24-hour period and the start time for the next 24-hour period. If a One Time Event Permit includes permission to operate between 2:00 and 6:00 a.m., the Permit may not authorize commencement of operations before noon for the same premises later that calendar day.

(d) (1) There shall be no limit on the number of One Time Event Permits a Person may obtain. One Time Event Permits may be issued for events that will occur on consecutive or non-consecutive days on the same premises.

(2) At any premises where events have occurred for a total of 12 or more days within the previous 12-month period, upon receipt of a permit application for a One Time Event Permit, the Entertainment Commission, or its Director as delegated by the Entertainment Commission, shall hold a hearing on the permit application to ensure that the legal standards for granting the permit(s) are met, to determine what conditions, if any, may be appropriate to place on the permit(s), and to ensure that the One Time Event Permit is not being used by the applicant to function as a routine substitute for the applicant's securing either the Place of Entertainment Permit or the Extended-Hours Permit when the applicant's course of conduct indicates that either or both of those permits would be more appropriate to seek. The Entertainment Commission, or its Director as delegated by the Entertainment Commission, may, in its discretion, determine that a hearing is not required, if the available evidence indicates that the application is likely to satisfy all of the requirements of this subsection (d).

(e) A Person may obtain more than one One Time Event Permit for the same day. In such an instance, in considering whether to grant the permit(s) and/or place conditions on the permit(s), the Director or Entertainment Commission as appropriate under the procedures of this Section, shall give heightened scrutiny to each permit application to ensure that the legal standards for granting the permit(s) are met and to determine what conditions, if any, may be appropriate to place on the permit(s). In addition, if the applicant submits an application for more than one One Time Event Permits for the same day less than 40 days prior to the day of the event, the Director or Entertainment Commission may disapprove the application(s) on the ground that the applicant filed too late to provide adequate time to evaluate the application(s) so as to determine whether the permit(s) should be granted and/or whether conditions should be placed on the permit(s).

(f) The One Time Event Permit shall be subject to reasonable time, place, and manner conditions, including but not limited to conditions on indoor and outdoor amplified sound, in-and-out privileges, admission of minors, and lighting of the premises. With regard to outdoor amplified sound, the permit shall include the conditions required under Section 1060.16 of this Article 15.1, unless otherwise authorized by the Commission following a public hearing.

(g) Every Person seeking a permit pursuant to this Section 1060.29 shall file an application with the Director no less than seven days before the proposed event and shall pay the filing fee provided in Section 2.26 of this Code, except as otherwise provided in Section 1060.29(h). The time limitation for the filing of a permit application may be waived by the Director if the applicant can show that the event or events giving rise to the permit application did not reasonably allow the applicant time to file within the time prescribed and imposition of the time limitations would place an unreasonable restriction on the right of free speech. The applicant shall submit a proposed Security Plan and any other information required for applications under Section 1060.3 as the Director may require. For events taking place in an outdoor area or in both a structure and an outdoor area, the Security Plan shall include additional security personnel to provide adequate security, as determined by the Director, in consultation with the Police Department, given the size and nature of the outdoor space. If the event includes the use of Amplified Sound Equipment in an outdoor area, the application shall include the information required under subsection (a)(8) of Section 1060.3.2 of this Article 15.1. Subject to the waiver provision in this subsection (g), the Director shall send the application no later than seven days before the date of the proposed event to those City departments with jurisdiction over the matter, including, as appropriate, the Police Department, Fire Department, Department of Building Inspection, and Department of Public Health. These departments shall complete all necessary inspections and report their determinations to the Director within three City business days of receiving the application. In addition, the Director shall send all applications to the Police Department for such input from the Police Department as it deems appropriate.

(h) Waiver of Filing Fee.

(1) All filing fees for One Time Event Permits are hereby waived for applicants that previously held a JAM Permit and seek the One Time Event Permit in order to continue activities previously allowed under their JAM Permit while awaiting final approvals by the Department of Public Works or other City departments that are required prior to obtaining a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit.

(2) Any filing fee that is waived pursuant to this subsection (h) but that has been paid, shall be refunded, without interest, upon request of the payor of the fee to the Entertainment Commission. Any refund request under this subsection (h) must be filed in writing with the Entertainment Commission by June 30, 2025.

(i) An applicant for a One Time Event Permit who files an application at least 40 days before the date of the proposed event shall have the right to appeal the Director's denial of the application to the Entertainment Commission. The Director shall act on applications filed at least 40 days before the event within a time period that allows for an appeal to the Commission. Applicants who do not file at least 40 days before the proposed event shall have no right to appeal a denial of the application to the Entertainment Commission unless the Commission has sufficient time to schedule and provide notice of the hearing on the matter for a regularly scheduled meeting. When an applicant files an application less than 40 days before the proposed event, the Director shall inform the applicant that there may be insufficient time for the applicant to appeal the Director's denial to the Commission.

(j) The Director shall review applications for a One Time Event Permit according to the standards set forth in Section 1060.5(f) and shall grant a permit unless the Director finds that (1) the application was filed less than seven days before the proposed event and waiver was not granted or warranted, (2) denial is warranted under any of the grounds set forth in Section 1060.5(f), or (3) another application has been submitted and a permit issued for the same premises during the same time period. The Director shall decide whether to grant or deny a complete application promptly after the date by which other City departments are required to report on the proposed application under subsection (e). If another application has been submitted for the same time and place and is still pending, the Director shall deny the application unless the applicant requests that it remain open until the Director has determined whether to grant or deny any earlier-filed application. When multiple applicants submit complete applications for the same time and place, the Director shall make determinations on them in the order in which they were received.

(k) If the permit is denied, the Director shall state in writing the reason for the denial and shall notify the applicant of the determination electronically and either by mail or personal delivery. The Director shall have the discretion to submit any application to the Entertainment Commission for its determination whether to grant or deny a One Time Event Permit under the provisions of this Section 1060.29. Where the Director submits an application to the Commission, and the Commission grants the One Time Event Permit, the Director may, without further action by the Commission, approve subsequent applications for the same One Time Event for future dates provided that (1) the subsequent application(s) contain no material changes regarding the nature or scope of the Event, (2) neither the Commission nor any other City agency has received complaints pertaining to the prior Event(s), and (3) any permit conditions imposed by the Commission when granting the initial permit are included in any and all such subsequent permits.

(l) The applicant may appeal the Director's decision to the Entertainment Commission by filing a written request for review within five City business days of the Director's decision. The Commission shall hear and decide the appeal as expeditiously as possible, but in no event later than 21 days after the date that the applicant filed the appeal. If the applicant has filed the application less than 40 days before the proposed event and the Commission does not have sufficient time to provide the required public notice of the appeal for a regularly scheduled meeting, the Commission is not required to consider the matter.

(m) When granting a permit, the Director or Entertainment Commission as appropriate under the procedures of this Section 1060.29, shall require the applicant as a condition of the permit to comply with the approved Security Plan. Notwithstanding the definition of Security Plan in Section 1060, the Security Plan for a One Time Event Permit shall provide at least one Security Guard for every 100 individuals authorized by the Occupancy Permit. If after approving a Security Plan, the Director receives additional information that reasonably demonstrates that the Security Plan is inadequate, the Director may require the Permittee to make revisions to the Security Plan for the purpose of addressing the safety of persons and property.

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

(o) An applicant may seek immediate judicial review of an adverse decision by the Director under this Section pursuant to California Code of Civil Procedure Section 1085 or Section 1094.8, as these provisions may be amended, including any successor provisions, or any other procedure provided by law. The applicant may, but is not required to, exhaust his or her administrative remedies before the Entertainment Commission and Board of Appeals.

(Added by Ord. 262-04, File No. 041148, App. 11/4/2004; Ord. 239-09, File No. 080323, App. 11/20/2009; amended by Ord. [163-17](#), File No. 170443, App. 7/27/2017, Eff. 8/26/2017; Ord. [111-21](#), File No. 210285, App. 8/4/2021, Eff. 9/4/2021; Ord. [250-23](#), File No. 230861, App. 12/14/2023, Eff. 1/14/2024, Retro. 1/1/2023)

SEC. 1060.1. PERMIT REQUIRED.

(a) Except as provided in subsections (e) and (f), it shall be unlawful for any Person to own, conduct, operate, or maintain, or to cause or permit to be conducted, operated, or maintained, any Place of Entertainment, Limited Live Performance Locale, One-Time Event, Fixed Place Outdoor Amplified Sound Locale, One Time Outdoor Amplified Sound, or Sound Truck in the City and County of San Francisco without first having obtained the required permit from the Director or Entertainment Commission. No Person shall operate a Place of Entertainment between 2:00 a.m. and 6:00 a.m. without having both a Place of Entertainment Permit and an Extended-Hours Premises Permit.

(b) It shall be unlawful for any Person to conduct, operate, or maintain, or cause or permit to be conducted, operated, or maintained, a Place of Entertainment, Limited Live Performance Locale, One-Time Event, Fixed Place Outdoor Amplified Sound Locale, One Time Outdoor Amplified Sound, or Sound Truck for which a permit has been granted (1) after the permit has been revoked or is otherwise invalid or (2) for any period of time during which the permit has been suspended.

(c) It shall be unlawful for any Person who is required to surrender a permit upon the sale of a Business as required under Section 1060.24(b) to fail to do so.

(d) Any place or premises where a Place of Entertainment Permit, Limited Live Performance Permit, One-Time Event Permit, Fixed Place Outdoor Amplified Sound Permit, or One Time Outdoor Amplified Sound Permit is sought must (1) conform to all existing health, safety, zoning, fire, and other ordinances of the City and County of San Francisco, and (2) must have a valid permit to operate (formerly referenced in this Article as a public eating place permit) from the Department of Public Health, if applicable. The Entertainment Commission, including the Director in the case of a One-Time Event Permit or One Time Outdoor Amplified Sound Permit, may issue a permit under this Article 15.1 conditional upon the applicant receiving the other required permits.

(e) No permit shall be required for any Person to own, conduct, operate, or maintain, or to cause or permit to be conducted, operated, or maintained a Limited Live Performance Locale, where any Entertainment ends by 10 p.m., and the Entertainment consists only of a single individual performing without amplification. Any place or premises where this Entertainment occurs must 1) conform to all health, safety, zoning, fire, and other ordinances of the City and County of San Francisco; and 2) have a valid permit to operate (formerly referenced in this Article 15.1 as a public eating place permit) from the Department of Public Health under Health Code Section 452, if applicable. This subsection (e) shall not apply to any premises that does not hold a currently valid permit that is required under this Article 16.

(f) No permit shall be required for a school to conduct activities that occur on school premises in the regular course of school operations, including but not limited to school sporting events, school dances, and school music program performances, that would otherwise require a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit. A school shall be required to obtain a One Time Event Permit or One Time Outdoor Amplified Sound Permit to engage in activities on school premises that do not occur in the regular course of school operations and that otherwise meet the criteria for such permits.

For purposes of this Section 1060.1, "school" means any Person that is a state-licensed child care center, state-licensed family day care, a public, private, or parochial institution that provides educational instruction for students in any or all of the grades from kindergarten through twelfth grade, or a public or private institution providing post-secondary education as part of a degree program, such as a college or university.

(Added by Ord. 193-05, File No. 051027, App. 7/29/2005; amended by Ord. 239-09, File No. 080323, App. 11/20/2009; Ord. [172-11](#), File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. [100-13](#), File No. 130182, App. 6/6/2013, Eff. 7/6/2013; Ord. [82-14](#), File No. 140064, App. 6/13/2014, Eff. 7/13/2014; Ord. [163-17](#), File No. 170443, App. 7/27/2017, Eff. 8/26/2017; Ord. 111-21, File No. 210285, App. 8/4/2021, Eff. 9/4/2021; Ord. [250-23](#), File No. 230861, App. 12/14/2023, Eff. 1/14/2024, Retro. 1/1/2023)

SEC. 1060.20. SUSPENSION.

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

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

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

(3) The Director may issue an order of suspension for public safety as provided in Section 1060.20.3, which order is not appealable to the Entertainment Commission.

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

(b) Every Permittee shall request emergency medical services when any person who has been injured on the premises of the Business needs emergency medical services. The failure to request such services, when such a request would have been reasonable under the circumstances, shall be grounds for suspension of the permit. The Entertainment Commission and Director may allow any circumstances involving the operation of the Business that relate to the injury as evidence supporting suspension of a permit, but may not allow the request itself as evidence to support suspension.

(c) When considering whether to suspend a permit under this Article, the Commission and the Director shall consider any previous denial of a permit application or previous suspension or revocation of a permit, under this Article or Article 15.2, for the same permit applicant or Permittee when the circumstances warranting the previous action are relevant to the current determination.

(Added by Ord. 140-70, App. 4/28/70; amended by Ord. 325-91, App. 9/4/91; Ord. 81-00, File No. 000390, App. 5/5/2000; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.20.1. SUSPENSION BY THE ENTERTAINMENT COMMISSION.

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

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

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

(A) In a manner that has harmed the public health, safety, or welfare by significantly increasing pedestrian congestion, the incidence of disorderly conduct, or the level of noise in the area in which the premises are located, and

(B) The Permittee has refused or failed, upon request by the Police Department, Entertainment Commission or the Director, to take reasonable steps to alleviate these conditions, such as providing additional off-street parking, security, soundproofing, restroom facilities, or refuse containers; or

(3) (A) The Permittee or any employee or agent of the Permittee has engaged in conduct on the premises of the Business, or in connection with the operation of the Business, that would constitute a violation of any 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); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); felony sexual assault; loitering for lewd or lascivious purposes (Cal. Penal Code § 647(d)); loitering on private property without lawful business (Cal. Penal Code § 647(h)); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code § 153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section 49 or Article 29); or

(B) The Permittee has failed to take reasonable steps within the Permittee's control upon the request of the Police Department, the Entertainment Commission or the Director to halt conduct on the premises of the Business, or in connection with the operation of the Business, that would constitute a violation of the laws set forth in Section (a)(3)(A) of this Section; or

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

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

(5) The Permittee has failed to submit a proposed Security Plan as required by Section 1060.31; or

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

(7) The Permittee or any agent or employee of the Permittee has failed to request emergency medical services as required by Section 1060.20(b).

(b) **HEARING PROCEDURE AND DETERMINATION.**

031

(1) The Entertainment Commission shall give the Permittee and the Manager written notice of a hearing to determine whether to suspend a permit. The notice shall set forth the grounds for the proposed suspension and the date, time and location of the hearing.

(2) The Chief of Police or the Chief's designee may request in writing that the Director bring a suspension proceeding before the Entertainment Commission. If, within 10 business days of receiving the request, the Director has not brought the suspension proceeding, the Chief may bring the suspension proceeding before the Entertainment Commission. In such a case, the Chief or the Chief's representative shall present the case for suspension. The Director may join in presenting the case for suspension if the Director agrees to do so.

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

(1) For the first violation under Subsection (a)(1) through (7) of this Section, for up to 30 days.

(2) For the second violation of the same or any other provision of Subsection (a)(1) through (7) within six months of the order of suspension for the first violation, for up to 60 days.

(3) For the third and subsequent violation of the same or any other provision of Subsection (a)(1) through (7) within six months of the order of suspension for the second or any subsequent violation, for up to 90 days.

(4) For the purpose of Subsections (c)(2) and (3) of this Section, calculation of the six months shall not include any period of time during which the permit was suspended.

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

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009; amended by Ord. [100-13](#), File No. 130182, App. 6/6/2013, Eff. 7/6/2013; Ord. [75-14](#), File No. 140226, App. 5/28/2014, Eff. 6/27/2014)

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

(a) **GROUND FORS SUSPENSION.** The Director may suspend any permit issued under this Article for a period of up to fifteen days if the Director determines, after providing the Permittee, or his or her agent, including but not limited to the Manager, at least five days written notice and an opportunity to respond, that any of the circumstances set forth in Subsections (a)(1), (2), or (3) of this Section has occurred. Each order of limited suspension may include multiple violations under Subsections (a)(1), (2), or (3) of this Section. The Director shall provide the written notice required under this Subsection either by mail and electronically or by personal delivery.

(1) The Business has exceeded the allowable noise emissions under Section 49 or Article 29 of the San Francisco Police Code, or as required under any condition imposed on the permit, on three separate days within a three month time period. The Director may suspend a permit under this Subsection (a)(1) only if:

(A) The San Francisco Police Department, the Director, or an authorized agent of either has issued a noise emission report for each violation showing noise levels that exceed those allowed under Section 49 or Article 29 of the San Francisco Police Code, or as required under any condition imposed on the permit, and

(B) The Director has provided notice of the issuance of each noise emission report to the Permittee or his or her agent, including but not limited to the Manager electronically or by mail within three City business days of its issuance.

(2) The Permittee or any employee or agent of the Permittee has engaged in Conduct that Constitutes a Nuisance or the Permittee has failed to take reasonable steps within the Permittee's control to halt another Person from engaging in Conduct that Constitutes a Nuisance. "Conduct that Constitutes a Nuisance" as defined in Section 1060(d), means 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); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); felony sexual assault; loitering for lewd or lascivious purposes (Cal. Penal Code § 647(d)); loitering on private property without lawful business (Cal. Penal Code § 647(h)); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code § 153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section 49 or Article 29).

This Subsection (a)(2) applies only when both of the following apply:

(A) The conduct occurred on the premises of, or on Any Sidewalk Abutting the Premises of, the Business, and

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

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

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

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

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

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

(5) The Entertainment Commission may adopt a regulation establishing a procedure which would allow the Director or the Commission, or both, to stay and vacate an order of limited suspension if the Permittee submits and complies with a plan to address the problems that gave rise to the suspension.

(c) The Director shall initiate suspension proceedings before the Commission under Section 1060.20.1 against any Business that is suspended by the Director under this Section three times in any twelve-month period. For purposes of this Subsection (c), "suspended by the Director" includes a suspension affirmed in whole or part or modified by the Commission if appealed pursuant to Subsection (b)(2) but does not include a suspension overturned by the Commission on appeal. This Subsection (c) shall not in any way preclude the Commission from otherwise exercising its authority to suspend a Business under Section 1060.20.1, or preclude the Director or Chief of Police or Chief's designee from initiating a suspension proceeding under Section 1060.20.1.

(d) **POLICE DEPARTMENT RECOMMENDATION OF LIMITED SUSPENSION BY THE DIRECTOR.** The Chief of Police, or the Chief's designee, may recommend to the Director, orally or in writing, that the Director suspend a permit in accordance with the grounds for suspension stated in Subsection (a) above. If the recommendation is oral, it shall later be reduced to writing and filed with the Director when time permits. If the Director fails to follow the oral or written recommendation, the Director shall report to the Entertainment Commission both the recommendation and the reason or reasons for not following the recommendation. This report shall occur at the next regular Commission meeting subsequent to the recommendation, consistent with the provisions of the Brown Act and Sunshine Ordinance. For purposes of this Subsection (d), the Captain for the district where the Place of Entertainment is located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise.

This Subsection (d) shall not preclude any Police Officer from recommending to the Director that the Director suspend a permit in accordance with the grounds for suspension stated in Subsection (a) above.

■ (Added by Ord. 239-09, File No. 080323, App. 11/20/2009; amended by Ord. [100-13](#), File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

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

(a) **GROUND FOR SUSPENSION.** The Director may suspend any permit issued under this Article for up to 72 hours if the Director determines, after providing the Permittee at least 8 hours written notice and an opportunity to respond, that any of the circumstances set forth in Subsection (a)(1) (A) or (B) of this Section has occurred either on the Premises of the Business, on Any Sidewalk Abutting the Premises of the Business, or within 100 feet of the Premises of the Business, provided in this last instance that the person engaging in the conduct that would constitute a violation of a law specified in Subsection (a)(1)(A) had been on the Premises of the Business no more than 30 minutes before engaging in that conduct; that the conduct has resulted or could have resulted in serious bodily injury or death; and that continued operation of the Business poses a serious threat to public safety.

(1) (A) The Permittee or any employee or agent of the Permittee has engaged in conduct that would constitute a violation of any of the following laws: assault and battery (Cal. Penal Code §§ 240, 242, 245); felony sexual assault; sexual battery (Cal. Penal Code § 243.4); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); pimping (Cal. Penal Code § 266); discharging firearm (Cal. Penal Code §§ 246, 246.3); unlawful weapon (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code §§ 415, 416, 417); unlawful threats (Cal. Penal Code § 422); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); or

(B) The Permittee has failed to take reasonable steps within the Permittee's control and within the limits of the law to halt the conduct of another Person that would constitute a violation of any law described in Subsection (a)(1)(A) of this Section.

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

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

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

(e) **POLICE DEPARTMENT RECOMMENDATION OF SUSPENSION FOR PUBLIC SAFETY.** The Chief of Police, or the Chief's designee, may recommend to the Director, orally or in writing, that the Director suspend a permit for public safety in accordance with the grounds for suspension stated in Subsection (a) above. If the recommendation is oral, ~~it shall~~ all later be reduced to writing and filed with the Director when time permits. If the Director fails to follow the oral or written recommendation, the Director shall report to the Entertainment Commission both the recommendation and the reason or reasons for not following the recommendation. This report shall occur at the next regular Commission meeting subsequent to the recommendation, consistent with the provisions of the Brown Act and Sunshine Ordinance. For purposes of this Subsection (e), the Captain for the district where the Place of Entertainment is located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise.

This Subsection (e) shall not preclude any Police Officer from recommending to the Director that the Director suspend a permit for public safety in accordance with the grounds for suspension stated in Subsection (a) above.

■ (Added by Ord. 239-09, File No. 080323, App. 11/20/2009; amended by Ord. [100-13](#), File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.20.4. REVOCATION OF A PERMIT.

(a) **Grounds for Revocation.** The Entertainment Commission may revoke any permit issued under this Article if it determines after a public hearing that any of the following conditions exist:

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

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

(3) The Permittee has failed to surrender the permit as required by Section 1060.24(b).

(4) One or more of the grounds for suspension enumerated in Section 1060.20.1(a) applies, and considerations of public safety warrant revocation of the permit. For purposes of this provision, "considerations of public safety" means a substantial risk of physical harm or injury to individuals. In determining whether considerations of public safety warrant revocation, the Commission shall evaluate the likelihood and seriousness of the threat to public safety that continued operation of the Business under the permit presents. In making its determination, the Commission shall consider the following factors: (i) the history of violence and other public safety problems associated with the operation of the Business; (ii) a pattern of the Permittee's noncompliance with Security Plan requirements imposed by law or as a condition of the permit; (iii) the frequency of the Permittee's violations of other provisions of law or permit conditions, which violations have contributed to violence or other public safety problems associated with the operation of the Business; (iv) the degree to which the Permittee's action or inaction has been responsible for violence and other public safety problems associated with the operation of the Business; and (v) the degree to which the City, through the Entertainment Commission, Director, Police Department, or otherwise, has notified the Permittee of violence or other public safety problems associated with the operation of the Business and/or of the need to take action to reduce such problems, and the promptness and efficacy of the Permittee's responses.

(5) One or more of the grounds for suspension enumerated in Section 1060.20.1(a) applies, and revocation is warranted because the problems that those grounds have created have been serious and continuing, and the action or inaction of the Permittee contributing to those problems has been persistent; provided, that the circumstances warranting revocation under this provision would constitute a public nuisance within the meaning of Section 3480 of the California Civil Code.

(b) **Hearing by Commission.** The Entertainment Commission shall give the Permittee and the Manager written notice of a hearing to determine whether to revoke a permit. The notice shall set forth the grounds for the proposed revocation and the date, time and location of the hearing.

(c) **Application for Permit After Revocation.** The revocation of a permit under this Article shall not preclude the Permittee from applying for a new permit under this Article, except that, notwithstanding any other provision of law, including but not limited to Sections 1060.5(f) and 1060.5.1(f), revocation under Section 1060.20.4(a)(4) or Section 1060.20.4(a)(5) shall render the Permittee ineligible to apply for a new permit under this Article for one year from the date of revocation.

(d) When considering whether to revoke a permit under this Article, the Commission and the Director shall consider any previous denial of a permit application or previous suspension or revocation of a permit, under this Article or Article 15.2, for the same permit applicant or Permittee when the circumstances warranting the previous action are relevant to the current determination.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009; amended by Ord. 217-10, File No. 100674, App. 8/9/2010; Ord. [172-11](#), File No. 110506, App. 9/12/2011, Eff. 10/12/2011)

SEC. 1060.36. AUTHORITY OF SAN FRANCISCO POLICE DEPARTMENT.

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

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009)

ENTERTAINMENT COMMISSION

- Sec. 90.1. Declaration of Policy.
- Sec. 90.2. Definitions.
- Sec. 90.3. Establishment of Entertainment Commission.
- Sec. 90.4. Powers and Duties of the Entertainment Commission.
- Sec. 90.5. Executive Director.
- Sec. 90.6. Permit Administrators.
- Sec. 90.7. Sound Technician.
- Sec. 90.8. Annual Reports.
- Sec. 90.9. Fees.

SEC. 90.1. DECLARATION OF POLICY.

It is the policy of the City and County of San Francisco to have a system of coordinated planning and permitting for cultural, entertainment, athletic and similar events and establishments throughout the City to promote such establishments and events for the economic and cultural enrichment of San Franciscans and visitors to San Francisco, and to celebrate the diverse communities within San Francisco. To facilitate this goal it is the policy of the City to have the San Francisco Entertainment Commission: (1) assist the organizers and operators of cultural, entertainment, athletic and similar events and establishments to apply for, and obtain from the commission and other City departments when the applicant satisfies the requirements therefor, all necessary permits from the City; (2) promote the responsible conduct and operation of such events and establishments; (3) promote the development of a vibrant entertainment and late-night entertainment industry within the City; (4) promote the use of City facilities for cultural, entertainment, athletic and similar events that generate revenue for the City; (5) foster harm reduction policies, including but not limited to reduction of risks from substance use, hearing protection, heat exhaustion, and relevant health and safety measures; (6) develop and recommend to the Mayor and Board of Supervisors "good neighbor policies" that appropriately balance the cultural, economic, employment and other benefits of a vibrant entertainment and late-night entertainment industry with the needs of residents and businesses in the vicinity of entertainment venues; (7) mediate disputes between persons affected by cultural, entertainment, athletic and similar events and establishments, and the organizers of such events and operators of such establishments; (8) assume responsibility from the Police Department for issuing entertainment-related permits; (9) plan and coordinate City services for major events or which there is no recognized or adequate organizer or promoter, such as Halloween bacchanalia in the Castro district and New Year's Eve festivities; and (10) provide information regarding venues and services appropriate for conducting events and functions ancillary to conventions held within the City, including conventions at the Moscone Convention Center.

■ (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 90.2. DEFINITIONS.

Except as the context may otherwise require, the terms used in this Chapter shall have the following meanings:

- (a) "City" means the City and County of San Francisco.
- (b) "Entertainment Commission" and "commission" mean the San Francisco Entertainment Commission, and includes where appropriate the Executive Director, Permit Administrators, Sound Technician and other staff designated by the Entertainment Commission to perform the functions of the commission specified by the Charter, this Chapter, Articles 1, 15, 15.1, and 15.2 of the San Francisco Police Code, or other law.
- (c) "Entertainment-related permits" include the following:
 - (i) Loudspeaker permits;
 - (ii) Itinerant show permits;
 - (iii) Dance hall keepers permits;
 - (iv) Place of entertainment permits;
 - (v) After hours permits; and
 - (vi) Licenses for amusements.
- (d) "Executive Director" means the Executive Director of the San Francisco Entertainment Commission.
- (e) "Permit Administrators" means the Permit Administrators of the San Francisco Entertainment Commission.
- (f) "Sound Technician" means the Sound Technician(s) of the San Francisco Entertainment Commission.

■ (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 90.3. ESTABLISHMENT OF ENTERTAINMENT COMMISSION.

(a) **Establishment of Commission.** There is hereby established the San Francisco Entertainment Commission consisting of seven members.

(b) **Appointment of Commissioners.** Appointment of the members of the commission shall be as set forth in the City Charter:

(c) **Terms of Commissioners.** For purposes of staggering the terms of the commissioners, the initial appointments shall have terms as follows: three commissioners shall have initial terms of four years, two commissioners shall have initial terms of three years, and two commissioners shall have initial terms of two years. All terms of the initial appointees to the commission shall be deemed to commence upon the same date, which shall be the date upon which the last of the seven initial appointees assumes office. Thereafter, all appointments and reappointments shall be for a term of four years.

(d) **Compensation; Reimbursement of Reasonable Expenses.** Subject to the availability of funds, the commissioners shall (i) receive compensation of \$50 per meeting and (ii) be reimbursed reasonable expenses incurred for authorized activities on behalf of the commission pursuant to written policies and procedures adopted by the commission and approved by the Board of Supervisors.

(e) **Chairperson.** The commission shall, annually, elect a chairperson who shall serve for a term of one year. The commission may reappoint the chairperson to serve additional terms. The chairperson may call special meetings, instruct the Executive Director to undertake all steps necessary or appropriate for the commission to issue, deny, condition, suspend, revoke and transfer entertainment-related permits in a timely manner, and to perform such other duties as may be set forth in the bylaws of the commission.

■ (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 90.4. POWERS AND DUTIES OF THE ENTERTAINMENT COMMISSION.

In addition to the powers and duties set forth in Sections 4.102, 4.103 and 4.104 of the Charter, the commission shall have the following powers and duties:

(a) Accept review, gather information regarding, and conduct hearings upon applications for entertainment-related permits; and rule upon and issue, deny, condition, suspend, revoke or transfer entertainment-related permits in accordance with applicable laws and regulations. The commission may authorize the executive director or permit administrators, or both, to rule upon applications and grant, deny, condition, transfer or modify specified types of entertainment-related permits deemed by the commission to be routine and unlikely to pose significant negative impacts on persons in the vicinity of the event or establishment for which the permit is sought; provided, that any City department with an interest in the permit or person having a right to appeal to the Board of Appeals under Section 30 of the San Francisco Business and Tax Regulations Code may, in writing, (i) request that the permit application be heard in the first instance by the commission, or (ii) request reconsideration by the commission of the executive director's or permit administrator's decision. If the commission grants a request for reconsideration, it may hear the matter *de novo*, or may limit its review to the administrative record that was before the executive director or permit administrator at the time of his or her decision.

(b) Impose reasonable conditions upon the issuance or renewal of entertainment-related permits consistent with the applicable law, regulations and the good neighbor policy or policies for the location or locations of the establishment or event for which the permit is sought.

(c) Suspend, revoke or withdraw entertainment-related permits in accordance with the law and regulations governing such permits.

(d) Coordinate with all relevant City departments for the conduct of any inspection or investigation necessary or appropriate for the full and fair consideration of applications for the issuance, renewal or transfer of entertainment-related permits, including without limitation the Police Department and the Department of Public Health.

(e) Promote the use of City facilities for cultural, entertainment, athletic and similar events that generate revenue for the City, in consultation with the City departments having jurisdiction over such facilities.

(f) Develop and recommend to the Mayor and Board of Supervisors "good neighbor policies" that balance competing interests and promote the health, safety and welfare of San Franciscans and visitors to San Francisco.

(g) Mediate disputes between persons affected by cultural, entertainment and athletic events and establishments permitted by the City and the organizers of such events and operators of such establishments.

(h) Plan and coordinate the provision of City services for major events for which there is no recognized organizer, promoter or sponsor, or where identified organizers, promoters or sponsors cannot, in the opinion of the commission, provide adequate planning and coordination for the size, geographic distribution or nature of the event. For purposes of this Chapter, "major events" means an anticipated gathering of persons on or adjacent to public property or roadways that is likely to require police services, fire services, toilet facilities, traffic control, the availability of potable water or other City services to protect the health, safety and welfare of participants, neighbors or other persons likely to be affected by the event, including but not limited to spontaneous gatherings on Halloween, Pride events (including Pink Saturday), St. Patrick's Day and New Year's Eve.

(i) In the case of events with an expected attendance or participation of more than 1,000 people at any one time, permit applicants shall submit an emergency medical services plan to the Entertainment Commission with their permit application. The Entertainment Commission shall forward the applicant's proposed emergency medical services plan to the Director of Emergency Medical Services and Emergency Operations Section (EMSEO) along with a deadline for reviewing the plan and submitting recommendations to the Entertainment Commission. If the EMSEO submits recommendations to the Entertainment Commission, the Entertainment Commission shall consider the recommendations. The Entertainment Commission shall notify the Director of EMSEO of the approval or disapproval of the application.

(j) Prepare and submit to the Mayor and Board of Supervisors a report analyzing the commission's effectiveness in advancing the policies specified in Section 90.1 and the laws governing entertainment-related permits, and making recommendations related thereto. The commission shall submit the report to the Mayor and Board of Supervisors within one year of effective date of this Chapter, and not less than once every five years thereafter.

(k) With the approval of the Recreation and Parks Commission or Port Commission, as the case may be, exercise the powers and perform the duties set forth in this Section with respect to events and establishments to be held or operated upon property or within facilities under the jurisdiction of the Recreation and Parks Commission or Port Commission.

– (Added by Ord. 164-02, File No. 020783, App. 7/26/2002; amended by Ord. 242-05, File No. 051382, App. 10/21/2005)

SEC. 90.5. EXECUTIVE DIRECTOR.

The Executive Director shall manage the day-to-day affairs of the Entertainment Commission. The Executive Director shall appoint and have supervisory authority over the permit administrators, sound technician(s), and other commission personnel. The Executive Director shall be responsible for planning and coordinating of major cultural, entertainment, athletic and similar events in the City (provided that the Police Department shall continue to be responsible for all matters concerning security and law enforcement); promoting the use of City-owned facilities for such events; promoting the location of cultural, entertainment, athletic and similar establishments within the City; promoting the responsible operation of such establishments and adherence by their operators to good neighbor policies designed to protect the health, safety and welfare of residents and businesses in the vicinity of such establishments, and performing such other duties as the commission may prescribe.

– (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 90.6. PERMIT ADMINISTRATORS.

Permit administrators shall be responsible for reviewing applications and advising applicants regarding the submission of all necessary information and documentation for the commission to process applications in a timely manner; verifying information contained on entertainment-related permit applications; assisting other City departments in the review of applications for permits necessary for and coordinating investigations by developing instructions, manuals and forms for entertainment-related permit applications that can be accessed on the internet; informally mediating disputes between neighbors and such establishments and events; and for such other duties as the Executive Director may prescribe.

– (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 90.7. SOUND TECHNICIAN.

Sound technicians shall be responsible for conducting tests and investigations relating to noise levels and compliance with Article 29 of the San Francisco Police Code as may be necessary or appropriate for the issuance, denial, conditioning, suspension, revocation or transfer of entertainment-related permits; issuing findings, reports and recommendations thereon; and for such other duties as the Executive Director may prescribe.

– (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 90.8. ANNUAL REPORTS.

The Entertainment Commission shall issue an annual report to the Board of Supervisors and Mayor by March 1st regarding its activities for the preceding year.

– (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 90.9. FEES.

Within one year after the operative date of this Article, and annually thereafter as part of the annual budget process, the Entertainment Commission shall submit a report to the Mayor and Board of Supervisors analyzing the fee revenue generated from the issuance, renewal and processing of applications for entertainment-related permits, and proposing fees therefor that will cover the annual operating costs of the commission. Within three years of the operative date of this Article, the Board of Supervisors shall establish fees for entertainment-related permits that do not exceed the estimated annual operating costs of the commission.

(Added by Ord. 164-02, File No. 020783, App. 7/26/2002; amended by Ord. [100-13](#), File No. 130182, App. 6/6/2013, 7/6/2013)

SEC. 90.1. DECLARATION OF POLICY.

It is the policy of the City and County of San Francisco to have a system of coordinated planning and permitting for cultural, entertainment, athletic and similar events and establishments throughout the City to promote such establishments and events for the economic and cultural enrichment of San Franciscans and visitors to San Francisco, and to celebrate the diverse communities within San Francisco. To facilitate this goal it is the policy of the City to have the San Francisco Entertainment Commission: (1) assist the organizers and operators of cultural, entertainment, athletic and similar events and establishments to apply for, and obtain from the commission and other City departments when the applicant satisfies the requirements therefor, all necessary permits from the City; (2) promote the responsible conduct and operation of such events and establishments; (3) promote the development of a vibrant entertainment and late-night entertainment industry within the City; (4) promote the use of City facilities for cultural, entertainment, athletic and similar events that generate revenue for the City; (5) foster harm reduction policies, including but not limited to reduction of risks from substance use, hearing protection, heat exhaustion, and relevant health and safety measures; (6) develop and recommend to the Mayor and Board of Supervisors "good neighbor policies" that appropriately balance the cultural, economic, employment and other benefits of a vibrant entertainment and late-night entertainment industry with the needs of residents and businesses in the vicinity of entertainment venues; (7) mediate disputes between persons affected by cultural, entertainment, athletic and similar events and establishments, and the organizers of such events and operators of such establishments; (8) assume responsibility from the Police Department for issuing entertainment-related permits; (9) plan and coordinate City services for major events or which there is no recognized or adequate organizer or promoter, such as Halloween bacchanalia in the Castro district and New Year's Eve festivities; and (10) provide information regarding venues and services appropriate for conducting events and functions ancillary to conventions held within the City, including conventions at the Moscone Convention Center.

(Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 4.117. ENTERTAINMENT COMMISSION.

The San Francisco Entertainment Commission shall consist of seven members nominated and appointed pursuant to this section. The Mayor shall nominate four members to the commission, and the Board of Supervisors shall appoint, by motion, three other members to the commission. Each nomination of the Mayor shall be subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board of Supervisors fails to act on a mayoral nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed approved. Appointments to the commission shall become effective on the date the Board of Supervisors adopts a motion approving the nomination or on the 61st day following the date the mayoral nomination was transmitted to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act upon the nomination prior to such date.

Of the four members nominated by the Mayor, the Mayor shall nominate one member to represent the interests of City neighborhood associations or groups, one member to represent the interests of entertainment associations or groups, one member to represent the interests of the urban planning community, and one member to represent the interests of the law enforcement community. Of the three members of the commission appointed by the Board of Supervisors, one member shall represent the interests of City neighborhood associations or groups, one member shall represent the interests of entertainment associations or groups, and one member shall represent the interests of the public health community.

To stagger the terms of the members, the initial appointments to the commission shall be as follows: the Mayor shall nominate two members to serve terms of four years, one member to serve a term of three years, and one member to serve a term of two years. Of the three remaining members of the commission, the Board of Supervisors shall appoint one member to serve a term of four years, one member to serve a term of three years, and one member to serve a term of two years. Except for appointments to fill a vacancy, all subsequent appointments shall be for a term of four years.

Members of the commission nominated by the Mayor may be suspended by the Mayor and removed by the Board of Supervisors only as set forth in Section 15.105. Members of the commission appointed directly by the Board of Supervisors may be suspended by a motion of the Board of Supervisors approved by six votes and may be removed by the Board of Supervisors only as set forth in Section 15.105.

(Added November 2002)

SEC. 6.1. INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND TRANSPORTATION (ISCOTT).

There is hereby established a committee to be known as the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), consisting of the department or their designated representatives from the following departments and agencies: Municipal Transportation Agency, Planning, Public Works, Police, Fire, Public Health, and Entertainment Commission. The Director of Transportation shall serve as Chair of ISCOTT. The Director of Administrative Services of the City and County of San Francisco or the Director's designee shall review recycling plans submitted pursuant to Section 6.5 and recommend any conditions to ISCOTT that should be imposed on any applicant. In exercising its powers ISCOTT shall consult with any other City department or agency that could be affected by any temporary use or occupancy of a public street. ISCOTT shall have the authority to take all acts reasonably necessary for it to carry out any duties imposed upon it by law. Before acting on any application for temporary use or occupancy of public streets, street fair or an athletic event, ISCOTT shall conduct a public hearing at a publicly noticed time and place to be determined by ISCOTT.

(Amended by Ord. 287-08, File No. 081340, App. 12/5/2008; Ord. [99-21](#), File No. 210284, App. 7/28/2021, Eff. 8/28/2021)

EXHIBIT C



Entertainment Commission

City and County of San Francisco

Memorandum

To: San Francisco Entertainment Commission
From: Kaitlyn Azevedo, Deputy Director
Date: March 19, 2024
Re: **Hearing and Possible Action regarding applications for permits** under the jurisdiction of the Entertainment Commission.

6. **Hearing and Possible Action regarding applications for permits under the jurisdiction of the Entertainment Commission.** [Discussion and Possible Action Item]

Consent Calendar:

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Entertainment Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

We have 2 permits on the Consent Agenda this evening for One Time Outdoor Event Permits to host outdoor entertainment and amplified sound with extended duration. All of the applicants conducted neighborhood outreach and there was no opposition from neighbors nor concern from SFPD for any of these permits. The staff recommendation is for the Commission to approve the Consent Agenda with the staff recommendations below.

Consent Agenda:

- a. ECOTE24-017 Sunset Mercantile ***dba Outer Sunset Farmers Market & Mercantile***, 37th Ave between Ortega St and Quintara St – One Time Outdoor Event Permit to host outdoor entertainment and amplified sound with extended duration on Sundays, 04/07/24 - 03/30/25 from 9:00am-2:00pm.

Staff recommendation: Approval with:

1. Good Neighbor Policy <https://www.sf.gov/information/good-neighbor-policy>.
2. Permit holder shall comply with Municipal Police Code Article 15.1 Section 1060.16 including but not limited to (b)(3): The volume of outdoor amplified sound shall be controlled so that it does not exceed ambient levels at a distance of 100 feet measured from the property plane.
3. No entertainment and/or amplified sound may occur outside of the date(s), time(s), and location(s)

that the Entertainment Commission has approved⁰⁴³ for your event.

4. Amplified sound equipment must be stationary and fixed to a specific location.
5. While hosting entertainment and/or amplified sound, permit holder shall have a staff member on site who is able to provide proof of permit, and is aware of all permit conditions including any approved sound limits. (EC Good Neighbor Policy Condition #1).
6. Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who has direct authority over the premises or permitted location, knowledge of all permit conditions including any approved sound limits, and shall respond in a timely manner to address concerns (EC Good Neighbor Policy Condition #4).
7. Within 24 hours of any violent incident, or any time SFPD responds to a call for service at the premises or permitted location, permit holder shall complete and send an Incident Report to the Entertainment Commission and the SFPD District Station Permit Officer. The Incident Report Form is available at https://sf.gov/sites/default/files/2022-06/Incident%20Report_Fillable.pdf.
8. Permit holder shall abide by all applicable City, State and Federal laws.
9. Permit holder shall comply with the Commission approved security plan.
10. Permit holder is required to allow inspection by any EC permit administrator, EC inspector, or San Francisco Police Officer. (Police Code Sec. 1060.11).

- b. ECOTE24-046 LionDanceME *dba Grant Avenue Performances*, Grant Ave between California St and Washington St – One Time Outdoor Event Permit to host outdoor entertainment and amplified sound with extended duration on Saturdays and Sundays, 04/06/24 - 03/30/25 from 10:00am-7:00pm.

Staff recommendation: Approval with:

1. Good Neighbor Policy <https://www.sf.gov/information/good-neighbor-policy>.
2. Permit holder shall comply with Municipal Police Code Article 15.1 Section 1060.16 including but not limited to (b)(3): The volume of outdoor amplified sound shall be controlled so that it does not exceed ambient levels at a distance of 100 feet measured from the property plane.
3. No entertainment and/or amplified sound may occur outside of the date(s), time(s), and location(s) that the Entertainment Commission has approved for your event.
4. Amplified sound equipment must be stationary and fixed to a specific location.
5. While hosting entertainment and/or amplified sound, permit holder shall have a staff member on site who is able to provide proof of permit, and is aware of all permit conditions including any approved sound limits. (EC Good Neighbor Policy Condition #1).
6. Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who has direct authority over the premises or permitted location, knowledge of all permit conditions including any approved sound limits, and shall respond in a timely manner to address concerns (EC Good Neighbor Policy Condition #4).
7. Within 24 hours of any violent incident, or any time SFPD responds to a call for service at the premises or permitted location, permit holder shall complete and send an Incident Report to the Entertainment Commission and the SFPD District Station Permit Officer. The Incident Report Form is available at https://sf.gov/sites/default/files/2022-06/Incident%20Report_Fillable.pdf.
8. Permit holder shall abide by all applicable City, State and Federal laws.
9. Permit holder shall comply with the Commission approved security plan.
10. Permit holder is required to allow inspection by any EC permit administrator, EC inspector, or San Francisco Police Officer. (Police Code Sec. 1060.11).

Regular Agenda:

- c. EC-1757 – Greg Medow of 687 MCALLISTER LLC, ***dba Flanahan’s Pub***, 3805 Noriega St – Limited Live Performance including outdoor amplified sound in their parklet

The first permit on our regular agenda this evening is for a JAM to BAM for a Limited Live Performance permit for Flanahan’s Pub, located at 3805 Noriega Street. Flanahan’s is an old-school Irish bar and they are seeking the LLP permit to host indoor entertainment and continue hosting outdoor amplified sound in their parklet. Under their JAM permit, they were allowed outdoor amplified sound Sundays 5pm-10pm, but under this application they are seeking the ability to host outdoor amplified sound between 12pm-10pm Monday – Saturday, and 10am – 10pm on Sundays. If approved, the outdoor amplified sound will consist of playing prerecorded music from a small speaker and airing sports games in the parklet. Included in your file tonight is a copy of their outreach letter and a list of the commercial and residential addresses who received it. There was no opposition for this permit, and SFPD Taraval Station did not have any added conditions. Here to speak with you tonight is owner, Greg Medow.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
 2. Indoor entertainment allowed until 11pm; and
 3. Outdoor amplified sound allowed in the parklet between 12pm – 10pm Monday - Saturday, and 10am -10pm on Sundays; and
 4. Permit holder shall control the volume of outdoor amplified sound so that it does not exceed ambient levels at a distance of 50 feet measured from the property plane.
- d. EC-1743 – Jeffrey Davis and Benson Wang of BLUE PLANTAIN LLC, ***dba Palm House***, 2032 Union St. – Billiard Parlor and Limited Live Performance including outdoor amplified sound and entertainment in private patio

The next permit on our agenda tonight is for a JAM to BAM LLP permit that includes outdoor entertainment and amplified sound on the front patio at Palm House, located at 2032 Union St. They have also applied for a Billiard Parlor permit for their pool table. As you may recall, this application was on our December 19th, 2023 hearing agenda, but was continued to a future hearing date due to lack of quorum. They are here again tonight with the same application on the docket.

Palm House held a JAM permit for outdoor entertainment and amplified sound on their front patio from 4pm – 10pm Tuesday – Sunday since November 2020, and they have been operating with an extended duration one-time outdoor event permit for amplified sound since December 2024. They have also obtained a handful of one-time indoor event permits since December as well. Under this LLP application, they’d like to host indoor entertainment until 11pm, and host outdoor entertainment daily between 10am – 10pm but shall host no more than 10 events with entertainment per calendar year, and each event shall not exceed 4 hours of live entertainment. They’d also like the ability to host outdoor amplified sound daily between 10am – 10pm for the patrons on their patio. In advance of their December hearing, the applicant notified all of their commercial and residential neighbors about their LLP application nearly 30 days in advance of the

hearing, however on December 13th, the deadline⁰⁴⁵ for public comments, I received 4 letters of opposition for this permit. All of this documentation is included in your file tonight. Of note, one of the neighbors who submitted an initial letter of opposition resent that same letter in advance of tonight's hearing. In response to the opposition letters, I provided education to each of the neighbors and asked if they'd like to be put in touch with the applicant directly, but only one took me up on the offer. I held a meeting with this neighbor, their counsel, and the owner to discuss the concerns. I think it's important to note for the Commission that this neighbor lives in the rear of the business, and this LLP application is for indoor entertainment and outdoor entertainment and amplified sound at the front of the business. Although the business does not have any outdoor programming to the rear of the business, they do have a back room with windows that they sometimes open for ventilation since they do not have an HVAC system. Based on the neighbors' feedback about hearing noise from the back room, the owner agreed to ensure all windows are closed by 10pm regardless if they are hosting entertainment, and they do this by physically removing the window crank handles at 10pm so patrons can't open the windows.

In advance of tonight's hearing, I received a new letter from the neighbor's counsel outlining two specific permit condition requests which are to install a limiter on their sound system and to require indoor entertainment to end by 10pm. In speaking with the owner about these requests, he explained that their house system already has a designated volume limit based on Senior Inspector Zverina's sound test, and that DJs and bands often bring in their own sound equipment. Further, the owner is requesting to have indoor entertainment be allowed until 11pm, which is the legal end time for this zoning district.

Lastly, I would like to note that we have received one sound complaint about Palm House this calendar year. The complaint came in on Saturday, February 24th at 11:20pm and stated that the music started around 9:30pm and the windows were open. Inspector Zelenak responded that night at 12am and when she arrived, the front patio speakers were in operation, but no rear windows were open. She spoke with a manager about the speakers being on, and the manager turned them off promptly. I also followed up with the owner about the speakers being off by 10pm, and he said he'd be sure to remind staff.

SFPD Northern Station did not have any added conditions for this permit. Please let me know if you have any questions about the application, otherwise, here to speak with you tonight is one of the owners, Jeff Davis.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
2. Indoor entertainment allowed until 11pm daily; and
3. Outdoor amplified sound at the front of the business allowed between 10am – 10pm daily; and
4. Outdoor entertainment allowed between 10am – 10pm daily, but shall not exceed 10 events with entertainment per calendar year, and each event shall not exceed 4 hours of live entertainment; and
5. Sound abatement internal limit approved at 83dBA/94dBC maximum, measured from under the first birdcage chandelier on the right as you enter the main bar; and
6. Permit holder shall control the volume of outdoor entertainment and amplified sound so that it does not exceed ambient levels at a distance of 50 feet measured from the property plane.

- e. EC-1756 - Kash Feng of ORGSF LLC, **dba The Third Floor**, 333 Battery St. – Place of Entertainment including outdoor amplified sound and entertainment on private patio

The next permit on our regular agenda is for a Place of Entertainment permit for The Third Floor, located at 333 Battery Street. The Third Floor is a new bar and restaurant located on the third floor of the Jay Hotel. The Third Floor is part of the Omakase Restaurant Group, and offers breakfast, lunch, and dinner. The restaurant also features a private outdoor patio. Under this POE permit application, they are seeking the ability to host indoor entertainment, outdoor entertainment, and outdoor amplified sound until 2am. For the outdoor programming, the applicants would not exceed 8 hours total of amplified sound and/or entertainment. The applicants conducted extensive outreach and notified their commercial and residential neighbors of their application by using a mailing service. In total, they sent out 549 letters, 447 of which went to businesses and 102 went to residences. In your file tonight is a list of the addresses as well as a map of the area they noticed. There was no opposition submitted for this permit. Senior Inspector Zverina has already set an internal an external sound limit for the space, which are reflected in your staff recommendations below. I will note that the business did receive two sound complaints on Friday February 23rd and Saturday February 24th and received a Notice of Violation for hosting entertainment without a permit. SFPD Central Station included their standard calendaring condition on the application, and here to speak with you tonight is the owner, Kash Feng, and Hotel Manager, Charlie Kim.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
 2. Permit holder shall email monthly calendar of events to SFPD Central Station Permit Officer and Entertainment Commission the month prior to the event; and
 3. Indoor entertainment allowed until 2am; and
 4. Outdoor entertainment and amplified sound allowed in private patio daily between 9am – 2am but shall not exceed 8 hours total per day; and
 5. Sound abatement internal limit approved at 80dBA/89dBC maximum, measured from the banister opposite of the host stand; and
 6. Sound abatement external limit approved at 81dBA/84dBC maximum, measured from the south end of the bar near the footbridge.
- f. EC-1759 - Grover Fan, Jeffrey Leung and Thanh Quoc Ly of XIAN FINE FOODS, LLC, **dba Xian Bistro**, 2543 Noriega St. – Place of Entertainment

The next permit on our regular agenda is for a Place of Entertainment permit for Xian Bistro, located at 2543 Noriega Street. The previous two owners, dba Under Ground Grill King, also held a POE permit at this location for the same type of entertainment, which will only be used for indoor karaoke. We did not receive any sound complaints from the prior ownership team, so staff are recommending we use the preexisting sound limit, which is reflected below. The applicants notified their neighbors of the POE permit application, and there was no opposition for this permit. Taraval Station had no added conditions, and here to speak with you tonight is one of the owners, Grover Fan.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
2. Indoor entertainment allowed daily until 2am;
3. Sound abatement internal limit approved at 85dBA/85dBC maximum, measured from the rear center of the dining room.

- g. EC-1539 – Nicholas Parker, **dba Mercury Café**, 201 Octavia St. – Limited Live Performance amendment to include outdoor amplified sound at the front of the business

The next permit on our agenda tonight is for a JAM to BAM LLP permit amendment for Mercury Café to include their outdoor programming under their existing indoor LLP permit. During the pandemic, Mercury Café held a JAM permit to host outdoor entertainment and amplified sound Wednesday – Saturday from 5-10pm. Under this LLP permit amendment, they’re seeking the ability to have outdoor programming daily between 9am – 10pm but shall not exceed 6 hours total per day, except for 6 times per calendar year they’d like the outdoor entertainment and/or amplified sound to be allowed for up to 8 hours per day. As a note, their amplified sound and entertainment is physically located inside the café, but they like to open their large front windows for the sound to project outside for the patrons on the sidewalk and in the parklet to hear the music. Senior Inspector Zverina will be setting an external sound limit in the coming weeks based on Mercury’s programming schedule. The applicant conducted outreach by sending out 29 letters to their surrounding commercial and residential neighbors. There was no opposition for this permit, and they received 1 letter of support, which is included in your file tonight. SFPD Northern Station had no added conditions, and here to speak with you tonight is owner, Nick Parker.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
2. Indoor entertainment allowed daily until 11pm;
3. Sound abatement internal limit approved at 98dBA/105dBC maximum, measured from the front of the bar; and
4. Outdoor entertainment and amplified sound allowed daily at the front of the business between 9am – 10pm, but shall not exceed 6 hours total per day; and
5. “Special Event” shall be defined as an event with outdoor entertainment and/or amplified sound for up to 8 hours per day; and
6. Permit holder shall be allowed up to 6 “Special Events” per calendar year.

- h. EC-1765 – Dennis Leary of Bar Hesperus LLC, **dba Decodance**, 1160 Polk St. – Place of Entertainment Change in Ownership

The next permit on our regular agenda is for a Place of Entertainment change in ownership for Decodance, located at 1160 Polk Street. The new owner is maintaining all existing staff, security, and entertainment programming, so this is simply an ownership change for the POE permit. Additionally, the new owner shall adhere to the existing Planning Motion #16697 that requires entertainment to occur only between the hours of 8pm – 1:30am daily. The owner conducted outreach by sending letters to his commercial and residential neighbors letting them know about the ownership change, and there was no opposition. I will note that we have recently received a couple of sound complaints about their Sunday night programming, and in response, I have been in touch with both the complainant and the new owner, who is working on sound mitigation strategies to

alleviate the sound bleed from the premises. ⁰⁴⁸ SFPD Northern Station had no added conditions, and here to tell you more is owner, Dennis Leary.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
 2. Per Planning Motion #16697, indoor entertainment only allowed between 8pm – 1:30am daily; and
 3. Sound abatement internal limit approved at 96dBA/107dBC maximum, measured from front of house.
- i. EC-1767 - Greg Quinn of No Garnish LLC, ***dba The Halfway Club***, 1166 Geneva Ave. – Limited Live Performance including outdoor entertainment and amplified sound on private patio

The final permit on our regular agenda tonight is for an LLP permit that includes outdoor entertainment and amplified sound on the private patio of The Halfway Club, located at 1166 Geneva Avenue. The Halfway Club is a new bar and restaurant that is seeking the LLP permit so they can host various types of indoor and outdoor entertainment including live music, DJs, karaoke, fashion shows, drag shows, and comedy acts. They are also hoping to play prerecorded music on their patio for guests while they are dining. Under this LLP permit, they'd like the option to host outdoor entertainment daily between 9am - 10pm but shall not exceed 4 hours per day, as well as the ability to host outdoor amplified sound Monday-Friday 4pm - 10pm and Saturday & Sunday 12pm - 10pm. Senior Inspector Zverina has scheduled their sound test for later this week, and their limits will be applied to the permit once set. The applicants conducted outreach by sending 30 letters to their neighbors. There was no opposition for this permit and SFPD Ingleside Station had no added conditions. Here to speak with you tonight is owner, Greg Quinn.

Staff recommendation: Approval with:

1. Good Neighbor Policy; and
2. Indoor entertainment allowed daily until 11pm;
3. Outdoor entertainment on private patio allowed daily between 9am – 10pm but shall not exceed 4 hours per day; and
4. Outdoor amplified sound on private patio allowed Monday – Friday 4pm – 10pm and Saturday – Sunday 12pm – 10pm; and
5. Direct EC Staff to set sound limit in accordance with Municipal Police Code Article 29.

Rice, Dylan (ADM)

From: LionDanceME <weflyhigh@liondanceme.com>
Sent: Tuesday, March 12, 2024 11:52 AM
To: Rice, Dylan (ADM)
Cc: Commission, Entertainment (ADM)
Subject: Re: From Entertainment Commission -- Application for Grant Ave performance series
Attachments: LionDanceME (LDM) - Outreach Letter and GNP.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

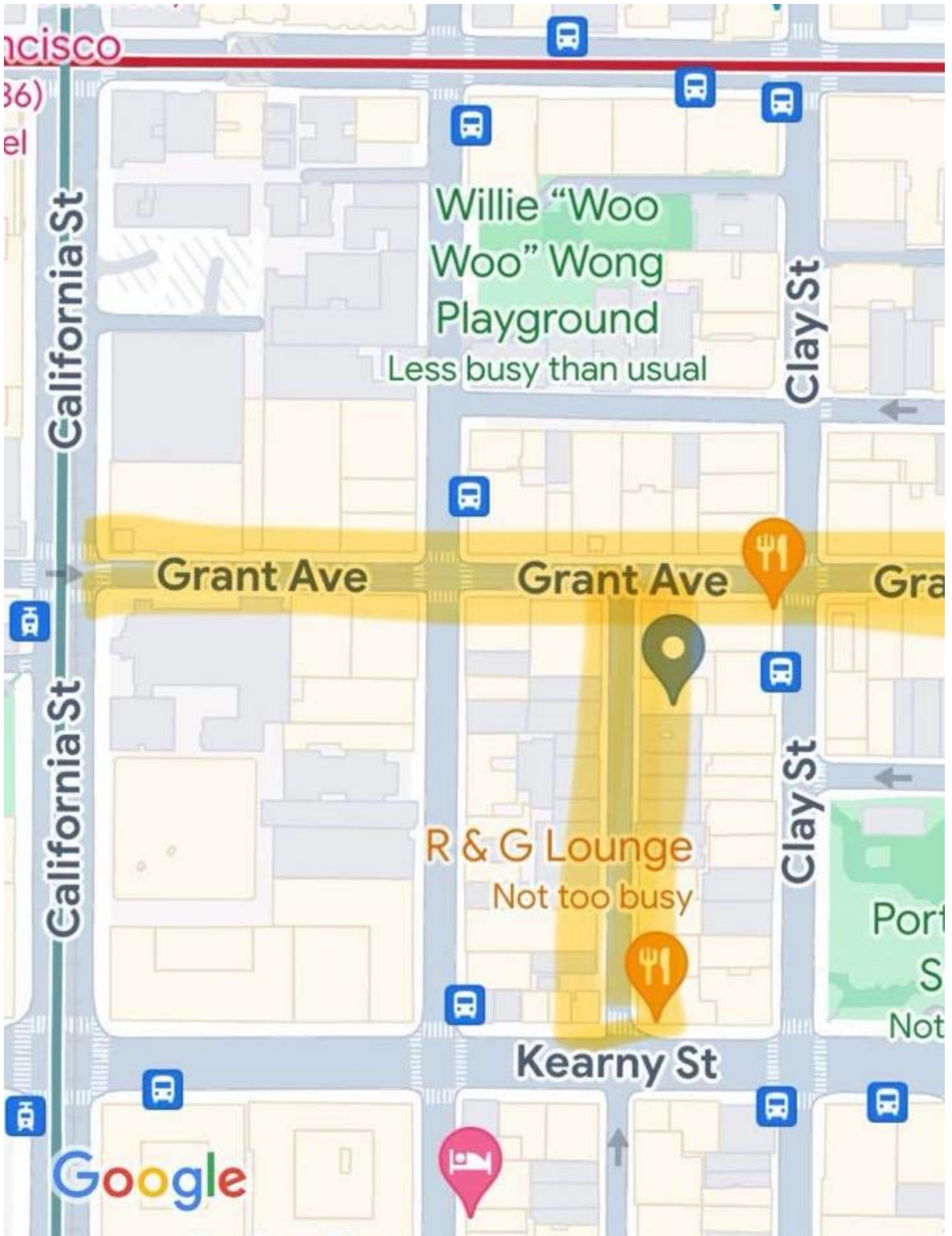
Hello Dylan,

Happy Tuesday!

We noticed that there was a small typo on the last copy of Outreach Letter I previously sent you. Please see attached the updated copy, along with a map indicating where we delivered the letters yesterday evening (Monday, March 11th).

Please let me know if you need anything else from us, or if you have any questions. Thank you!

Best,
Julie



On Mar 8, 2024, at 10:24 AM, Rice, Dylan (ADM) <dylan.rice@sfgov.org> wrote:

Thanks so much, Julie! I'll add it to your application materials and share with the commissioners.

Have a great weekend-

Dylan

Dylan Rice
Project and Communications Manager
San Francisco Entertainment Commission
City and County of San Francisco
Pronouns: he/him/his
49 South Van Ness, Suite 1482
San Francisco, CA 94103

628-652-6033 Desk
628-652-6030 Main
Dylan.Rice@sfgov.org
www.SF.gov/EntertainmentCommission

[Sign up for the Entertainment Commission e-mail list](#)

Please be mindful that all correspondence and documents submitted to the Entertainment Commission are public records and, as such, are subject to the [Sunshine Ordinance](#) and can be requested by the public. If this happens, personal information such as Social Security numbers and phone numbers will be redacted.

From: LionDanceME <weflyhigh@liondanceme.com>
Sent: Thursday, March 7, 2024 6:17 PM
To: Rice, Dylan (ADM) <dylan.rice@sfgov.org>
Cc: Commission, Entertainment (ADM) <entertainment.commission@sfgov.org>; Liang, May (ADM) <may.k.liang@sfgov.org>
Subject: Re: From Entertainment Commission -- Application for Grant Ave performance series

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Dylan,

I hope you are having a great week so far!

The payment for the permit was submitted earlier today. Please also see attached the Outreach Letter combined with the GNP that we will be sending out to our neighbors. I will follow up soon with a map indicating where we have delivered the letters.

Please let us know if you have any questions. Thank you!

Best,
Julie

On Feb 29, 2024, at 10:20 AM, Rice, Dylan (ADM) <dylan.rice@sfgov.org> wrote:

Thanks so much for sending the street closure permit, Julie. I will add it to your application materials. I look forward to receiving the final letter, too.

Best,
Dylan

Dylan Rice
Project and Communications Manager
San Francisco Entertainment Commission
City and County of San Francisco
Pronouns: he/him/his
49 South Van Ness, Suite 1482
San Francisco, CA 94103

628-652-6033 Desk
628-652-6030 Main
Dylan.Rice@sfgov.org
www.SF.gov/EntertainmentCommission

[Sign up for the Entertainment Commission e-mail list](#)

Please be mindful that all correspondence and documents submitted to the Entertainment Commission are public records and, as such, are subject to the [Sunshine Ordinance](#) and can be requested by the public. If this happens, personal information such as Social Security numbers and phone numbers will be redacted.

From: LionDanceME <weflyhigh@liondanceme.com>
Sent: Tuesday, February 27, 2024 11:04 PM
To: Rice, Dylan (ADM) <dylan.rice@sfgov.org>
Cc: Commission, Entertainment (ADM) <entertainment.commission@sfgov.org>; Liang, May (ADM) <may.k.liang@sfgov.org>
Subject: Re: From Entertainment Commission -- Application for Grant Ave performance series

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Will do, thank you for pointing that out. We will prepare the documents later this week and I will send you a copy of the final letter.

We've received our permit for the street closure - please see attached.

Best,
Julie

On Feb 23, 2024, at 2:12 PM, Rice, Dylan (ADM) <dylan.rice@sfgov.org> wrote:

Thanks for this info, Julie. Will you update the letter so the performance location says:

Grant Avenue between California St and Washington St

And then send me a copy of the final letter?

Much appreciated and have a wonderful weekend—

Dylan

From: LionDanceME <weflyhigh@liondanceme.com>
Sent: Friday, February 23, 2024 1:29 PM
To: Rice, Dylan (ADM) <dylan.rice@sfgov.org>
Cc: Commission, Entertainment (ADM) <entertainment.commission@sfgov.org>; Liang, May (ADM) <may.k.liang@sfgov.org>
Subject: Re: From Entertainment Commission -- Application for Grant Ave performance series

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Dylan,

Tuesday, March 19th, 2024 sounds great, thank you.

- The main performance/shows will be located on Grant Avenue between Sacramento & Clay, but we may also have walk through California through Washington with live music.

- We will work to get the Neighborhood Outreach Letter + Good Neighbor Policy out to all residents and businesses, and confirming that we will send you a copy of the letter and other requested information once that has been sent out.

- I will work with Norman to pay the application fee soon.

- Either Norman or I will be attending the EC Meeting and will look out for instructions to join the meeting as the date approaches. We can be reached through email at weflyhigh@liondanceme.com or by phone at [REDACTED]

As an update, the street closure permit has been approved at yesterday's ISCOTT meeting #1564 (Thursday, February 22, 2024). Please see agenda item W in a copy of the meeting minutes below. We will forward you a copy of the permit once we receive it.

Please let me know if you need any additional information from us. Have a great weekend!

Best,
Julie Mei

On Feb 22, 2024, at 5:00 PM, Rice, Dylan (ADM)
<dylan.rice@sfgov.org> wrote:

Hi Julie and Hi Norman,

In terms of preparing for the Entertainment Commission meeting...

I will add your One Time Outdoor Event permit app to the agenda at the Entertainment Commission meeting on Tuesday, March 19, 2024. Meeting starts at 5:30pm in City Hall Rm 416 – or you can attend via Zoom. Meeting agenda will be sent the week prior to the meeting. May Liang (cc'd) will send you the calendar invite and the meeting agenda.

Attached is the template you should use for your neighborhood outreach letter in advance of the EC meeting. Fill in the missing info (in brackets). Also attached is the Good Neighbor Policy (GNP) – refer to instructions below.

Question: will you confirm that the performance location is on Grant Ave between Sacramento & Clay? I see that your street closure will be a larger area than that, so just want to make sure the performance area is listed correctly on the letter and in the permit.

Here's what we need:

- Pay the application fee of \$539 at our payment portal: <https://services.paysf.co/service/entertainment-commission>
- By 3/9/24 (10 days before): Deliver the neighborhood outreach letter and attach a copy of the Good Neighbor Policy (you can put it on the back of the letter) to all residents and businesses within a 1 block radius (250 feet) of the performance location(s).
- By 3/12/24:
 - Send me a copy of the outreach letter that was delivered and the date it was delivered.
 - Send me a map showing the area where the outreach letter was delivered – you can use a Google map image, and circle the area that was covered
 - Send me the name, email and phone number for the representative who will be attending the EC meeting

I will include the above items in the packet for the commissioners in advance of the meeting.

We will place your permit on the Consent Agenda. In the event that there are significant complaints or other issues with your permit that merit discussion at the meeting, the Commissioners have the ability to place your item on the Regular Agenda and call upon you to answer any questions before taking a vote. This doesn't happen very often but I wanted to let you know that it does sometimes happen with items on the Consent Agenda.

Let me know if you have any questions. Have a great rest of your week!

Best,
Dylan

Dylan Rice
Senior Analyst
San Francisco Entertainment Commission
City and County of San Francisco
Pronouns: he/him/his
49 South Van Ness, Suite 1482

San Francisco, CA 94103

628-652-6033 Desk

628-652-6030 Main

Dylan.Rice@sfgov.org

www.SF.gov/EntertainmentCommission

[Sign up for the Entertainment Commission e-mail list](#)

Please be mindful that all correspondence and documents submitted to the Entertainment Commission are public records and, as such, are subject to the [Sunshine Ordinance](#) and can be requested by the public. If this happens, personal information such as Social Security numbers and phone numbers will be redacted.

From: LionDanceME <weflyhigh@liondanceme.com>

Sent: Wednesday, February 21, 2024 2:43 PM

To: Rice, Dylan (ADM) <dylan.rice@sfgov.org>

Cc: Commission, Entertainment (ADM)
<entertainment.commission@sfgov.org>

Subject: Re: From Entertainment Commission --
Application for Grant Ave performance series

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Dylan,

Hope you are having a great week so far!

Tuesday, March 19th should work with our schedule. Would it be possible to send a representative to the Entertainment Commission meeting?

Yes, we will send you the updated permit upon its approval for the upcoming year.

Best,
Julie

On Feb 21, 2024, at 1:57 PM, Rice,
Dylan (ADM) <dylan.rice@sfgov.org>
wrote:

Hi Norman,

I hope all is well. We received your One Time Outdoor Event permit application for Lion Dance Me's year-long performance series on Grant Ave, in the Shared Spaces street closure.

Like last year, we will need to bring your application to an Entertainment Commission meeting, and neighborhood outreach will be required in advance of the meeting. I will send the outreach instructions soon.

A few questions...

- Are you available to attend the Tuesday, March 19th Entertainment Commission meeting at 5:30pm? You can attend on Zoom or in-person at City Hall. I will recommend that we put your permit on the "Consent" agenda since you were approved last year and it's an annual event. Note: the next possible meeting is on Tuesday, April 2nd.
- Will you send me the approved street closure permit once you receive it from SFMTA? I see that your permit is on the agenda for tomorrow's ISCOTT meeting. I will need to receive that before we can issue the entertainment permit.

Best,
Dylan

Dylan Rice
Senior Analyst
San Francisco Entertainment
Commission
City and County of San Francisco
Pronouns: he/him/his
49 South Van Ness, Suite 1482
San Francisco, CA 94103

628-652-6033 Desk
628-652-6030 Main

058

Dylan.Rice@sfgov.org
www.SF.gov/EntertainmentCommission

[Sign up for the Entertainment
Commission e-mail list](#)

Please be mindful that all correspondence and documents submitted to the Entertainment Commission are public records and, as such, are subject to the [Sunshine Ordinance](#) and can be requested by the public. If this happens, personal information such as Social Security numbers and phone numbers will be redacted.

<GNP.pdf><Outreach letter template_Lion Dance
Me_One Time Outdoor Event Permit.docx>



**TEMPORARY STREET CLOSURE PERMIT
FOR A ROADWAY SHARED SPACE
ISSUED FEBRUARY 23, 2024
PERMIT NO. 961337**

Lion Dance ME – Shared Space
Shared Spaces Street Closure

Norman Lau
Lion Dance ME

Dear Norman Lau:

Your application for the temporary street closures of:

Grant Avenue between California and Washington Streets;
Commercial Street between Kearny Street and Grant Avenue;
Intersection: Grant Avenue at Commercial Street
Saturday, April 6, 2024, through
Sunday, March 30, 2025
9 am to 7 pm, **each Saturday and Sunday**

has been **approved with the following condition(s):**

- a. No objects shall be placed in the street within 20-feet of an intersection.**
- b. Vehicles requiring access through the closure must be escorted.**

*This permit has been issued to you, the event sponsor and permit holder (permittee) of the event, based on the site plan and other information which was presented to ISCOTT. Any subsequent changes to the plan or event characteristics must be submitted in writing to [SFMTA Special Events](#), who will consult with any impacted City agencies and inform you, by email, if the changes are acceptable or if a new permit hearing is required. **Deviation from the approved plan, or failure to comply with permit conditions, is grounds for immediate revocation of the permit, even while the event is in progress.***

By acceptance of this permit, you commit to regularly and consistently closing the street on each permitted day for the permitted hours. If a change in hours is required, contact [SFMTA Special Events](#) who will determine if the change can be approved or if a new permit hearing is required. If you will be unable to activate your permitted closure on any particular day, please notify SFMTA Special Events as far in advance as possible. Failure to regularly and consistently close the street for the permitted periods may result in revocation of your permit.



The following list is a reminder of conditions to which you have agreed in order to receive the permit for your temporary street closure. You, as the permit holder and sponsor of the event, are responsible for making sure these conditions are met.

- READ THIS PERMIT IMMEDIATELY.** If you have any questions, contact SFMTA Special Events at specialevents@sfmta.com
- PERMITS ON SITE:** All permits associated with this street closure must be on site with permittee or their designee during the street closure times.
- INDEMNIFICATION:** By acceptance of this permit, the permittee agrees to indemnify, hold harmless and assume the defense of the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from work under this permit, regardless of the negligence of City and County of San Francisco.
- INSURANCE:** Insurance must be submitted to [SFMTA Special Events](#) by **March 6, 2024**. Please see attachment for details.
- SIGNS:** Permittee shall place signage at each entrance to the event that shows path of travel, restrooms, all accessible features, **International Symbol of No Smoking signage**, drinking fountains/water dispensers (if any) and the name and location of a contact person who is responsible for dealing with any problems which may arise during the street closure.
- HEARING NOTICE REMOVAL:** Permittee is responsible for removal of all posted public hearing notices within 10 days of the hearing at which the closure was approved, and returning a completed declaration form to that effect to [SFMTA Special Events](#)
- BARRICADES:** SFMTA will supply permittee with one set of barricade materials. Upon delivery, barricade materials shall become property of the permittee.

Permittee is responsible for arranging barricades to meet the specifications supplied by SFMTA and to maintain the placement of barricade materials during hours of the closure.

Permittee shall store barricade materials for the duration of their permit term. No barricade materials may be stored within the public right-of-way, including on sidewalks or in permitted parklets.

Permittee is responsible to maintain barricade materials in good condition and free of graffiti throughout the permit term. If barricade materials are lost or damaged, the permittee shall be responsible to purchase in-kind replacement materials.



- ❑ **EMERGENCY ACCESS:** A minimum 14-foot-wide emergency access lane must be maintained throughout the entire length of the street closure. This lane must be free of structures and obstructions, including sidewalk bulb-outs and traffic islands, parked cars, booths, tables and chairs, etc. The limits of the emergency access lane shall be marked by a line of traffic cones on either side placed approximately every 40-feet (every two parallel parking spaces).
- ❑ **SIDEWALK ACCESS:** The temporary use or occupancy of a public street shall not unnecessarily obstruct or bar public access onto said street. **Sidewalks shall remain open at all times for normal pedestrian use. This permit does not grant the deployment of any tables and chairs or physical objects of any kind on the sidewalk.** Crosswalks may not be obstructed. This permit confers no rights or control over activities on the sidewalk, and sidewalk use should not be obstructed in any way, including by barricades, ID checks or bag searches or any activities not permissible on sidewalks in normal circumstances.
- ❑ **NO PARKING SIGNS:** SFMTA will install tow-away no parking signs to restrict parking within the permitted event footprint during the days and hours of your closure. **Applicants will be billed for SFMTA's cost to install signs.**
- ❑ **SAN FRANCISCO POLICE DEPARTMENT (SFPD):** Contact Sgt. Tobius Moore and/or Off. Greg Burchard from the Central District Police Station **at least one month before the event.** They can be reached at tobius.l.moore@sfgov.org and gregory.d.burchard@sfgov.org or 415-315-2400. It is through them that you will discuss any requirements for security personnel during your event. If SFPD personnel are required by the captain of the district police station, **the cost for these services may be charged pursuant to Section 10 B of the San Francisco Administrative Code.**
- ❑ **PARKING/TRAFFIC ENFORCEMENT:** Parking Control Officers (PCOs) may be required during the course of the event. You may also request PCOs be assigned to your event, if sufficient staff are available. Costs for these services would be charged to the event. Please contact Nestor.Guevara@sfmta.com for information.
- ❑ **RECYCLING, COMPOST AND TRASH MANAGEMENT:** You are responsible for adherence to zero waste regulations. Please refer to [SF Environment's Zero Waste Resources for Event Producers](#) for details. It is assumed that businesses using "Shared Spaces" activations will rely on their existing waste bins to dispose of waste generated. We also strongly recommend that permittees consider deploying additional temporary 3-bin systems in street closure spaces to assist with maintaining public cleanliness. For more information or assistance with zero waste compliance, contact the Zero Waste Events Team at alex.kielty@sfgov.org or 415.355.3700.



- ❑ **STREET CLEAN-UP:** All streets and sidewalks within the permitted closure area shall be kept clean and free from dirt and debris during hours of the closure. No materials or equipment used in connection with said closure may be stored in the public right-of-way outside the permitted closure hours. Arrange with Public Works or make your own arrangements for street and/or sidewalk cleaning before and after the closure as warranted. If you want to use Public Works, please contact dpw-eventrequest@sfdpw.org. **If Public Works is sent into the area to do additional cleanup as a result of your closure, you will be liable for the cost of this service.**
- ❑ **RESTROOMS:** It is understood that attendees at Roadway Shared Space closures with any outdoor seating for food and drink will have access to existing restroom facilities in associated restaurants, bars, cafés and other establishments, and that these include ADA-compliant restroom facilities. If sufficient such restrooms are not available, the number of portable toilets required is at least **two (2)**, at least one of which must be an ADA-complaint wheelchair accessible unit. Each accessible unit shall have a sign which reads: "Priority is to be given to individuals with disabilities in the use of this accessible facility." Closures with no outdoor seating for food and drink are not required to provide restroom facilities.
- ❑ **SAN FRANCISCO FIRE DEPARTMENT (SFFD):** Permits may be required if there is to be cooking with propane, butane, charcoal briquettes or open flame; or if there are generators or tents erected. **Note: Any generators with a tank size over 10 gallons of gasoline (or aggregate total of fuel on site) or over 60 gallons of diesel (or aggregate total of fuel on site) will require a SFFD permit.** Please contact Lieutenant Victor T. Wong at victor.t.wong@sfgov.org. **SFFD requires at least 10 working days to process permit applications.** Further information can be found at: <https://sf-fire.org/services/permits>.
Events with an expected attendance of more than 500 may need to provide to SFFD a public safety plan for gatherings and provide crowd managers. Events with street closure permits that have a planned attendance of more than 1,000 will require an operational permit to conduct an outdoor assembly event from SFFD.
- ❑ **FOOD TRUCKS:** Food trucks are not permitted to operate within a Roadway Shared Space closure without a San Francisco Public Works Mobile Food Facility permit. Please visit the following link to learn more about the permit: <https://www.sfpw.org/services/permits/mobile-food-facilities>
Applications typically take between 3-12 months to be processed due to plan review and public notification requirements.



- ❑ **TEMPORARY OCCUPANCY OF THE PUBLIC RIGHT OF WAY:** A Temporary Occupancy permit may be required from Public Works for any built structures, storage pods, carnival rides, stage, tents (larger than 10'x10'), etc., or for any sidewalk impacts. A reminder: all stages must have a ramp with a slope not to exceed 1:12 or an ADA approved portable lift. For more information, visit <https://sfpublicworks.org/services/permits/temporary-occupancy>
- ❑ **ENTERTAINMENT AND AMPLIFIED SOUND:** If you want to provide entertainment or amplified sound in the street closure, apply online for a One Time Outdoor Event Permit from the SF Entertainment Commission at <https://sf.gov/get-entertainment-permit-your-outdoor-event>. If you have any questions, e-mail entertainment.commission@sfgov.org
- ❑ **SMOKING BAN:** Pursuant to [Article 19L of the San Francisco Health Code](#), smoking is prohibited at all outdoor events permitted by ISCOTT. And pursuant to [Article 19N](#), electronic cigarette usage is prohibited wherever traditional cigarette usage is prohibited. Thus, smoking and vaping – of any substance – are prohibited. As the permittee, you are required to take the following steps to ensure compliance:
 - 1) No Smoking/Vaping signage at entrance and exit.
 - 2) All electronic or print promotional materials, including but not limited to website, electronic materials, print advertisements, radio, television, internet, and newspaper, shall state that this is a smoke free event per SF Health Code, Article 19L
 - 3) If there is amplified sound, an announcement at the start of the event and every two hours thereafter that this is a smoke free event from each stage.
- ❑ **ALCOHOL:** A permit is required from [Alcoholic Beverage Control](#) (ABC), and approval by SFPD, if there is any alcohol served or consumed in the permitted area. Please contact ABC at SanFrancisco@abc.ca.gov or 415-356-6500 or SFO.Direct@abc.ca.gov for further information.

Signs shall be posted pursuant to [Health Code Sections 265 through 265.3](#) wherever alcohol is offered for sale. Failure of any business utilizing the permitted street closure space to comply with ABC permitting requirements may result in revocation of this permit.

- ❑ **SALE OR DISTRIBUTION OF BOTTLED WATER:** Pursuant to Chapter 24, Sections 2401 to 2409 of the San Francisco Environment code, ***the sale or distribution of water in any container with a capacity of one liter (33.8 fl. oz.) or less is prohibited*** at events permitted by ISCOTT where the permittee has access to reliable on-site potable water connections adequate to meet the hydration needs of the event attendees. As permittee, if drinking water is necessary for public health and safety, you are required to find alternative water sources for attendees. For further information on alternative options, please contact environment@sfgov.org.



- ❑ **TOBACCO ADVERTISING:** The placement of tobacco advertising and promotional displays in publicly visible locations is strictly prohibited by San Francisco Police Code Section 674. In addition, the placement of tobacco advertising and promotional displays on property owned or controlled by the City and County of San Francisco is strictly prohibited by San Francisco Administrative Code Section 4.20. Any violation of either of these ordinances during your event could result in the revocation of the street closure permit.

- ❑ **POSSESSORY INTEREST:** Permittee recognizes and understands that this Agreement may create a possessory interest subject to property taxation with respect to privately-owned or occupied property in the public right of way ("PROW"), and that Permittee may be subject to the payment of property taxes levied on such interest under applicable law. Permittee agrees to pay taxes of any kind, including any possessory interest tax, if any, that may be lawfully assessed on Permittee's interest under this Agreement or use of the PROW pursuant hereto and to pay any other taxes, excises, licenses, permit charges, or assessments based on Permittee's usage of the PROW that may be imposed upon Permittee by applicable law (collectively, a "Possessory Interest Tax"). Permittee shall pay all of such charges when they become due and payable and before delinquency.

- ❑ **BUSINESS REGISTRATION:** Any permittee operating a Shared Space in which business activities are conducted for all or part of any seven days during one fiscal year must be registered with the SF Office of the Treasurer & Tax Collector within 15 days of commencing business in the City. The permittee is also responsible for ensuring that any vendors or other entities engaging in business activities within their Roadway Shared Spaces who meet the criteria are also registered. For additional information and to register, please see <https://sf.gov/information/city-business-registration>

- ❑ **GOOD NEIGHBOR POLICY:** Permittees of all Roadway Shared Spaces shall manage the closure in accordance with the following good neighbor policies:
 - The safety and cleanliness of the Shared Space and its adjacent area within a 100-foot radius shall be maintained, provided that any Permittee may request, and Public Works shall provide, any necessary assistance with the removal of hazardous waste.
 - Proper and adequate storage and disposal of debris and garbage shall be provided.
 - Noise and odors, unless otherwise permitted, shall be contained within the immediate area of the Shared Space so as not to be a nuisance or annoyance to neighbors.



- Notices shall be prominently displayed during events that urge patrons to leave the Shared Space premises and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood. Such notices shall be removed after each event.
- The Permittee or its employees or volunteers shall walk a 100-foot radius from the Shared Space within 30 minutes after programmed events have concluded and/or at the conclusion of its hours of operation and shall pick up and dispose of any discarded trash left by patrons.

□ **ADDITIONAL CONDITIONS:**

Per [San Francisco Transportation Code, Division I, Section 6.7:](#)

- No object of any nature shall be placed or maintained within 15 feet of any fire hydrant or within five feet of any fire alarm box or police call box.
- No object of any nature shall be placed or maintained within any intersection or pedestrian crosswalk, nor shall any vehicle be permitted to be parked in such areas.
- No object of any nature shall be fastened to or erected over the surface of the street or sidewalk, and no object shall be affixed to any pole or standard upon any street or sidewalk, without prior written consent of the Director of Public Works.
- Painting upon any street or sidewalk surface shall be permitted only if a washable paint is used.
- Adequate illumination of the area shall be maintained at all times such illumination is appropriate.
- Official traffic-control devices and traffic signal controllers shall not be covered or blocked at any time during the period of such use or occupancy.
- All manhole, utility, and valve box covers shall be kept clear of any fixed object.

Per [San Francisco Administrative Code, Section 94A.6:](#)

- Unless authorized as a restricted access event, all Shared Spaces shall remain accessible to the public.
- No person shall bring, or cause to be brought, for the purposes of sale or barter, or have for sale, or sell in exchange, or offer for sale or exchange any goods, wares, or merchandise in the Shared Space unless the City has issued any required permit or other authorization.
- Camping prohibited.
- There shall be no stationing or erecting of any structure within a Shared Space without prior permission.
- No skateboarding, bicycle riding, or pets off leash is allowed without prior permission.
- No littering, feeding of wildlife, or defacing of public property is allowed.
- General Advertising, as defined in [Article 6 of the Planning Code](#), is prohibited.



Norman Lau, Lion Dance ME
Street Closure Permit No. 961337 – Lion Dance ME – Shared Space
February 23, 2024

OTHER: See conditions of approval above.

Further information about permit requirements can be found in application materials. There may be other items for which you are responsible that are not covered in this permit. You also are still responsible for any relevant City, State or Federal regulations. If you have any further questions, please contact SFMTA Special Events at specialevents@sfmta.com.

Regards,

A handwritten signature in black ink, appearing to read 'Nick Chapman', is positioned below the 'Regards,' text.

Nick Chapman
SFMTA Special Events

cc: Sgt. Tobius Moore, SFPD, Central District Police Station
Off. Gregory Burchard, SFPD, Central District Police Station

Capt. Dennis Sy, SFFD, Bureau of Fire Prevention
Lt. Victor T. Wong, SFFD, Bureau of Fire Prevention
Insp. Brandon Murray, SFFD, Bureau of Fire Prevention



One Time Outdoor Event Permit - One time outdoor entertainment event permit

View on Screendoor at <https://screendoor.dobt.co/sfgov/one-time-outdoor-event-permit/admin/responses/757>

Name

Norman Lau

Email

weflyhigh@liondanceme.com

Phone number

[Redacted]

Permit number *Hidden*

ECOTE24-046

Permit type *Hidden*

Amplified sound only

Entertainment

Payment received *Hidden*

No response

EC conditions *Hidden*

No response

Police District *Hidden*

Central Police District Station

Southern Police District Station

Bayview Police District Station

Mission Police District Station

Northern Police District Station

Park Police District Station

Richmond Police District Station

Ingleside Police District Station

Taraval Police District Station

Tenderloin Police District Station

Multiple Police Districts

Police conditions *Hidden*

No response

Applicant first name *Hidden*

No response

Applicant last name *Hidden*

No response

Email *Hidden*

No response

Name of event

Grant Avenue Shared Spaces

Applicant business name

Lion Dance Me

Applicant address

[Redacted]

The permit will be a public record. Do you want us to keep your address, phone and other personal information private?

I want to keep my personal information private.

You can give my personal information out if you are asked by a member of the public.

Are you applying on behalf of another person, organization, or company responsible for the event (like the event sponsor)?

- Yes
 No

List the date(s), start time(s) and end time(s) for the entertainment/amplified sound

Saturdays and Sundays, beginning April 1st, 2024 through March 31st, 2025, from 10:00pm to 7:00pm

Where will the event take place? Examples: Street Address; Street Closure (Street Name between Street Name & Street Name)

Grant Avenue between California St and Washington St is the performance area to list on the permit

Street closure permit says: Grant Avenue between California and Washington Streets; Commercial Street between Kearny Street and Grant Avenue; Intersection: Grant Avenue at Commercial Street

We will be practicing and performing lion and dragon dance on Grant Avenue between Sacramento Street and Clay Street. We also plan to place sound equipment on the sidewalk at 733 Grant Avenue.

Will your activity take place within 250 feet of a hospital, school, place of worship, courthouse, mortuary, public library or City Hall?

- Yes
 No

Explain

We will hold performances and have some amplified sound/music on Grant Avenue between Sacramento and Clay Streets, near Old's Saint Mary's Cathedral, located at 660 California Street.

As a majority of the event will be located on Grant Avenue between Sacramento and Clay Streets, we are hopeful and will be mindful as to not disturb gatherings at the Cathedral. We anticipate that through our event, passerby individuals and groups may also take interest and visit the Cathedral.

Type of event (check all that apply)

- Athletic event
- Concert
 - Conference
 - Corporate event
 - Craft fair
 - Culinary event
 - Farmers market
 - Film shoot
 - Fundraiser
 - March/Rally
 - Neighborhood block party (not open to the general public)
 - Parade
 - Religious event (e.g., wedding, church service, etc)
 - School fair
 - Street fair
 - Street party (connected to a bar, venue, or business)
- Other: **Live Performances & Entertainment**

Tell us about your event

We will be practicing and performing lion and dragon dance. We will also be inviting other youth groups, individuals and others to perform.

How many total people do you expect at your event?

200

Will your event have alcohol?

- Yes
 No

Will your event have cannabis activity?

- Yes
 No

Will you be using a Shared Spaces parklet?

- Yes
 No

Will you be closing any streets for your event?

- Yes
 No

Upload Street Closure Permit

- grant-lion_dance_me_shared_space-0424-permit.pdf (1.93 MB)
<https://screendoor.dobt.co/attachments/BYxsLwTzuctBA0V8nKCILqPl7wYottCE/download>

Will your event take place on property owned by the Port of San Francisco?

- Yes
 No

Will your event take place on Treasure Island?

- Yes
 No

Will your event take place on the steps of City Hall?

- Yes
 No

Will your event take place on private property?

- Yes
 No

If you are planning to use another type of outdoor property, explain below.

No response

Will you be using a security company, SFPD police officers, or volunteers to ensure the safety and security of persons and property at the event? Please describe.

Volunteers may be stationed at the ends of the blocks to assist with safety and security. Due to the open streets, there will be many points of exit and entry. Passerby pedestrians may come and go as they wish.

How many exits does your event premises have?

6

Describe your plans to control lines or crowds on the sidewalks and streets surrounding your event's entrance(s).

We will have volunteers control and clear the sidewalks as necessary to prevent over-crowding.

What are your door policies? (e.g., pat downs, bag checks, metal detectors)

There will not be any door policies, as it is an open street closure.

Describe your plan to make sure that your attendees will exit the event premises in an orderly manner. You must staff all exits used by attendees during the event.

We will have volunteers guide attendees to exit the event in an orderly manner as needed.

What is your plan to exit attendees in case of an emergency?

We will have volunteers guide attendees to exit the event in an orderly manner as needed.

I acknowledge that the Entertainment Commission and the Director have the right to add stricter requirements to the security plan I submitted.

Yes

Check this box if your business is eligible for the City's First Year Free program.

No response

Will you apply for a fee waiver?

- Yes
 No

Have you received a grant from the City and County of San Francisco for this event?

- Yes
 No

Is your event free and open to the public?

- Yes
 No

Is your organization a nonprofit, neighborhood association or similar community-based group?

- Yes
 No

What is the total projected budget for the event?

No response

Upload a copy of your budget

- LDM_-_Street_Closure_Budget.xlsx (12.1 KB)
<https://screendoor.dobt.co/attachments/SnGyjEfGw5N8N49vant-wNMzsUYKse2N/download>

Upload a letter on your organization's letterhead

- One_Time_Live_Entertainment_Letter_-_LionDanceME.pdf (65 KB)
<https://screendoor.dobt.co/attachments/DYARrCwDJ3lwseEcpo2pEZdapAkCg-Ur/download>

I declare under penalty of perjury that the information I am submitting is true and correct. If I give false or incomplete information the Entertainment Commission can deny my permit request or revoke my permit.

Yes

I acknowledge that my proposed entertainment or amplified sound activity is not approved to occur unless I receive a valid permit from the Entertainment Commission.

Yes

I understand that if I change the day, times, or location of the event I will need to get a new permit.

Yes

I acknowledge that I will be required to abide by an approved security plan, and that the Entertainment Commission and Director have the right to add stricter requirements to the security plan I submitted.

Yes

I acknowledge that I will have designated staff responsible for ensuring compliance with the Commission approved security plan and any applicable local and state health requirements for my proposed activity.

Yes

If having amplified entertainment: I understand the Entertainment Commission will set a sound limit for my proposed live amplified entertainment activity and I will be required to adhere to that sound limit at all times during the performance(s).

Yes

Unless otherwise conditioned by the Entertainment Commission or Director, I understand that the volume of outdoor amplified sound not associated with live entertainment shall be controlled so that it does not exceed ambient levels measured at a distance of 50 feet from the premises or permitted location unless otherwise conditioned by the Entertainment Commission or the Director.

Yes

I acknowledge that per MPC Article 15.1 Sec 1060.16 b(1): Operation of outdoor amplified sound equipment shall be no earlier than 9:00 a.m. and no later than 10:00 p.m., and shall not exceed 6 hours per day unless otherwise conditioned by the Entertainment Commission or the Director.

Yes

I understand that my permit is void if there is any illegal activity or unlawful assembly during the activation of my premises or permitted location.

Yes

Do any of these describe your business?

- Minority-owned
- Immigrant-owned
 - LGBTQ+ owned
 - Owned by a person with a disability
 - Veteran-owned
 - Woman-owned
 - Legacy business
 - Serving a specific ethnic or cultural clientele
 - Non-profit
 - None of the above

Your race or ethnicity

- American Indian or Alaska Native
- Asian or Asian American**
- Black or African American
- Hispanic, Latino, or Spanish Origin
- Middle Eastern or North African
- Native Hawaiian or Other Pacific Islander
- White
- I prefer not to answer

Do you identify as transgender, non-binary, or gender nonconforming?

- Yes
- No**
- I prefer not to answer

Your preferred language

- English**
- Español
- 中文
- Filipino

Upload your Health & Safety Plan Hidden

No response

Upload the approved Shared Spaces Permit for the location Hidden

No response

LionDanceME

(415) 830 - 5363

weflyhigh@lionsdanceme.com

www.LionDanceMe.com



March 7th, 2024

Dear Neighbor,

My name is Norman and I am the Founder of LionDanceME. This letter is to notify you that we are applying for a One Time Outdoor Event Permit with extended duration from the San Francisco Entertainment Commission.

We are applying for this permit so we can continue to host the Grant Avenue Shared Spaces events for 24 or more days of outdoor entertainment/amplified sound within a 12-month period on **Grant Avenue between California Street and Washington Street, on Saturdays and Sundays, from April 6, 2024 through March 30, 2025, from 10:00am to 7:00pm.** The One Time Outdoor Event Permit requires that outdoor entertainment/amplified sound must end after 23 days within a 12-month period unless the applicant receives prior approval from the seven-member Entertainment Commission. Additionally, we are required to abide by permit conditions which include conditions of the Entertainment Commission's Good Neighbor Policy, available at <https://www.sf.gov/information/good-neighbor-policy>. We look to continue being a good neighbor by adhering to the policy and listening to any feedback and/or concerns you may have regarding this event.

Our permit application will be heard by the Entertainment Commission on Tuesday, March 19, 2024 at 5:30pm. To view the meeting agenda, visit <https://sfgov.org/entertainment/public-notice-meetings> starting on the Thursday prior to the meeting date. If you have any questions, please feel free to contact me, or you may contact the Entertainment Commission directly: entertainment.commission@sfgov.org.

Thank you for your continued support. Please feel free to reach out to me by email at weflyhigh@lionsdanceme.com or by phone number at (415) 830-5363 if you have any questions.

Sincerely,

Norman Lau

LionDanceME

weflyhigh@lionsdanceme.com

(415) 830-5363



Good Neighbor Policy

1. While hosting entertainment, permit holder shall always have a staff member on site who is able to provide proof of permit, is trained in every aspect of venue operation, and is aware of all permit conditions.
2. Permit holder is responsible for the safety and security of venue patrons and the surrounding neighborhood. The Commission approved security plan shall be followed, and permit holder shall secure the sidewalk for a 100-foot radius in all directions around the premises of the business to prevent injury to persons and/or damage to property.¹ Security staff shall be placed at all entrances and exits during the period from 10:00pm to such time past closing that all patrons have left the vicinity.
3. Permit holder shall post easily visible signs outside each entrance and exit instructing patrons to:
 - a) Respect the neighborhood by keeping voices low,
 - b) Follow City & County of SF smoking regulations², and
 - c) Obey City & County of SF anti-loitering regulations.³All signs and walkways shall be well lit. Sidewalks shall be kept clear for pedestrians. Cars shall not be double parked.
4. Permit holder shall provide a phone number to all interested neighbors for immediate contact with a staff member on site who has direct authority over the premises, knowledge of all permit conditions, and shall respond in a timely manner to address concerns.
5. Permit holder shall maintain, and be prepared to verify, records at the premises of current L.E.A.D certification⁴ for all persons working at the premises.
6. Permit holder shall maintain all entrances and exits to the building and all sidewalks within 100 feet of the premises in a clean and sanitary condition. At some point between 30 minutes after closing and 8:00am, permit holder shall walk the area within 100 feet of the property and dispose of any litter that may have been left by patrons.
7. Permit holder shall take measures to reduce the amount of sound that escapes the venue. All doors and windows must be kept closed while hosting entertainment, unless otherwise conditioned on the permit. Permit holder shall be familiar with, and abide by, sound ordinances enforced by the Entertainment Commission, including but not limited to, the following:
 - a) Regulation of Noise - Noise Limits
 - 1) Commercial & Industrial Property⁵
 - 2) Public Property⁶
 - b) Outdoor Amplified Sound Regulations⁷
 - c) Unnecessary Noise⁸
8. Within 24 hours of any violent incident, or any time SFPD responds to a call for service at the premises, permit holder shall complete and send an incident report⁹ to (1) their SFPD District Station Permit Officer and (2) the Entertainment Commission.

¹ SF Municipal Police Code Article 15.1 “security plan” definition

² SF Health Code Article 19F SEC. 1009.22(i)(1)

³ SF Municipal Police Code Article 2 Section 121(b)

⁴ https://www.abc.ca.gov/programs/LEAD/Online_LEAD_Training.html

⁵ SF Municipal Police Code Article 29 Section 2909(b)

⁶ SF Municipal Police Code Article 29 Section 2909(c)

⁷ SF Municipal Police Code Article 15.1 Section 1060.16(b)(3)

⁸ SF Municipal Police Code Article 1 Section 49(b)

⁹ https://sfgov.org/entertainment/sites/default/files/Incident_Report.pdf

San Francisco

(36)
el

074

California St

Willie "Woo
Woo" Wong
Playground
Less busy than usual

Clay St

Golden Gate
Cookie

Grant Ave

Grant Ave

Grant Ave

R & G Lounge
Not too busy

Clay St

Portsm
Square
Not too busy

Kearny St

Google

Spring St

San Francisco



Rice, Dylan (ADM)

From: Rice, Dylan (ADM)
Sent: Thursday, February 22, 2024 5:00 PM
To: LionDanceME
Cc: Commission, Entertainment (ADM); Liang, May (ADM)
Subject: RE: From Entertainment Commission -- Application for Grant Ave performance series
Attachments: GNP.pdf; Outreach letter template_Lion Dance Me_One Time Outdoor Event Permit.docx

Hi Julie and Hi Norman,

In terms of preparing for the Entertainment Commission meeting...

I will add your One Time Outdoor Event permit app to the agenda at the Entertainment Commission meeting on Tuesday, March 19, 2024. Meeting starts at 5:30pm in City Hall Rm 416 – or you can attend via Zoom. Meeting agenda will be sent the week prior to the meeting. May Liang (cc'd) will send you the calendar invite and the meeting agenda.

Attached is the template you should use for your neighborhood outreach letter in advance of the EC meeting. Fill in the missing info (in brackets). Also attached is the Good Neighbor Policy (GNP) – refer to instructions below.

Question: will you confirm that the performance location is on Grant Ave between Sacramento & Clay? I see that your street closure will be a larger area than that, so just want to make sure the performance area is listed correctly on the letter and in the permit.

Here's what we need:

- Pay the application fee of \$539 at our payment portal: <https://services.paysf.co/service/entertainment-commission>
- By 3/9/24 (10 days before): Deliver the neighborhood outreach letter and attach a copy of the Good Neighbor Policy (you can put it on the back of the letter) to all residents and businesses within a 1 block radius (250 feet) of the performance location(s).
- By 3/12/24:
 - Send me a copy of the outreach letter that was delivered and the date it was delivered.
 - Send me a map showing the area where the outreach letter was delivered – you can use a Google map image, and circle the area that was covered
 - Send me the name, email and phone number for the representative who will be attending the EC meeting

I will include the above items in the packet for the commissioners in advance of the meeting.

We will place your permit on the Consent Agenda. In the event that there are significant complaints or other issues with your permit that merit discussion at the meeting, the Commissioners have the ability to place your item on the Regular Agenda and call upon you to answer any questions before taking a vote. This doesn't happen very often but I wanted to let you know that it does sometimes happen with items on the Consent Agenda.

Let me know if you have any questions. Have a great rest of your week!

Best,
 Dylan

Dylan Rice
Senior Analyst
San Francisco Entertainment Commission
City and County of San Francisco
Pronouns: he/him/his
49 South Van Ness, Suite 1482
San Francisco, CA 94103

628-652-6033 Desk
628-652-6030 Main
Dylan.Rice@sfgov.org
www.SF.gov/EntertainmentCommission

[Sign up for the Entertainment Commission e-mail list](#)

Please be mindful that all correspondence and documents submitted to the Entertainment Commission are public records and, as such, are subject to the [Sunshine Ordinance](#) and can be requested by the public. If this happens, personal information such as Social Security numbers and phone numbers will be redacted.

From: LionDanceME <weflyhigh@liondanceme.com>
Sent: Wednesday, February 21, 2024 2:43 PM
To: Rice, Dylan (ADM) <dylan.rice@sfgov.org>
Cc: Commission, Entertainment (ADM) <entertainment.commission@sfgov.org>
Subject: Re: From Entertainment Commission -- Application for Grant Ave performance series

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Dylan,

Hope you are having a great week so far!

Tuesday, March 19th should work with our schedule. Would it be possible to send a representative to the Entertainment Commission meeting?

Yes, we will send you the updated permit upon its approval for the upcoming year.

Best,
Julie

On Feb 21, 2024, at 1:57 PM, Rice, Dylan (ADM) <dylan.rice@sfgov.org> wrote:

Hi Norman,

I hope all is well. We received your One Time Outdoor Event permit application for Lion Dance Me's year-long performance series on Grant Ave, in the Shared Spaces street closure.

Like last year, we will need to bring your application to an Entertainment Commission meeting, and neighborhood outreach will be required in advance of the meeting. I will send the outreach instructions soon.

A few questions...

- Are you available to attend the Tuesday, March 19th Entertainment Commission meeting at 5:30pm? You can attend on Zoom or in-person at City Hall. I will recommend that we put your permit on the "Consent" agenda since you were approved last year and it's an annual event. Note: the next possible meeting is on Tuesday, April 2nd.
- Will you send me the approved street closure permit once you receive it from SFMTA? I see that your permit is on the agenda for tomorrow's ISCOTT meeting. I will need to receive that before we can issue the entertainment permit.

Best,
Dylan

Dylan Rice
Senior Analyst
San Francisco Entertainment Commission
City and County of San Francisco
Pronouns: he/him/his
49 South Van Ness, Suite 1482
San Francisco, CA 94103

628-652-6033 Desk
628-652-6030 Main
Dylan.Rice@sfgov.org
www.SF.gov/EntertainmentCommission

[Sign up for the Entertainment Commission e-mail list](#)

Please be mindful that all correspondence and documents submitted to the Entertainment Commission are public records and, as such, are subject to the [Sunshine Ordinance](#) and can be requested by the public. If this happens, personal information such as Social Security numbers and phone numbers will be redacted.

PUBLIC COMMENT

From: [Eva Lee](#)
To: [BoardofAppeals \(PAB\)](#)
Cc: [Peskin, Aaron \(BOS\)](#); [Yan, Calvin \(BOS\)](#)
Subject: Appeal No. 24-027: Grant Avenue (between California Street & Washington Street)
Date: Thursday, April 11, 2024 1:33:35 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Members of the Board of Appeals,

I am writing on behalf of the Chinatown Merchants Association (CMA) to address the Walkway Weekends program that took place on Grant Avenue under the Shared Spaces street permit in 2020-21. This program was implemented to support local businesses and attract foot traffic in the wake of the pandemic.

During Walkway Weekends, the CMA organized lion dancing performances on Saturdays and occasionally on Sundays to bring customers back to the area. However, as the situation has improved and visitors have returned, some merchants no longer see the need for street closures or ongoing lion dancing.

In October 2021, the CMA concluded Walkway Weekends and transferred the permit to Norman Lau of LionDanceMe, who now closes off one block on Grant Avenue for practice sessions and performances on Saturdays. Unfortunately, some merchants and residents have expressed concerns about the noise and disruptions caused by the ongoing lion dancing. It is important to note that Chinatown businesses have been struggling in 2023, and the merchants need all the support they can get.

While I acknowledge the positive aspects of lion dancing in attracting tourists and showcasing cultural traditions, I also understand the valid concerns of the merchants and residents. I believe there is an opportunity for compromise, such as holding lion dance performances in designated areas like St. Mary's Park or Portsmouth Square to minimize disturbances to local businesses and residents on Grant Avenue. I urge all parties involved to work together to find a solution that honors the cultural significance of lion dancing while addressing the needs of the community.

Thank you for your attention to this important issue.

Sincerely,
Eva Lee
Board of Directors
Chinatown Merchants Association