2007-2008 Civil Grand Jury

City and County of San Francisco

HOW MANY AGENCIES DOES IT TAKE FOR SAN FRANCISCO TO THROW A PARTY?
Purpose of the Civil Grand Jury

The purpose of the Civil Grand Jury is to investigate the operations of the various departments, agencies, and officers of the government of the City and County of San Francisco to develop constructive recommendations for improving their operations, as required by law.

Each Civil Grand Jury has the opportunity and responsibility to determine which departments, agencies and officers it will investigate during its one-year term of office. To accomplish this task, the civil Grand Jury divides into committees. Each committee conducts its research by visiting government facilities, meeting with public officials and reviewing appropriate documents.

The nineteen members of the Civil Grand Jury are selected at random from a pool of thirty prospective jurors. San Francisco residents are invited to apply. More information can be found at: www.sfgov.org/site/courts, or by contacting Civil Grand Jury, 400 McAllister Street, Room 008, San Francisco, CA 94102; (415) 551-3605

State Law Requirements

Pursuant to state law, reports of the Civil Grand Jury do not identify the names or provide identifying information about individuals who spoke to the Civil Grand Jury.

Departments and agencies identified in the report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of Supervisors. For each finding of the Civil Grand Jury, the response must either (1) agree with the finding, or (2) disagree with it wholly or partially, and explain why. Further, as to each recommendation made by the Civil Grand Jury, the responding party must report either (1) the recommendation has been implemented; (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation; (3) the recommendation requires further analysis, with an explanation of the scope of the analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of the report); or (4) that recommendation will not be implemented because it is not warranted or reasonable, with an explanation why that is. (California Penal Code, sections 933, 955,05)
I. PURPOSE

The intent of the 2007-2008 Civil Grand Jury’s inquiry was to examine the feasibility of two pieces of legislation that have been brought to the Board of Supervisors for its consideration in January 2008.

II. EXECUTIVE SUMMARY

Despite the existence of the Entertainment Commission, a city charter entity whose current mandate is to support and facilitate special events in San Francisco, two pieces of legislation have been introduced to the Board of Supervisors, each one dealing with special events support in San Francisco. One ordinance would establish an entirely new Office of Special Events to be housed in the Office of the Mayor and would remove all responsibilities from the Entertainment Commission except permitting. The other ordinance would enhance and more fully define the responsibilities of the Entertainment Commission regarding the facilitation and promotion of special events.

Although the Entertainment Commission has not been capable of fully meeting all of its objectives (see 2006-2007 Civil Grand Jury report “The Entertainment Commission: A Work in Progress”), the 2007-2008 Civil Grand Jury feels very strongly that the Mayor and the Board of Supervisors should not create a brand new city agency but should instead strengthen the existing Entertainment Commission and address the issues raised in last year’s report. Creating a new agency without attempting to fix the problems of an existing entity represents poor management practices and is fiscally unsound, in particular during a budget crisis.

III. INTRODUCTION AND BACKGROUND

The 2006-2007 Civil Grand Jury issued a report concerning the Entertainment Commission entitled “Entertainment Commission: A Work in Progress.” The Civil Grand Jury report indicated that the Entertainment Commission, a city charter entity, was not meeting its objectives as outlined in Administrative Code 90 and made several recommendations to improve the functioning of the Commission. One objective of the Entertainment Commission is to handle the City’s permits and the logistical, audio, and public safety needs for certain special events held in the City, such as Halloween.

On September 24, 2007, the Government Audit and Oversight Committee of the Board of Supervisors conducted a hearing on the Civil Grand Jury’s report and submitted resolution number 523-07, file #071336 to the Board of Supervisors. The resolution was passed by the Board on October 2, 2007 and signed by the Mayor October 3. The resolution noted that the Board agreed with the Civil Grand Jury’s recommendations. To date, the current Civil Grand Jury is unaware of the status of the implementation of the recommendations to improve the Entertainment Commission.
Out of a concern that San Francisco lacks the capability to sponsor special events, a member of the Board of Supervisors asked the City's Controller to research the feasibility and fiscal impact of creating an Office of Special Events. There was some urgency behind the request due to the immediate need of organizing a city-sponsored Halloween event in 2008. This request was made despite the existence of the Entertainment Commission and despite the resolution of the board in support of addressing the problems associated with the Entertainment Commission.

A report from the Controller's office was issued October 20, 2007 recommending creation of such an agency with a strong endorsement to house the function within the Mayor's office. The Controller's report did not provide any estimate of fiscal impact, although the Supervisor's original request included three detailed financial questions that the Supervisor wished covered: (1) What are the cost/benefits of annual city events such as Fleet Week, Halloween, neighborhood street fairs, Gay Pride, Lunar New Year, and others? (2) What are the cost expenditures of such City departments as the Entertainment Commission, Office of Protocol, Mayor's Special Events Staff, San Francisco Police Department, Recreation and Park Department, Port of San Francisco and others? And (3) What would be the cost impact of creating a dedicated Special Events Office such as those in Chicago, Boston, New York City, Houston and other cities?

Following the Controller's report, two pieces of legislation were introduced to the Board of Supervisors. One ordinance would create an entirely new Mayor's Office of Special Events and transfer to it certain responsibilities of the currently existing Entertainment Commission, as recommended in the Controller's report. Under this scheme, the Entertainment Commission would be left with only permitting responsibility. The other ordinance would enhance and more fully define the responsibilities of the Entertainment Commission regarding the facilitation and promotion of special events.

On January 16, 2008, the Budget and Finance Committee of the Board of Supervisors held a hearing to consider the two pieces of legislation along with a request for a reallocation of budget to fund one staff person to be in charge of special events. At the meeting, the Supervisors decided to table both pieces of legislation until later in order to provide the Mayor with more time to decide how he wants to restructure special events support in the city. The Supervisors also decided to fund for three months one special events position to be housed in the Entertainment Commission.

Based on the findings of this report, the 2007-2008 Civil Grand Jury's recommendation is to support the currently proposed legislation that strengthens the Entertainment Commission to meet the city's needs in facilitating and promoting special events. Of the two pieces of legislation under consideration by the Board of Supervisors, this is the more fiscally responsible course of action. The 2007-2008 Civil Grand Jury's recommendation does not support the current alternative legislation that creates a new Mayor's Office of Special Events. Creation of a new agency, which would essentially duplicate the functions of the already existing Entertainment Commission, is fiscally unsound in the face of the current deficit.
While we are concerned about increasing the responsibilities of the existing Entertainment Commission, creating a new agency rather than addressing an existing agency’s shortcomings does not represent responsible, nor proactive management of city resources.

IV. PROCEDURE

In its inquiry, the 2007-2008 Civil Grand Jury interviewed representatives of the Board of Supervisors, Office of the City Controller, Office of the City Attorney, Entertainment Commission, and Office of the Mayor. In addition, source data for this inquiry included the 2006-2007 Civil Grand Jury Report on the Entertainment Commission, the Controller’s report on the feasibility of a special events office, the Audit and Oversight Committee of the Board of Supervisors resolutions regarding the 2006-2007 Civil Grand Jury report, and the legislation in front of the Board of Supervisors calling for creation of an office of special events. [See Appendix]

V. DISCUSSION

The currently impaneled Civil Grand Jury has a mandate to monitor the City’s response to the recommendations of prior Civil Grand Juries. In this regard, the 2007-2008 Civil Grand Jury began its follow up to the recommendations of the 2006-2007 Civil Grand Jury regarding the Entertainment Commission. As noted above, the 2006-2007 Jury found that overall the Commission was falling short in meeting its objectives.

This follow up by the 2007-2008 Jury lead it to investigate a series of actions by City officials, including the introduction of legislation to create an office of special events. The ostensible purpose of the proposed legislation is to address the perceived inability of the Entertainment Commission to fulfill one of its objectives: to handle the City’s permits and the logistical, audio, and public safety needs that arise when there is a special event, such as Halloween in the Castro.

VI. FINDINGS

Finding 1: The Entertainment Commission, a city charter agency, is currently mandated to plan and to coordinate the provision of City services for major events for which there is no recognized organizer, promoter, or sponsor.

Finding 2: In the 2006-2007 Civil Grand Jury Report entitled “The Entertainment Commission: A Work in Progress,” the Entertainment Commission was found in many ways to lack the capability to fulfill this mandate for major events.

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Finding 3: Despite the existence of the Entertainment Commission, the City is unable to address the permits, logistical, audio, and public safety needs created by special events.

Finding 4: Because of a concern that San Francisco lacks the institutional capability to sponsor special events, a member of the Board of Supervisors asked the city’s Controller to research the feasibility and financial impact of creating an Office of Special Events to be located in the Office of the Mayor.

Finding 5: The supervisor’s request included three questions: (1) What are the cost/benefits of annual city events such as Fleet Week, Halloween, neighborhood street fairs, Gay Pride, Lunar New Year, and others? (2) What are the cost expenditures of such City departments as the Entertainment Commission, Office of Protocol, Mayor’s special Events Staff, San Francisco Police department, Recreation and Park Department, Port of San Francisco and others? And (3) What would be the cost impact of creating a dedicated Special Events Office such as those in Chicago, Boston, New York City, Houston and other cities?

Finding 6: The Controller issued a report recommending creation of such an Office of Special Events with a strong endorsement to house the function within the Mayor’s office.

Finding 7: The Controller’s report did not address the fiscal impact, nor answer any of the three questions in the initial request, of creating a new agency called Mayor’s Office of Special Events.

Finding 8: Following the issuance of the Controller’s report, two pieces of legislation were introduced to the Board of Supervisors on November 6, 2007. One ordinance would create an entirely new Mayor’s Office of Special Events and transfer to it all responsibilities of the currently existing Entertainment Commission, except permitting. The other ordinance would enhance and more fully define the responsibilities of the Entertainment Commission regarding the facilitation and promotion of special events.

Finding 9: A Mayor’s Office of Special Events has the potential to cause confusion and duplication, since there already exists an Entertainment Commission, as well as a Director of Special Events within the Mayor’s Office. Creation of a Mayor’s Office of Special Events would mean that special events would be handled by three separate entities within the city.

Finding 10: The Entertainment Commission is a City Charter entity, which can only be eliminated by a ballot measure and a vote of the citizens of San Francisco.

Finding 11: The Board of Supervisors can partially amend the Commission’s responsibilities by legislation.
Finding 12: On November 28, 2007, the Mayor, citing a budget shortfall, called for an immediate hiring freeze and asked for thirteen percent (13%) across the board cuts in city budgets.

Finding 13: At the January 16, 2008 meeting of the Board of Supervisors Budget and Finance Committee meeting, the Supervisors decided to defer a decision on the legislation to allow the Mayor more time to decide what he wants to do with special events. They also decided to fund a staff position for three months within the Entertainment Commission to handle special events.

Finding 14: The creation of yet another entity to address problems that are within the purview of the existing Entertainment Commission, without addressing the myriad problems that contribute to the dysfunction of that commission, is fiscally irresponsible and constitutes poor management of City resources.

VII. CONCLUSION

The only conclusion to be drawn from the 2007-2008 Civil Grand Jury’s investigation is that creation of a new entity such as an Office of Special Events in the Mayor’s office, in particular at a time of budgetary shortfall, would be fiscally negligent. The Controller’s report surprisingly did not cite any fiscal impact from the creation of a new entity. Such a new entity, whether staffed with new employees or with individuals transferred in from other city departments, will represent an incremental increase in costs. It also leaves the Entertainment Commission, a charter entity, in place with very little to do. Under this arrangement, it is questionable whether a seven-member Entertainment Commission plus Director and staff could be justified, if all it handles is permitting.

VIII. RECOMMENDATIONS

Recommendation 1: The 2007-2008 Civil Grand Jury supports the legislation to enhance the Entertainment Commission’s responsibilities.

Recommendation 2: Any enhancement in staff and/or budget must be linked to a plan on the part of the Mayor and the Board of Supervisors to address the issues highlighted in last year’s Civil Grand Jury report. The citizens of San Francisco do not need a new department—they need a strong, capable Entertainment Commission that does its job and addresses the special events needs of San Francisco.

Recommendation 3: The Mayor and the Board of Supervisors exercise the oversight needed to insure that the recommendations of the 2006-2007 Civil Grand Jury be implemented.

Recommendation 4: The 2007 – 2008 Civil Grand Jury does not support the alternative legislation creating a new Mayor’s Office of Special Events, an agency which essentially duplicates the functions of the already existing Entertainment Commission. We urge the
Mayor and the Supervisors to consolidate all special events management within the Entertainment Commission.

INTERVIEWS WITH REPRESENTATIVES FROM:
City and County of San Francisco Board of Supervisors
City and County of San Francisco Controller’s Office
City and County of San Francisco Mayor’s Office
City and County of San Francisco Attorney’s Office
City and County of San Francisco Entertainment Commission

Appendix

CIVIL GRAND JURY REPORTS

REPORTS AND RESOURCES – CITY AND COUNTY OF SAN FRANCISCO
Administrative Code 90
Mayor’s 2008-2009 Budget Instructions
Special Report issued by the Controller’s Office “Establishing and Office of Special Events in San Francisco”
Resolution #523-07 (File #071336) passed by the Board of Supervisors October 2, 2007 and signed by the Mayor October 3, 2007
Legislation introduced to the Board of Supervisors November 6, 2007 to create an office of special events
Legislation introduced to the Board of Supervisors November 6, 2007 to strengthen the Entertainment Commission.
2006-2007 Civil Grand Jury
City and County of San Francisco

THE ENTERTAINMENT COMMISSION:
A WORK IN PROGRESS

Report Released: July 9, 2007
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# TABLE OF CONTENTS

**PURPOSE OF THE REPORT**

I. SUMMARY 1

II. INTRODUCTION 2

III. PROCEDURE 3

IV. DISCUSSION 3

   A. PURPOSES OF THE COMMISSION 3

   B. COMMISSION REPORTS:
      Effectiveness, Annual, Fee Analysis 14

   C. COMMISSION STAFF PERFORMANCE:
      Job Descriptions, Annual Reviews, Executive Director,
      Staff Compensation, Additional Staffing 19

   D. COMMUNICATION AND PROCEDURES:
      Between the Entertainment Commission and the Entertainment
      Industry and With Other Departments: Communication,
      Commissioners: Training and Duties, City Attorney, Authority and
      Enforcement Powers, Vision and Leadership 22

V. CONCLUSIONS 27

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**TABLE OF RESPONSES REQUIRED** 29

**SOURCES CONSULTED/BIBLIOGRAPHY** 30

**APPENDICES** 32

I. San Francisco Administrative Code, Chapter 90
II. San Francisco Entertainment Commission Effectiveness Report 2007
PURPOSE OF THE REPORT

The 2006-07 Civil Grand Jury evaluated the effectiveness of the San Francisco Entertainment Commission which was created in 2002 and became operational in 2003.

I. SUMMARY

California has long been known for solving legal and social problems in an innovative, cutting edge way. In keeping with this tradition, when San Francisco focused its attention on the issue of both promoting and regulating entertainment venues within its boundaries in 2002, a unique governmental body, the Entertainment Commission, was created. This commission had the potential then, and still has it now, to balance the often conflicting needs of many constituencies, notably the need for a favorable business climate for places of entertainment, as well as the need for peace and quiet for residents. While the Entertainment Commission has not yet fully realized its potential, there is still time for it to do so if it meets the challenges outlined in this report.

The Entertainment Commission was created with ten objectives in mind as outlined in Administrative Code 90, sec. 90.1. The Commission's perception of its own effectiveness in meeting those ten objectives differs significantly from the perception of the Civil Grand Jury.

If there is one overarching theme to this report it is that people connected to the Entertainment Commission in a variety of ways need to improve their communication with one another, both in formal written ways mandated by law as well as in countless informal ways that make any organization work. An equally important theme is that of leadership and oversight. Effective leadership is needed to guide the Commission to formulate a clear vision of how entertainment should be regulated in San Francisco and to engage in oversight so as to ensure that the Commission is on track in meeting that vision.

The Civil Grand Jury observed that the Entertainment Commission does not follow recognized operational procedures, what in the private sector would be called "good business practices." It has no institutional method in place for devising and stating its goals for the coming year, developing actions by which those goals can be met, measuring the success of those actions, correcting where gaps in accomplishment are identified, and following up on those corrections.

The Entertainment Commission is required to submit annual reports, an effectiveness report, and a fee analysis report on a specific schedule outlined in Administrative Code 90. The Commission seems to have produced some of those reports in response to persistent requests from the Civil Grand Jury and the reports thus produced have an unfortunate haphazard quality to
them. The Commission has missed a great opportunity to use these reports to chronicle its progress and to publicize those things that have inhibited its effectiveness (e.g., lack of budgetary support from the City).

The Entertainment Commission has a staff of four people and has requested an additional three for 2007-08. However the record on adequate job descriptions, task tracking and performance reviews of existing staff is so spotty as to call into question just what the additional staff would do.

Finally, there are challenges hindering the effectiveness of the Entertainment Commission, notably in the area of communication, expectations of Commissioners, involvement of the City Attorney, the Commission's authority to suspend or revoke Place of Entertainment permits, and leadership and vision for the future.

II. INTRODUCTION

Prior to 2003, San Francisco's nightclubs were operated under permits issued by the San Francisco Police Department. In a report of the 1999-2000 Civil Grand Jury entitled "Club Permits" the Jury described the process by which clubs and other entertainment venues received permits in San Francisco as follows:

An application for a proposed nightclub must first be approved by the City's Planning Commission, which checks the use for compatibility with the area in which it will be located. Upon approval by the Planning Commission, the applicant submits an application for operating permits on forms provided by the SFPD Permit Office. A publicly-noticed hearing is scheduled. If at the hearing, no objections to the application are raised and the district permit officer and district commander recommend that the application be approved, the police captain heading the Permit Office will make a recommendation for approval to the Chief of Police, who almost always grants a conditional permit based on his subordinates' recommendations.

The 1999-2000 Civil Grand Jury investigation concluded in a recommendation that the entertainment permit process should be assumed by a newly established Entertainment Commission.

The San Francisco Entertainment Commission was established by an ordinance passed by the Board of Supervisors in July 2002. The Commission became operational in 2003. In November 2002, the voters of San Francisco passed Proposition F, which allows the Mayor to appoint four of the seven Entertainment Commissioners and the Board of Supervisors to appoint three. It also staggers the terms of the Commissioners to assure continuity.

When the San Francisco Police Department issued permits, it was the permitting agency, the enforcer, the judge and the jury. Creation of the Entertainment Commission removed
permitting, suspensions and revocations from the police and put these functions in the Commission, leaving the police with citation authority only. Such a commission is unique in the United States and would seem at first blush to be the perfect vehicle for licensing places of entertainment in large metropolitan areas with a significant entertainment industry supported by both tourists and local residents.

In summer 2006, the San Francisco Civil Grand Jury received a citizen complaint regarding the response of the Entertainment Commission to problems related to the operation of a nightclub in one of San Francisco's neighborhoods. In following up on that complaint, the Jury became familiar with this still very new commission and its operation. Its creation was at least partly motivated by a Civil Grand Jury report; it is appropriate to revisit the issue and look at how/whether the Entertainment Commission has fulfilled its potential.

III. PROCEDURE

Members of the Civil Grand Jury interviewed numerous people related to the Entertainment Commission including concerned San Francisco residents, entertainment industry representatives, Entertainment Commissioners and staff, members of the San Francisco Board of Supervisors, and other city employees including police officers, whose responsibilities put them in regular contact with the Entertainment Commission.

Members of the Civil Grand Jury attended most of the Entertainment Commission hearings and meetings held during its term.

Members of the Civil Grand Jury read voluminous documentation, much of it available online.

IV. DISCUSSION

A. PURPOSES OF THE COMMISSION

The Entertainment Commission was created with ten purposes or objectives in mind, as stated in Administrative Code, sec. 90.1. The Civil Grand Jury will discuss each of the ten objectives, and how effectively the Entertainment Commission has accomplished these objectives by its actions. The Jury will report its findings by comparing and contrasting the points of view of:

- The Entertainment Commission, as stated in its own evaluation of performance in the Effectiveness Report 2007, (hereinafter ER07), with
• The entertainment industry, the community and representatives of City government, outside the Entertainment Commission, as discovered in the investigation by the Civil Grand Jury.

(1) The Commission will "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."

Despite this broad charge, in practice many cultural, entertainment, athletic and similar events require permits issued by City departments other than the Entertainment Commission, in particular, the Recreation & Parks Department and the San Francisco Police Department. The Entertainment Commission appears to have minimal involvement, at best, in this permitting process.

As described in the 2007 Effectiveness Report, the regular duties and activities of the Commission staff, especially the Deputy Executive Director, center on assisting and facilitating the granting of Place of Entertainment (POE) permits to nightclubs and one time event permits (loudspeakers, sound trucks, etc.)(ER07, pp. 1-2). The Commission points to its voting seat on ISCOTT, the Interdepartmental Staff Committee on Traffic and Transportation, "which keeps staff involved in the process of closing streets for cultural, entertainment and athletic events" (ER07, p. 2).

**Finding A.1.a.** In its daily operations, the Entertainment Commission issues Place of Entertainment permits to nightclubs. It has a consulting role in the management of one-time events through ISCOTT and issues specific intent permits for one-time events.

> **Recommendation A.1.a.** The Administrative Code section cited should be changed to reflect the greatly reduced permit issuance responsibility that is the reality of the Entertainment Commission's work.

In its Effectiveness Report, the Commission speaks of its accomplishments as a designated single point of contact with various departments, including having reduced the turnaround time for approvals of most permits. (ER07, p. 2) Further, it points to having mounted a strong outreach program to different associations that represent some of the primary event coordinators to help applicants effectively plan events and accomplish the application process. (ER07, p. 2)

Despite this broad claim, during extensive interviews with the Entertainment Commissioners and Commission staff, neither the Commission, nor the staff, gave the Civil Grand Jury specific information detailing or substantiating this claim. In fact, the Civil Grand Jury heard repeatedly of communication problems with the Commission by members of the
industry, the community and City government.

The Civil Grand Jury, admittedly a magnet for complaints, has heard a great deal about the dysfunctionality of the Entertainment Commission. A citizen complaint about the Commission started this investigation. An attorney representing a client who owns several clubs in San Francisco sought out the Civil Grand Jury to discuss the lack of coherent procedure and process in the Entertainment Commission's permitting process. Members of the Police and Fire Departments have complained to the Civil Grand Jury about how the Commission functions, particularly in terms of problematic communication.

**Finding A.1.b.** People outside the Entertainment Commission who work with the Commission are not impressed with the Commission's record on assisting entertainment venues.

- **Recommendation A.1.b.** Future Effectiveness Reports from the Entertainment Commission must make a convincing case of the Commission's effectiveness by citing specific examples of ways in which the Commission has served its purposes and should forthrightly acknowledge its shortcomings with specific remedies.

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<th>RESPONSE REQUIRED FROM:</th>
<th>Entertainment Commission (60 days)</th>
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| **(2) The Commission will "promote the responsible conduct and operation of such events and establishments."**

For much of the Commission's history, when permitted clubs have been irresponsible in their conduct, the Entertainment Commission has engaged in minimal effort to enforce a return to responsible conduct. The Commission has relied on the citation authority of other City departments, most notably the Police Department and the Fire Department, to enforce proper club behavior. However, in the last four months, the Commission has held two suspension hearings of permitted clubs that had repeatedly violated ordinances, thus providing some evidence of a tougher enforcement stance on the part of the Commission.

The Commission cites the passage of Scharod's Law by the San Francisco Board of Supervisors (BOS Ordinance #262-04), which requires all venues to have a security plan as part of their application as a means by which the Commission has been able to increase its oversight of club conduct. "For permit holders that were inherited, the commission works mostly by bringing venue owners in similar geographic areas together for larger impact." (ER 07, pp. 2-3).

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* Passed in 2004, named after a fifteen-year old boy who was shot at an entertainment venue, Scharod’s Law amends the police code to include a security presence (whether San Francisco Police or private security) at all dance halls and places of entertainment to ensure the safety of patrons.
The Commission’s Effectiveness Report claims that the "Broadway corridor" is an example of their successful effort to resolve conflicts between entertainment establishments and the residents. Scharot’s Law has undoubtedly been an important help in promoting responsible operation of events and establishments, but the Broadway corridor efforts have received decidedly mixed reviews. At least two of the Commissioners themselves frequently opine during Commission hearings that the Broadway entertainment trade is now moribund because of the enthusiastic efforts of the Police Department to curb that nighttime street scene. (See, for example, EC Hearing Minutes of 9/19/06, p. 10, where one Commissioner stated that authorities “had to make sure while clearing the streets they did not kill the businesses”).

**Finding A.2.b.1.** As part of the permitting process, the Commission does advise club permit applicants on what constitutes responsible conduct.

**Finding A.2.b.2.** Communication and coordination between and among the Entertainment Commission and the Police and Fire departments is not as effective as it could be.

**Finding A.2.b.3.** Some of the successes cited to support the Commission's promotion of "responsible conduct" in fact are not total successes. For example, the cleanup in the Broadway corridor is a complex issue whose final outcome will not be known for some time to come.

➤ **Recommendation A.2.b.** The Entertainment Commission must try harder to communicate and coordinate its efforts with those of the Police Department in promoting responsible conduct at entertainment venues. To do so, the Commission staff and the police should have regular meetings.

| RESPONSE REQUIRED FROM: | Entertainment Commission  
San Francisco Police Department  
San Francisco Fire Department (60 days) |

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(3) The Commission will "promote the development of a vibrant entertainment and late-night entertainment industry within the City."

So far, in its brief history, the Entertainment Commission has engaged in very limited promotion of the development of a vibrant entertainment and late-night entertainment industry in San Francisco for one or more of the following possible reasons:

a) There is a lack of expertise in marketing and public relations on the Entertainment Commission staff and this has inhibited such promotion.

b) Communication between the Entertainment Commission and the Mayor’s office has
not been sufficiently good to allow such efforts to move forward.

c) The staff is too small to handle any responsibilities other than facilitating the permit process for clubs and places of entertainment.

The Entertainment Commission's own analysis of the situation is that the results of their efforts have been mixed due to the "variety of ways that city government has created obstacles in the form of liquor moratoriums, zoning restrictions, etc." (ER07, p. 3) The Commission has tried to decrease these obstacles, for example, by assisting in passing legislation in 2004 creating a new "One Night Event" permit which "enables responsible promoters to hold events in alternative spaces that are safe and meet city code requirements." A promoter renting a venue, such as SBC Park or a vacant pier could obtain a one-time permit if the venue meets City code requirements, e.g., fire, building, etc., for an event. The Entertainment Commission issues the permit. "We work daily with neighborhood groups and individual residents toward finding a greater appreciation of the value of hospitality, entertainment, and nightlife in their communities." (ER07, p. 4).

Recently the Commission's Executive/Legislative Committee has been meeting with the Planning Department on the rezoning of the Eastern neighborhoods to allow entertainment venues. This effort started five years ago with the Eastern Neighborhoods Community Planning Process to develop new zoning controls for the industrially zoned land in the Mission, SoMa, Showplace Square/Potrero, and Bayview/Hunters Point. For more information on this project, please see the San Francisco Planning Department's website at www.sfgov.org/planning.

**Finding A.3.a.** The Entertainment Commission has satisfied the objective of promoting the City's entertainment industry in only limited ways. The recent engagement of the Commission's Executive/Legislative Committee with the Planning Department on the rezoning of the Eastern neighborhoods to allow entertainment venues is an example of the kind of effort that would serve this purpose well.

- **Recommendation A.3.a.** The Entertainment Commission should continue such efforts as its recent involvement in the rezoning of parts of San Francisco for entertainment venues in order to meet this particular purpose.

**Finding A.3.b.** The Commission appears to be tying its efforts regarding the Eastern neighborhoods' rezoning to City approval of more Commission staff positions in the 2007-08 fiscal year.

- **Recommendation A.3.b:** The Commission should develop a "Plan B" for continuing some involvement in this very useful project without additional staffing.
(4) The Commission will "promote the use of City facilities for cultural, entertainment, athletic and similar events that generate revenue for the City."

Individual Entertainment Commissioners appear to have promoted the use of City facilities in this manner to generate revenue for the City, but it was not clear to the Civil Grand Jury during its investigation that the Commission as an entity has engaged in this type of effort.

In its Effectiveness Report, the Commission cites -- without specifics -- four efforts it has made to generate revenue at the following facilities: Bill Graham Civic Auditorium, municipal piers (working with the Port Commission), Fisherman's Wharf, and Treasure Island (ER07, p. 4).

One commissioner reported to the Civil Grand Jury that after years of poor management by a private management company, the management responsibility of Bill Graham Civic Auditorium is up for bid by other outside companies. However, this commissioner's opinion is that the City is resistant to letting the Entertainment Commission get involved. If accurate, this is not consistent with the claim that the Commission staff has been "heavily involved with the increased use of the Bill Graham Civic Auditorium." (ER07, p. 4).

Finding A.4.a. The Entertainment Commission has had limited success in achieving the purpose of promoting events in City-owned facilities that increase City revenue.

- **Recommendation A.4.a.** The Civil Grand Jury strongly urges the Commission to address how it can better promote the use of City facilities to generate revenue. The Commission should formulate its goals for promotion of entertainment use of City facilities and state these goals in its next annual report. It should then follow through in the following year's and successive reports assessing the success or failure of such efforts.

Finding A.4.b. Many event spaces are under the scheduling control of the Port of San Francisco or the Parks & Recreation Department, rather than the Entertainment Commission.

- **Recommendation A.4. b.** The Entertainment Commission should undertake better communication and coordination with other City departments to promote the entertainment use of revenue-generating City facilities.
(5) The Commission will "foster harm reduction policies, including but not limited to reduction of risks from substance abuse, hearing protection, heat exhaustion, and relevant health and safety measures."

When the Commission receives a complaint that a club is too noisy, the sound technician makes an unannounced visit to the Club to check the sound level, and if possible, talks to the complainants directly. If the sound level is illegally high, the sound technician contacts the police department requesting that it issue a citation. The San Francisco Police Department follows through as time permits, but issuing noise citations is not the Police Department's top priority.

In its Effectiveness Report 2007 (at pp. 4-5), the Commission cites its work with the Office of Emergency Services to pass legislation in 2005 requiring events and venues of 500 or more patrons to have an emergency medical plan in place to ensure the highest levels of public safety (BOS Ordinance #051382). The Commission also commends the staff's effort to advise permit holders of City regulations requiring free water and earplugs in fixed place venues with capacity of over 500 patrons (Police Code section 1060.28).

Finding A.5. The Commission is clearly interested in fostering harm reduction policies and has made some effort in that regard.

➢ Recommendation A.5. The Civil Grand Jury encourages the Commission to continue and expand its efforts in fostering harm reduction policies among entertainment venues.

**

RESPONSE REQUIRED FROM: Entertainment Commission (60 days)

**

(6) The Commission will "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 industry with the needs of residents and businesses in the vicinity of entertainment venues."

The Commission adopted a "good neighbor policy" on April 14, 2004. A statement of the policy is given to all club owners who apply for a Place of Entertainment (POE) permit. However, it is unclear whether the Commission has enforcement authority if a club owner does not comply with the good neighbor policy. At least one member of the Police Department voiced his opinion to the Civil Grand Jury that the good neighbor policy is a sham, generally because the
Commission has no teeth to enforce it. Certainly, the number of complaints about entertainment venues at the Commission's twice-monthly hearings suggests that the good neighbor policy is of questionable effectiveness.

Finding A.6. While the existence of the "good neighbor policy" is a positive achievement, the Entertainment Commission's ability to enforce the policy has been limited.

> Recommendation A.6. Citation authority would help ensure observance of the good neighbor policy. The granting of such citation authority to members of the Entertainment Commission staff should be given serious consideration by the Board of Supervisors.

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(7) The Commission will "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."

The Executive Director and Deputy Executive Director appear to spend some substantial time on such mediation efforts, but if the Commission has no enforcement authority, the only thing that will make a difference is the goodwill of the club owners and venue operators toward their residential neighbors. When such goodwill is not on display, the San Francisco Police Department whose priorities are focused on more serious crime, is the entity called in to mediate. Indeed, the Commission's Effectiveness Report 2007 states it thus:

At the inception of the Entertainment Commission, it was determined that enforcement of all laws would remain the duty of the SFPD. In that way, they remain an integral part of any solution and positive outcome. Simply, the commission has become an effective intermediary and is able to find solutions that work. (ER07, p. 5)

The San Francisco Police Department does not see this matter in the same positive light. The homicide outside a San Francisco nightclub, Boondock Bay, on April 28, 2007, illustrates too well how difficult it is to draw the line between the Commission's responsibilities and those of the San Francisco Police Department.

On February 13, 2007, a San Francisco Police Department Captain convened a meeting in his office of the Entertainment Commission's Executive Director and Deputy Director, one of his officers, and a Deputy City Attorney for the purpose of discussing ongoing criminal activity occurring at four nightclubs in that district that had received Place of Entertainment permits from the Entertainment Commission. When the Captain heard nothing back from the Commission
following this meeting, he wrote a letter to the Executive Director on March 23, 2007, outlining the problems, recalling the February 13 meeting, and stating: "I am requesting that formal action be taken for each of the below incidents. Each of these incidents is serious and put patrons and the community in jeopardy." (Letter quoted with permission.) On April 28, 2007, a young man was shot to death outside one of the clubs cited in the Captain’s letter, Boondock Bay. In a follow-up article in the San Francisco Chronicle on May 1, 2007, Jaxon Van Derbeken wrote:

Bob Davis, executive director for the city’s Entertainment Commission, said the initial complaint by the police was investigated, but no action was taken by his agency on the advice of City Attorney Dennis Herrera’s office. A spokesman for the city attorney declined comment. Davis said he learned only last week [the last week of April] of the follow-up letter sent by police in March.

In its investigation, the Civil Grand Jury found that the Commission staff believed it could not take any action without first receiving police incident reports and they never were received. Further, it is the assertion of Commission staff that such a letter from a police captain cannot even be brought to the attention of the Commissioners unless, and until, the incident reports backing them up are received. Therefore, having received no incident reports, no further action was taken. The Captain states emphatically that no such request for incident reports was ever made to him by the Entertainment Commission.

Assuming that everyone concerned is telling the truth as s/he sees it and as s/he recalls events, and assuming further that this is simply one example of miscommunication out of many between the Entertainment Commission and the San Francisco Police Department, the fact remains that a man died outside a nightclub on April 28. The nightclub had been the scene of numerous previous criminal incidents and was sufficiently "on the radar" of the local police to prompt them to request on February 13, **eleven weeks before** the fatal shooting, that the Entertainment Commission take formal action. The Commission’s staff response that the file was incomplete, or that the letter was not received, or that no procedures were in place to even tell the Commissioners about the situation to this jury does not constitute an acceptable response. More is required of our public servants.

At the same time, the Commission touts in its *Effectiveness Report 2007*: "The Entertainment Commission has been successful in mediation in every neighborhood in the city.... Positive outcomes are reached when staff is able to connect venue owners and managers with neighbors and police officers in a working, ongoing relationship." (ER07, p. 5). A homicide is not a positive outcome.

Further, in this regard, another Captain of the San Francisco Police Department has advised the Civil Grand Jury that he has faxed incident reports from his district relating to permitted nightclubs, to the attention of the Entertainment Commission, in twice-monthly batches since at least mid-February 2007. He has been recently advised that the Commission staff has not received these faxed reports.
Finding A.7.a. The Commission's record on mediating disputes between persons affected by entertainment events and the organizers of those events is not what it should be due at least in part to the communication difficulties between the Commission and the San Francisco Police Department.

- **Recommendation A.7.a.** The Entertainment Commission and the San Francisco Police Department must develop more effective means of communication.

Finding A.7.b. The Commission does not follow its standard office procedures for processing incoming mail and faxes, transmitting them to the attention of the Commission, and, after action, appropriately filing them.

- **Recommendation A.7.b.1.** So that a letter of such importance will never again be mislaid for a month, the Entertainment Commission must develop office procedures so that letters and faxes that have been sent are actually received, accounted for, read, acted upon, and filed.

- **Recommendation A.7.b.2.** The staff of the Entertainment Commission must, as a matter of standard operating procedure, bring such important correspondence to the attention of the Entertainment Commissioners promptly without waiting for backup police reports.

- **Recommendation A.7.b.3.** The San Francisco Police Department must submit incident reports to the Entertainment Commission as a matter of course any time they request action by the Commission against venues with Place of Entertainment permits. The practice of automatic delivery of police incident reports related to permitted clubs to the Entertainment Commission is a practice that should be adopted widely in the San Francisco Police Department.

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(8) *The Commission will "assume responsibility from the Police Department for issuing entertainment-related permits."*

The Commission issues Place of Entertainment (POE) permits to nightclubs, and has done so since January 2004 when they completed the transition from the San Francisco Police Department Permit Section (ER07, p. 5). Nightclubs, however, represent a very limited portion of the "entertainment-related permits" issued in the city of San Francisco, a fact not noted in the
Commission's Effectiveness Report 2007 (ER07, p.5).*

Finding A.8. In its daily operations, the Entertainment Commission issues Place of Entertainment permits to nightclubs and has not assumed responsibility for issuing all entertainment-related permits.

> Recommendation A.8. The Administrative Code section cited should be changed to reflect the greatly reduced permit issuance responsibility that is the reality of the Entertainment Commission's work.

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(9) The Commission will "plan and coordinate City services for major events for which there is no recognized or adequate organizer or promoter, such as Halloween bacchanalia in the Castro district and New Year's Eve festivities."

Despite this sensible and straightforward policy, this Entertainment Commission objective has not been realized.

For reasons that the Civil Grand Jury was unable to discover during its extensive investigation, the Mayor's office took over the planning and supervision of the Halloween celebration in the Castro in October 2006. There was at least one shooting and curiously unpublishing reports of sexual assaults. The reported lack of coordination of the San Francisco Police Department presence at the event did not help the situation. Now, City leaders are discussing moving the Halloween party to the waterfront (Pier 30-32) or the parking lot used by SBC Park. The Entertainment Commission is being included in these discussions (San Francisco Chronicle, April 20, 2007, B5, SF Bay Guardian, April 18-24, 2007, p. 10).

The Commission's Effectiveness Report 2007 makes only one statement about this objective: "The Entertainment Commission has taken responsibility for 'Halloween in the Castro' since its inception in 2003."

Finding A.9. The Commission's statement is inaccurate. The Commission was involved in the Halloween Party in 2003, 2004, and 2005, but the party was managed solely by the Mayor's office in 2006.

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* The Parks & Recreation Department issues thousands of permits annually for events at Marina Green, Union Square, Coit Tower, Civic Center Plaza, Justin Herman Plaza, picnics in Golden Gate Park with more than 25 people attending, among many others. The San Francisco Police Department issues street closing permits when required for events such as street fairs.
Recommendation A.9. The Entertainment Commission should be involved in planning and coordinating the City's Halloween party, among other major non-sponsored entertainment events, as outlined in Administrative Code sec. 90.4(h).

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(10) The Commission will "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."

An Entertainment Commissioner has floated the idea of creating a "one-stop shopping" website where the interested event organizer would input information about date of event, its size, and other specifications and then be supplied with a list of possible San Francisco venues. Similar private websites (e.g., www.herecomestheguide.com) do exist and a link could be established to the event organizers from the Entertainment Commission's website.

The Commission cites working with the Convention and Visitors Bureau "to keep them informed of new venues and send potential clients to their facilities," and describes itself as the first sponsoring agency of the San Francisco International Arts Festival, and a sponsor of showcases of San Francisco music at a conference in Austin, Texas, and an upcoming music conference in New York City.

Finding A.10. Although the Civil Grand Jury was told that one commissioner had worked toward developing a "one-stop shopping document," we were unable to obtain a copy of this document.

Recommendation A.10. The Entertainment Commission should develop a one-stop shopping program and plan for entertainment venues.

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B. COMMISSION REPORTS: Effectiveness, Annual, Fee Analysis

One way to look at the development of any city agency over time is to read the various reports that it has issued as required by law. In this way, an examiner can assess the appropriateness of an agency's goals, and can then measure the execution of those goals by
action, and the plans to accomplish those goals in the future. In the case of the Entertainment Commission, San Francisco Administrative Code, ch. 90 requires the filing of an effectiveness report, an annual report, and a fee analysis report.

Numerous verbal requests to Commission staff members and commissioners left the Civil Grand Jury with substantial doubt as to the existence of any reports -- effectiveness, annual, or fee analysis. Finally, in response to the Civil Grand Jury's formal written request dated February 9, 2007, the Civil Grand Jury received three annual reports on February 23, 2007. No effectiveness report was included in this submission. The effectiveness report was finally received by the Civil Grand Jury on May 2, 2007. No fee analysis was ever received.

Finding B.1. The kinds of reports required in the Administrative Code, Chapter 90, are a standard mechanism in government and business for reflecting the history of the organization, its goals and its achievements.

Finding B.2.a. The three annual reports (2003-04, 2004-05, 2005-06, and the effectiveness report (Effectiveness Report 2007) were produced in the last few months after the Civil Grand Jury made repeated requests for them to the Entertainment Commission.

Finding B.2.b. Producing reports in an untimely manner and without thorough consideration, obviates the value of reporting, i.e., to show a thoughtful, historical analysis of the evolution of the Commission and to allow thoughtful consideration of how it will continue to evolve in the future.

➤ Recommendation B.1. The Entertainment Commission should submit to the Mayor and Board of Supervisors the annual report by March 1 each year, as required in Administrative Code, chapter 90.

➤ Recommendation B.2. The Entertainment Commission should submit to the Mayor and the Board of Supervisors its Effectiveness Report every five years at a minimum. The next Effectiveness Report is due on or before May 2012, as required in Administrative Code, chapter 90, sec. 90.8.

(1) Effectiveness Report:

In the case of the Entertainment Commission, San Francisco Administrative Code, sec. 90.4(i) calls for the following:

Prepare and submit to the Mayor and the 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.

The effective date of Chapter 90 of the Administrative Code was July 26, 2002; therefore, the first Effectiveness Report was due by July 26, 2003. The second Effectiveness Report would have been due by July 26, 2008. In fact, the first ever Effectiveness Report was submitted to the Civil Grand Jury on May 2, 2007, and was entitled: Effectiveness Report 2007. The next one will be due by May 2012.

The Effectiveness Report 2007 begins with a very true statement: "While the Commission continues to devise systems to measure the impact of its work, there is no roadmap for the department nor clear paths to simple success."

What is not stated is that when there is no roadmap, a unified vision and strong leadership become even more crucial to the success of the enterprise.

Finding B.3.: The Effectiveness Report is the appropriate document in which the Entertainment Commission should state its goals and the means by which it shall achieve those goals.

Recommendation B.3.: In preparation for filing its next Effectiveness Report, the Entertainment Commission should immediately commence a program to identify its goals, the means by which it plans to achieve its goals, and a way to measure that achievement.

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(2) Annual Reports:

In addition to the effectiveness reports, the Commission is obliged to submit an annual report to the Board of Supervisors and Mayor by March 1st of each year regarding its activities during the previous year. (Admin. Code, Ch. 90, sec. 90.8).

Further, the San Francisco Charter, sec. 4.102, which sets forth the powers and duties of City commissions within the executive branch, provides that each commission shall:

2. Develop and keep current an Annual Statement of Purpose outlining its areas of jurisdiction, authorities, purpose and goals, subject to review and approval by the Mayor and the Board of Supervisors;...

On February 23, 2007, three annual reports covering 2003-04, 2004-05, and 2005-06 were delivered to the Civil Grand Jury's office. Close perusal of these reports has created more
confusion than clarity about the work of the Entertainment Commission during those years. They bear no submission dates to the Mayor and Board of Supervisors. At least one Entertainment Commissioner had no knowledge of the existence of these reports a month after their submission to the Civil Grand Jury.

On May 24, 2007, the Civil Grand Jury was advised by the Entertainment Commission's staff in an email that

while the language in section 90.8 states that the annual report is due in March (three months after the New Year), the reports that we have done to date have been based on the fiscal year not the calendar year. I reviewed this matter with our city attorney ... because I felt that the report should reflect the year end close of business, budget, etc. She agreed. I then spoke with ... [the Commission President]... and he also agreed that the submittal date should be three months after the end of the fiscal year (September). The city attorneys office can make that change to the code.

The reports appear to have been written hurriedly resulting in the exclusion of important details. One example from the Highlights section of the 2005-06 report, p. 5, suffices: "The Commission issued a total ___ of one-time events permits and ___ fixed location permits." The actual numbers of permits did not make their way into the report.

More troubling is the fact that the Goals section at the end of each report which outlines the goals for the coming fiscal year shows no follow-up in the next year's report.

As to the required Annual Statement of Purpose, the Entertainment Commission's staff has advised the Civil Grand Jury that it is a part of the annual reports. A review of those three reports does not show any specific section of any report entitled: "Annual Statement of Purpose."

Finding B.4. The Entertainment Commission has not taken seriously its mandate to write timely annual reports which include an Annual Statement of Purpose, as required by law, thus losing an opportunity to develop and expand its collective vision of what the Commission might be and do.

➢ Recommendation B.4.a. The Entertainment Commission should submit to the Mayor and the Board of Supervisors annual reports which revisit its Annual Statement of Purpose, and which serve to honestly address the accomplishments of the Commission in the year past and describe challenges and goals in the year ahead.

➢ Recommendation B.4.b. The Entertainment Commission commissioners should be given a draft of each year's annual report and be allowed sufficient time to provide input and editorial suggestions for the final draft so that it is a document reflecting the Commissioners' collective viewpoints about what the Commission should be.

| RESPONSE REQUIRED FROM: | Entertainment Commission (60 days) |
(3) Fee Analysis:

In addition to the effectiveness reports, and the annual reports, the 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 [i.e., 7/26/2002], the Board of Supervisors shall establish fees for entertainment-related permits at levels sufficient to cover the estimated annual operating costs of the commission. (Admin. Code, ch. 90, sec. 90.9)

The Civil Grand Jury's formal request for all the reports, mandated by law, received the following response about the fee analysis report: "Please see http://www.sfgov.org/site/controller_page.asp?id=1820 for budget analysis including fees." This website address leads one to the City budget for several fiscal years. For 2006-07, this is a 296-page document with the Entertainment Commission's budget buried on a few lines deep within the document. There is no analysis of the Entertainment Commission's fee revenue.

More to the point regarding Entertainment Commission budget analysis, the City Administrator reported in a letter to the Civil Grand Jury dated January 30, 2007, the following:

**Budget:**

The Entertainment Commission's revenues have never exceeded their expenses for any fiscal year. For this current fiscal year, the Entertainment Commission's revenue budget was $520,000. The actual line item in the budget is $730,000, resulting in a general fund subsidy of $210,000.

This could be a very useful opening to a budget analysis by the Entertainment Commission with an ensuing discussion regarding how it might become self-sustaining as required in the Code.

There is a perception on the part of Commissioners and staff of the Entertainment Commission that too much of the Commission's budget is paid to the San Francisco Police Department to defray the cost of policing relative to the entertainment industry and that if not for these payments, the Entertainment Commission would be self-sustaining.

**Finding B.5.** The Civil Grand Jury has not received a fee analysis report from the Entertainment Commission and concludes from this that none has ever been produced.

➢ **Recommendation B.5.** The Entertainment Commission should produce a fee analysis report as required by law and in it should explain how it plans to "establish fees for
entertainment-related permits at levels sufficient to cover the estimated annual operating costs of the commission."

| RESPONSE REQUIRED FROM: | Entertainment Commission  
|                        | City Administrator (60 days) |

C. COMMISSION STAFF PERFORMANCE: Job Descriptions, Annual Reviews, Executive Director, Staff Compensation, Additional Staffing

1) Job Descriptions and Annual Reviews:

Administrative Code, chapter 90 provides rudimentary job descriptions for three of the four staff members of the Entertainment Commission: the Executive Director (sec. 90.5), Permit Administrators, and the Sound Technician (sec. 90.7).

Currently, the Deputy Executive Director and the Secretary appear to share the responsibilities of a permit administrator, in addition to other duties, but the staff did not have full job descriptions of each of the four current staffers readily at hand when requested by the Civil Grand Jury.

Annual performance reviews of these four staff members would give the Commission a sense of what work is being done, how well it is being done, and what goals/objectives exist for each staff member for the coming year. This in turn would assist the Commissioners and Executive Director in developing an overall work plan for the Commission for the coming year. That in turn would assist in the creation of the required Effectiveness, Annual, and Fee Analysis Reports described above.

On February 6, 2007, in a closed session at the end of the Entertainment Commission's regularly scheduled hearing, the Commissioners engaged in what may have been the first-ever performance review of the Executive Director. There are conflicting recollections as to whether such a review had ever taken place.

Further, the Commission is currently requesting funding to hire more staff members. It is difficult to justify the need for additional staff if the job descriptions and performance reviews of the current staff members are not full, complete, and up-to-date.

In most organizations, compensation is tied to performance. A performance review is usually the first step in determining whether a merit increase in compensation is appropriate and how much it should be. This is in fact required for the Executive Director under the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association for July 1, 2006 - June 30, 2009, Article III.B., para. 87:
Eligibility for payments under this section during fiscal years 2007-2008 and 2008-09 shall be based upon Appointing Officer certification of the following items:
- The employee has received a performance appraisal (evaluating performance) and a performance plan (containing objectives for future performance) during the fiscal year immediately preceding the fiscal year during which payments will be made.

Effective organizations will have up-to-date job descriptions and annual performance reviews. These did not appear to exist for the four staff members of the Entertainment Commission when the Civil Grand Jury began to ask questions about such reviews in the fall of 2006. It was not until April 12, 2007, that the Entertainment Commission provided job descriptions to the Civil Grand Jury. These were generic job descriptions provided by the City's Department of Human Resources to the Entertainment Commission’s Executive Director.

**Finding C.1.a.** While the generic job descriptions obtained from the Department of Human Resources are somewhat helpful, they lack specificity.

**Finding C.1.b.** Because the Civil Grand Jury was told by some Commission staff that performance reviews are done regularly, and by other Commission staff that they are not done at all, it is questionable whether performance reviews have ever been done.

- **Recommendation C.1.a.** The Entertainment Commission should create full, reality-based job descriptions for each of its staff.

- **Recommendation C.1.b.** The Entertainment Commission’s Executive Director should provide annual written performance reviews for the three staffers who report to him.

| RESPONSE REQUIRED FROM: | Entertainment Commission  
| Department of Human Resources  
| City Administrator (60 days) |

2) **Executive Director:**

The Civil Grand Jury received conflicting answers when it inquired during interviews: To whom does the Executive Director report? For example, while the job description describes the Executive Director as reporting to the Entertainment Commission (i.e., the Commission President), there is other evidence suggesting that the Executive Director may report to the City Administrator, the Mayor, and/or the Commissioners.

Not only are the lines of reporting fuzzy, but the exact parameters of the Executive Director’s job description were often vaguely described in interviews with the Commissioners. The Executive Director must be wise in the ways of City government generally, and his own seven Commissioners in particular. The Executive Director must know about the San Francisco
entertainment industry, be an advocate and a public relations expert pushing the entertainment agenda, and yet be a peace-and-quiet-loving resident of the City. This person must be an office manager who can coax the best work from a small staff. This person must be a visionary, a negotiator, a conciliator, a politician. It is a tall order, but leadership by such a person will greatly help the Entertainment Commission fulfill its potential in the years ahead.

**Finding C.2.** Many of the Commissioners, and the Executive Director himself, are unclear as to the exact lines of authority in terms of supervision of the Executive Director, and the same lack of clarity applies to the job requirements of the Executive Director.

- **Recommendation C.2.** It must be determined to whom the Executive Director of the Entertainment Commission reports, and how and when such reporting will take place, and just what this position is to be held accountable for doing.

**Finding C.3.** The Civil Grand Jury was able to verify only one performance review of the Executive Director in the Commission's four year history.

- **Recommendation C.3.** The Civil Grand Jury recommends that regular performance reviews of the Commission's Executive Director take place. The review should be conducted by whomever is determined to be the supervisor of the Executive Director.

| RESPONSE REQUIRED FROM: | Entertainment Commission  
| City Administrator  
| The Mayor (60 days) |

3) **Staff Compensation:**

**Finding C.4.** Despite the apparent lack of formal evaluation, substantial merit raises have been given to some members of the Commission's staff during the four years of the Commission's existence. Yet the Commissioners appear to be unaware of the amount of compensation of staff members.

- **Recommendation C.4.a.** Compensation should be tied to performance for all four staff members of the Entertainment Commission.

- **Recommendation C.4.b.** Commissioners' input should be sought on the performance and proposed compensation increases of Entertainment Commission staff.

| RESPONSE REQUIRED FROM: | Entertainment Commission  
| The Mayor  
| Department of Human Resources (60 days) |
4) Additional Staffing:

The perception of most commissioners on the Entertainment Commission is that they need more staff. Yet, it is not clear to them just what current staffers are doing or how they are doing it. The one exception is the sound technician who is universally perceived as doing a good job and being overburdened by the size of the job.

Finding C.5. It is hard to logically argue for staff augmentation unless one is absolutely sure of what current staffers are doing and how well they are performing.

- Recommendation C.5. Task tracking for staff should be implemented and the commissioners should be advised of the results of such tracking on a regular basis.

| RESPONSE REQUIRED FROM: | Entertainment Commission (60 days) |

D. COMMUNICATION AND PROCEDURES: Between the Entertainment Commission and the Entertainment Industry and Other Departments

So far this report has focused mainly on issues related to the Code-mandated running of the Entertainment Commission. The constant theme has been that if the Commission would do the required reports, follow sound business practices regarding staff job descriptions and performance reviews, and evaluate its own effectiveness with regard to its ten stated mission objectives in a very specific and detailed way, the Commission itself would be much farther down the path to creating a coherent and cohesive vision of its own future. Numerous interviews conducted by the Civil Grand Jury failed to reveal such a vision.

There are other issues that the Entertainment Commission must face and that do not track the Administrative Code regulating the Commission. A number of these issues have only become ripe for discussion after several years of Commission history.

The Entertainment Commission came into being in 2002-03 with a great deal of enthusiasm and a desire to engage in a wide spectrum of activities to make San Francisco a more entertainment-friendly city while also recognizing that in a city of only 49 square miles, entertainment venues and residences may be uncomfortably close and that goodwill must be fostered by all sides to keep the City both a wonderful place to live and a wonderful place to play.

The initial enthusiasm has been tempered by a number of inhibiting factors: 1) communication issues; 2) expectations of commissioners; 3) involvement of the City Attorney; 4) the Commission's authority to suspend or revoke permits; and 5) vision and leadership. These factors will be considered in order.
1) Communication:

Communication is a huge issue on many levels with the Entertainment Commission. The standardization of conditions clubs must meet to receive Place of Entertainment permits that was envisioned in 1999-2000 when the Civil Grand Jury wrote its report (Club Permits) has not quite come about. Then the Civil Grand Jury wrote: "As one owner put it, the police are constantly presenting club owners with a 'moving target' when it comes to permit conditions." (p. 6).

At the October 17, 2006 Entertainment Commission hearing, according to the minutes, an expediter representing the owner of several clubs, indicated that "[h]e felt a] great deal of anger and frustration at the bureaucracy in the city and the way they address the industry as a whole and the business of the Entertainment Commission." He added "the Health and Fire departments were difficult to get responses out [of] as well as consistent responses." (Minutes of the EC Hearing, 10/17/06, p. 2). Typical of the communication problems, in March 2007, a San Francisco attorney who represents a nightclub owner expressed much the same feeling of frustration with the Entertainment Commission regarding a lack of standardized procedures that should be publicized to all business owners. In essence, these are all complaints about the lack of communication from the Commission.

Another example of a communication problem is that A Memorandum of Understanding should exist with at least the Port of San Francisco (the current MOU expired June 30, 2005, and a proposed new one dated February 1, 2007 has not been signed at this writing – June 15, 2007). Other departments with which the Entertainment Commission must work, e.g., the Fire Department and the Police Department, have been characterized to the Civil Grand Jury as “sister departments” with which the Entertainment Commission does not need Memoranda of Understanding. However, these are sisters who seem to be deaf to one another.

Finding D.1.a. Some club owners who apply to the Entertainment Commission for POE permits feel there is a lack of timely communication regarding meeting legally necessary conditions.

➤ Recommendation D.1.a. The Entertainment Commission must improve its record of communicating with club-owner applicants for POE permits.

Finding D.1.b. There are communication problems between the Entertainment Commission and the San Francisco Police Department (see Discussion/Findings/ Recommendations A.7.a-b at pp. 14-15). But this is not the only major City department or agency with which the Entertainment Commission routinely deals and with which it must communicate effectively.

➤ Recommendation D.1.b. A current Memorandum of Understanding should exist with at least the Port of San Francisco. If an MOU with other City departments is indeed inappropriate, some formal mechanism should be created to enhance the communication between these City departments and the Entertainment Commission.
2) Commissioners: Training and Duties

The Civil Grand Jury found in interview after interview that the Commissioners' expectations regarding their own personal involvement in the running of the Entertainment Commission was quite varied.

Finding D.2.a. Other than showing up for twice-monthly hearings, there seemed to be little agreement on what constituted reasonable expectations of an Entertainment Commissioner.

  > Recommendation D.2.a. Entertainment Commissioners should agree as to what their duties and responsibilities are.

Finding D.2.b. Commissioners do not understand their institutional relationship to the Executive Director. Commissioners do not know the basic requirements of the Commission they serve (e.g., that there should be annual reports) and they have not seen or read basic required documents from the Commission (e.g., annual reports, effectiveness report, fee analysis report). They are given an informational notebook when they first join the Commission but the Civil Grand Jury found that notebook to be of limited usefulness.

  > Recommendation D.2.b. Entertainment Commissioners should be aware of the basic required tasks of the Commission, should read basic required documents and offer input on their final drafting. They should be better trained from the beginning in the duties and responsibilities of an Entertainment Commissioner. They should receive more regular communication (perhaps via email) from Commission staff on Commission-related developments than they currently receive via the twice-monthly hearings.

3) City Attorney:

The absence of legal counsel has been particularly problematic in Entertainment Commission hearings where questions as to law, powers and responsibilities, and proper procedure frequently arise. The discussions that ensue among the Commissioners, none of whom have legal training, can and often do take on a surreal aspect. Such behavior does not project an image of competence and professionalism for the Commission.

Finding D.3. The Entertainment Commission deals with many legal and procedural issues during its public hearings that current Commissioners are ill-equipped to decide.
Recommendation D.3. The Entertainment Commission should have its assigned Deputy City Attorney present at all public hearings.

RESPONSE REQUIRED FROM: Entertainment Commission (60 days)

4) Authority and Enforcement Powers:

The Entertainment Commission has powers and duties as outlined in Administrative Code, ch. 90, sec. 90.4. The record is mixed as to how effectively the Commission has exercised these powers and duties during its existence. Of particular interest is the reality connected to sec. 90.4 (c) which states that the Commission has the following powers and duties: "(c) Suspend, revoke or withdraw entertainment-related permits in accordance with the law and regulations governing such permits."

The Entertainment Commission has exercised this power three times during its lifetime, in April 2005, with the 60-day permit suspension of Kelly's Mission Rock in China Basin, in March 2007 with the 30-day suspension of Zebra Lounge, and in June 2007 with the 30-day suspension of Club Six. While suspending or revoking a Place of Entertainment permit should never be an easy matter because it can and often does threaten the ongoing viability of a business, there has been an unexplained reluctance on the part of the Entertainment Commission to take any similar action against other clubs. That reluctance may be receding given the recent Zebra Lounge and Club Six suspensions.

In this investigation of the Entertainment Commission, an oft-used statement has been "the commission has no teeth." This suggests that the Commission is not able, or is not willing, to take formal punitive action against nightclubs which have not behaved like good neighbors. Since sec. 90.4 (c) explicitly states that the Commission can do just that, and they have done so at least three times during their history, what other meaning might be assigned to the problem of "no teeth?" Two thoughts occur:

- The Entertainment Commission does not have staff empowered to issue citations and so the Commission relies on the Police Department and the Fire Department to issue citations to wrongdoing nightclub owners. Should the Commission staffers have citation authority? Responses have been mixed. One point of view is that the Police Department in particular has been reluctant to devote time to such offenses because it has serious crimes to investigate. However, if the Commission staff are given citation authority, the police may consider themselves totally relieved of any responsibility to cite offending club owners. The other point of view is that reasonableness simply is not enough to make club owners behave like good neighbors and that it would greatly assist the Commission to enforce the good neighbor policy if their staff could issue citations.

- Perhaps the pendulum has swung too far in the opposite direction. The Entertainment
Commission was created because there was a perception that the police behaved prejudicially in favor of residents and created a hostile environment for club owners. There is an argument currently that the Commission is too favorable in its determinations toward the entertainment industry to the detriment of residents. If staffers do not have citation authority and the police consider citing offending club owners as a low priority, this creates a more permissive business environment for club owners. And if this argument is true, then we now have the opposite problem to that described by the Civil Grand Jury in 1999-2000. The response to that argument is that with the recent suspensions of Zebra Lounge and Club Six, the Entertainment Commission may be finding its "teeth," although those particular clubs' transgressions seem to be extreme examples. As City Attorney Dennis Herrera stated in a San Francisco Examiner article on March 22, 2007, after the suspension of the Zebra Lounge, "It got to the point with respect to this particular club that it was everyone's belief that we had to hold this club accountable. It seemed like they weren't getting that they have to be a good neighbor."

Finding D.4.a. There is a widely held perception that the Entertainment Commission does not have legal enforcement powers despite Administrative Code's sec. 90.4 (c) specific grant of the power to "suspend, revoke or withdraw entertainment-related permits." Why this perception exists remains a mystery. It does however create a self-fulfilling prophecy: if you think you can't do something, you won't do it.

> Recommendation D.4.a. The Civil Grand Jury recommends that the Entertainment Commission be given the authority to cite permitted nightclub owners who break the law. Granting the power to issue such citations to the Entertainment Commission however must not stop the San Francisco Police Department, with its greater manpower and resources, from also issuing such citations.

As for the larger question, as to whether the Entertainment Commission has "teeth" or not, the Commission's suspension of Zebra Lounge on March 20, 2007, and of Club Six on June 5, 2007, may be the beginning of its greater use of its powers. It remains to be seen how much of the original vision reflected in the Administrative Code's chapter 90, written in 2002, is realistic in 2007 and beyond.

Finding D.4.b. The Civil Grand Jury is impressed with the recent suspension hearings of the Entertainment Commission for clubs with multiple violations of noise and health & safety laws.

> Recommendation D.4.b. The use of suspension and revocation powers given to the Entertainment Commission in Administrative Code, chapter 90, section 90.4(c) must be used to punish club owners with multiple violations, as well as serve as a deterrent for other potentially problematical entertainment venues.

| RESPONSE REQUIRED FROM: | Entertainment Commission  
San Francisco Police Department (60 days) |
5) Vision and Leadership:

Currently there is a haphazardness about the way the Entertainment Commission office is run, how the twice-monthly hearings are conducted, and in the vision of the Commission as reflected in the documents received only lately by the Civil Grand Jury. The Commissioners do not work well with one another and all feel that they get very little respect from other City departments and agencies, starting with the Mayor's office and working downward. As a consequence, there is a decided lack of a unified vision of what the Entertainment Commission could be and should be.

**Finding D.5.** The Entertainment Commission lacks the leadership needed to shape up the operation and motivate people to get along and get things done.

- **Recommendation D.5.a.** Someone at the Entertainment Commission has to take a leadership role. As the highest ranking, paid staff member of the Commission, this burden appropriately falls on the Executive Director.

- **Recommendation D.5.b.** The Civil Grand Jury strongly recommends that the Entertainment Commission adopt term limits for its Commissioners. If each serves no more than two 4-year terms, incompatibility is less of a problem than in the current potentially endless situation.

<table>
<thead>
<tr>
<th>RESPONSE REQUIRED FROM:</th>
<th>Entertainment Commission</th>
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<tr>
<td></td>
<td>The Mayor (60 days)</td>
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<td></td>
<td>Board of Supervisors (90 days)</td>
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**VII. CONCLUSIONS**

The San Francisco Entertainment Commission was created to solve problems. There was a perceived imbalance between the needs of residents in San Francisco and the needs of the entertainment industry to do business and provide entertainment for both residents and tourists. The pursuit of that balance informed the creation of Administrative Code, chapter 90. This report has explored the application of that part of the Code.

The biggest challenges faced by the Entertainment Commission can be summed up in two words: expectations and communication. The Entertainment Commission was expected to accomplish a great deal as outlined in the Code. Its greatest current strength lies in facilitating the granting of permits to club owners. Its greatest current weaknesses are twofold: 1) the Commission has been relatively ineffective in the enforcement aspect of its mandate; and 2) the Commission is not very proactive in promotion of entertainment (other than clubs) in San
Francisco.

The Commission seems to be populated by Commissioners and staff who do care about doing a good job and this is an important key to future success. However, there needs to be a careful analysis of what the Entertainment Commission realistically can/should be in the current political and economic environment, and given its relatively small size. Then it must find the leadership to move ahead.

The second challenge faced by the Entertainment Commission is no less daunting than the first. Communication is a problem at all levels. Written reports, as required under the Administrative Code, have not all been produced; the three annual reports that suddenly appeared in February, 2007, have significant deficiencies, as does the Effectiveness Report 2007 which appeared in May, 2007. Without such formal communication, it is hard to know what the goals of the Commission are, or where the Commission stands in meeting those goals.

Communication is a problem when Commissioners decide at Commission hearings that something will be done at the next hearing and then there is no follow-through. Communication is a problem when hearing minutes published on the website are so long delayed and written so poorly.

Communication is a problem when the relations between the Police Department and the Commission are not working smoothly. Communication is a problem when the Mayor’s office takes control of the Halloween party in the Castro (October 31, 2006) and no one seems to know why.

The ultimate goal here is to create and maintain a thriving and responsible entertainment industry in San Francisco. There has to be a plan that is followed and all the people involved in implementing the plan have to talk to one another. Turf battles have to be forgotten and good business practices have to be embraced. Someone has to take charge and make it happen.


**TABLE OF RESPONSES REQUIRED**

All Recommendations require responses from the Entertainment Commission within 60 days of issuance of the report. Some Recommendations require responses from other City departments (all of which have 60 days, except the Board of Supervisors, which has 90 days), as follows:

60-Day Response:

<table>
<thead>
<tr>
<th>DEPARTMENTS AND OFFICIALS</th>
<th>RECOMMENDATIONS</th>
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<tbody>
<tr>
<td>San Francisco Police Department</td>
<td>A2a,b; A7b1-3; D4a,b</td>
</tr>
<tr>
<td>San Francisco Fire Department</td>
<td>A2a,b</td>
</tr>
<tr>
<td>City Administrator</td>
<td>A4a,b; B5; C1a,b; C2;C3</td>
</tr>
<tr>
<td>Mayor</td>
<td>A9; C2;C3;C4a,b; D5a,b</td>
</tr>
<tr>
<td>Department of Human Resources</td>
<td>C1a,b; C4a,b</td>
</tr>
<tr>
<td>Entertainment Commission</td>
<td>Respond to all Findings and Recommendations</td>
</tr>
</tbody>
</table>

90-Day Response:

| Board of Supervisors                      | A6; A8; D5a,b                 |
SOURCES CONSULTED/BIBLIOGRAPHY

INTERVIEWS WITH REPRESENTATIVES FROM:
City and County of San Francisco Board of Supervisors
City and County of San Francisco Citizens
City and County of San Francisco Entertainment Commission
City and County of San Francisco Fire Department
City and County of San Francisco Police Department
City and Country of San Francisco Recreation and Parks Department
San Francisco Late Night Coalition

CIVIL GRAND JURY REPORT AND RESPONSES:

REPORTS AND RESOURCES – CITY AND COUNTY OF SAN FRANCISCO:
Administrative Code 90
Charter of City and County of San Francisco Section 4.117
Draft of Hearing Procedures
Entertainment Commission’s Good Neighbor Policy
Entertainment Commission Annual Reports 2003-04; 2004-05; 2005-06
Entertainment Commission Effectiveness Report 2007
SOURCES CONSULTED/BIBLIOGRAPHY

Entertainment Commission Permit Applications and Forms

Letters from City Administrator’s Office dated 1/17/07, 1/30/07

Letters from San Francisco Police Department dated 3/23/07; 5/1/07

Memorandum of Understanding between Entertainment Commission and Port of San Francisco dated 6/30/05

Memorandum of Understanding Draft between Entertainment Commission and Port of San Francisco, 2/1/07 (proposed)

Permit Fee Matrix

San Francisco Police Code Part 1 – Related Sections

San Francisco Police Code Part 2 – Related Sections

Scharod’s Law – Board of Supervisors Ordinance #052182

RESOURCES – STATE OF CALIFORNIA:

Department of Alcoholic Beverage Control

NEWSPAPER ARTICLES AND PERIODICALS:

“A push for the right to party loudly in S.F.; Board of Supervisors will consider new, civilian commission,” by Joe Garofoli, San Francisco Chronicle, 7-1-02, p. B1.

“Nightclub supporters get glimmer of hope; Commission to oversee permit process,” by Joshunda Sanders, San Francisco Chronicle, 9-12-02, p. D1.

SOURCES CONSULTED/BIBLIOGRAPHY


“Nighttime crowds spur more police for North Beach Patrol” by Sajid Farooq, San Francisco Chronicle, 9/1/06.


“City suspends North Beach Club’s permit” by Adam Martin, San Francisco Examiner, 3-22-07, 3:00 a.m.

“Zebra Loses a Stripe or Two” North Beach Aquarium, April 2007.

“Forum: Close clubs at 4 a.m., offer owners training” by Adam Martin, San Francisco Examiner, 4-14-07, 3:00 a.m.
SOURCES CONSULTED/BIBLIOGRAPHY


“San Francisco Club Closing after shooting: City will consider suspending permit of Boondock Bay” by Jaxon Van Derbeke, San Francisco Chronicle, 5/1/07, p. B-3.

“Fury over Sound” by Steven T. Jones, San Francisco Bay Guardian Online, 5/26/07.

“Local Club Six not deep-sixed—yet” by Adam Martin, San Francisco Examiner, 6-7-07.
Administrative Code, Chapter 90

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) 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.

(1) 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)

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,
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, 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 at levels sufficient to cover the estimated annual operating costs of the commission. (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)
Effectiveness Report

The San Francisco Entertainment Commission:

Effectiveness Report 2007
In 2003, the City and County of San Francisco embarked on an experiment: to implement the first ever Entertainment Commission in the United States. The City created a set of policy declarations, in a variety of forms, to guide the newly created department in its first years. The City also faced difficult choices regarding its budget, and therefore created a staffing challenge for the Entertainment Commission with its first steps.

As required by Administrative Code, Chapter 90, Section 90.4, the Entertainment Commission shall submit a report to the Mayor and Board of Supervisors analyzing its effectiveness in advancing the policies specified in Chapter 90, section 90.1 and the laws governing entertainment-related permits, and make recommendations related thereto.

This report represents the Entertainment Commission's first attempt to analyze the effectiveness of our efforts implementing those policies and declarations. While the Commission continues to devise systems to measure the impact of its work, there is no roadmap for the department nor clear paths to simple success.

(1) Assist the organizers of cultural, entertainment, athletic and similar events and establishments to apply for and obtain from the commission and other city departments the necessary permits. The staff of the commission has established a very effective system of assisting applicants in obtaining EC permits in a predictable and timely fashion. These include fixed place permits (Place of Entertainment,
Extended Hours, Billiard Parlor, etc.) and one time permits (Loudspeakers, Soundtrucks, One Time Events, Dance permits.) This process works well primarily due to a system of single points of contact with the pertinent departments, including Planning, SFPD, SFFD, DBI, Health, etc. who are routinely involved in signing off on most EC permits. The commission staff also has a voting seat on ISCTT, (Interdepartmental Staff Committee on Traffic and Transit), which keeps staff involved in the process of closing streets for cultural, entertainment and athletic events. With these systems, staff can shepherd an applicant completely thru the planning and approval processes required for single day or permanent fixed place permits. Due to the designated single point of contact with various departments, the turnaround time for approvals of most permits has been reduced. The staff and commission has also mounted a strong outreach program with the different associations that represent some of the primary event coordinators, and this has created opportunities to work with, and train applicants both in how to more effectively plan the event to comply with city regulations, but also how to prepare their permit applicant. This outreach program has also helped to reduce the time required by the city to process the application.

(2) **Promote the responsible conduct and operation of such events and establishments:** The commission has been very successful in working with both event promoters and venue owners, in promoting effective management techniques. This effort starts with an intensive permit intake procedure that is required for each new applicant. Every permit applicant meets with staff to review their management approach to every phase of the venue operation. The commission has also passed legislation in 2004, commonly referred to as “Scharrod’s Law” (Board of Supervisors Ordinance #262-04) that requires all venues to have a Security Plan as part of their application, and must be approved by the
commission. For permit holders that were inherited, the commission works mostly by bringing venue owners in similar geographic areas together for larger impact. For instance, along the “Broadway corridor”, “SOMA” south of market” (eleventh street, eighth street, and the area around Fourth and Mission), and the “eastern waterfront,” commission staff worked with groups that included local police officers, as well as merchants and residents to resolve conflicts and to make sure that nighttime businesses and their patrons remain good neighbors. These meetings have been successful in establishing better management of venues and greater cooperation between the police and the venue operators. The commission has also worked with the fair and festival promoters to promote strategies that will help them to have safer and more neighborhood friendly events.

(3) Promote the development of a vibrant entertainment and late-night entertainment industry: The commission has worked hard to promote entertainment in the city but the results have been mixed. The number of new fixed place permits issued has increased slightly, but many of those new permits are for venues that have been turned over to new ownership, as opposed to brand new entertainment or hospitality establishments. The state of entertainment in the city, according to many in the entertainment industry, is flat. In many ways, this flatness may be attributed to the variety of ways that city government has created obstacles in the form of liquor moratoriums, zoning restrictions, etc. However, the Entertainment Commission continues to work toward decreasing the amount of government obstacles that become barriers to entry. For instance, the Entertainment Commission created and helped pass legislation in 2004 creating a new “One Night Event” permit which enables responsible promoters to hold events in alternative spaces that are safe and meet city code requirements. In this way, the city promotes creativity and safe entertainment without
ongoing impacts on neighbors. In addition, the commission works with the Planning Department to try and insure that zoning restrictions will not hamper growth within the industry. We work daily with neighborhood groups and individual residents toward finding a greater appreciation of the value of hospitality, entertainment, and nightlife in their communities. Additionally, commission staff has worked closely with the San Francisco Redevelopment Agency, as well as Mayors Office of Community Development on at least three major projects involving entertainment components.

(4) **Promote the use of city facilities for cultural, entertainment, athletic and similar events that generate revenue for the city:** The commission staff has been heavily involved with the increased use of the Bill Graham Civic Auditorium. That facility has increased the number of shows significantly and Fiscal Year 2006-2007 is expected to be one of their highest earning years. Staff has also worked with The Port Commission to increase the number of cultural and entertainment events at municipal piers. In addition, staff is facilitating weekly live entertainment throughout the tourist season in the Fisherman's Wharf area in conjunction with the Fisherman's Wharf Merchants Association, the newly created Community Benefit District, and the Port. Also, staff regularly works with the Treasure Island Authority to bring new events to that area, including new music festivals and cultural events.

(5) **Foster harm reduction policies:** The Entertainment Commission worked closely with the Office of Emergency Services to create and pass new legislation in 2005 requiring events and venues of five hundred (500) or more patrons to have an "emergency medical "plan in place so as to ensure highest levels of public safety (Board of Supervisors Ordinance #051382.) Staff also educates new and older fixed place permit holders of city regulations requiring free water and
earplugs in fixed place venues with capacity of over 500 patrons
(Police Code Section 1060.28.)

(6) Develop "good neighbor plan"; The Entertainment Commission
developed and approved a set of "Good Neighbor Policies" in 2004
(see attached.) These 11 conditions are imposed on all permits issued
by the commission and set forth concise expectations on permit
holders.

(7) Mediate disputes between persons affected by cultural entertainment
related events; The Entertainment Commission has been successful in
mediation in every neighborhood in the city, and continues to reach out
to neighborhood groups and continues to educate venue owners on
how to implement good neighbor policies. Primarily, issues of sound,
crowd noise (attributable to the smoking ban), and security are the
main focus of these mediations. Positive outcomes are reached when
staff is able to connect venue owners and managers with neighbors
and police officers in a working, ongoing relationship. At the inception
of the Entertainment Commission, it was determined that enforcement
of all laws would remain the duty of the SFPD. In that way, they remain
an integral part of any solution and positive outcome. Simply, the
commission has become an effective intermediary and is able to find
solutions that work.

(8) Assume responsibility from the police department for issuing
entertainment related permits; The Entertainment Commission
assumed initial responsibility for all entertainment related permits, and
their concurrent tax licenses, in August 2003 and completed the
transition from the SFPD Permit Section in January 2004. All
application forms have been revised and continue to be improved.
Intake procedures are much more extensive and educational.
(9) Plan and coordinate city services for major events such as Halloween in the Castro: The Entertainment Commission has taken responsibility for "Halloween in the Castro" since its inception in 2003.

(10) Provide information regarding venues and services appropriate for conducting events and functions ancillary to conventions held within the city: The Entertainment Commission has worked with the Convention and Visitors Bureau to keep them informed of new venues and send potential clients to their facilities. The Commission was the first sponsoring agency of the San Francisco International Arts Festival which promotes the arts and the City through an annual multi-disciplinary festival in May each year. The Commission also sponsored showcases of San Francisco music during the annual South by Southwest Music Conference in Austin, Texas, and will be doing the same at the CMJ Music Conference in New York City. The focus of both these conferences is to bring back San Francisco's live music scene into the focus of the mainstream music industry.

The Entertainment Commission begins its fourth year in July 2007 as a model for other cities to emulate, including Chicago, Seattle, and San Jose. While the effectiveness of the first years is beginning to come into view, the future looks more exciting than ever.
Good Neighbor Policies for Nighttime Entertainment Activities. Where nighttime entertainment activities, as defined by this permit are conducted, there shall be procedures in place that are reasonably calculated to insure that the quiet, safety and cleanliness of the premises and vicinity are maintained. Such conditions shall include, but not be limited to, the following:

1. Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood; and

2. Employees of the establishment shall be posted at all the entrances and exits to the establishment during the period from 10:00 p.m. to such time past closing that all patrons have left the premises. These employees shall insure that patrons waiting to enter the establishment and those exiting in the premises are urged to respect the quiet and cleanliness of the neighborhood as they walk to their parked vehicle or otherwise leave the area; and

3. Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 a.m. the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons; and

4. Sufficient toilet facilities shall be made accessible to patrons within the premises, and toilet facilities shall be made accessible to prospective patrons who may be lined up waiting to enter the establishment; and

5. The establishment shall provide outside lighting in a manner than would illuminate outside street and sidewalk areas and adjacent parking, as appropriate; and

6. The establishment shall provide adequate parking for patrons that would encourage use of parking by establishment patrons. Adequate signage shall be well-lit and prominently displayed to advertise the availability and location of such parking resources for establishment patrons; and

7. The establishment shall provide adequate ventilation within the structures such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises; and

8. There shall be no noise audible outside the establishment during the daytime or nighttime hours that violates the San Francisco Municipal Code Section 49 or 2900 et. seq. Further, absolutely no sound from the establishment shall be
Entertainment Commission
Good Neighbor Policy

audible inside any surrounding residences or businesses that violates (San Francisco Police code) section 2900.

9. The establishment shall implement other conditions and/or management practices necessary to insure that management and/or patrons of the establishments maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use, and do not block driveways of neighboring residents or businesses.

10. Permit holder shall take all reasonable measures to insure the sidewalks adjacent to the premises are not blocked or unnecessarily affected by patrons or employees due to the operations of the premises and shall provide security whenever patrons gather outdoors.

11. Permit holder shall provide a cell phone number to all interested neighbors that will be answered at all times by a manager or other responsible person who has the authority to adjust volume and respond to other complaints whenever entertainment is provided.

Adopted by the Entertainment Commission on November 16, 2004
CHAPTER 90: 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 Halloweenbaccanalia 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.


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, 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 at levels sufficient to cover the estimated annual operating costs of the commission.

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

The Mayor’s Office is currently projecting a $229 million General Fund shortfall for fiscal year 2008-2009. The budget deficit continues into FY 2009-2010.

In recent years, the City’s General Fund has made a number of changes to reduce spending, but we have still had to use one-time fund balances from the prior year to close budget gaps. The City is also experiencing an imbalance of sources and uses in the upcoming budget year for a variety of reasons:

- Voter-Approved mandated spending requirements, including the recent passage of Proposition A, which improves the revenue sources for MUNI but cost the overall general fund almost $28 million, directly affecting the funding available to address all uses. Increases to mandated spending totals $72 million.
- Loss of one-time sources, totaling $110 million.
- Previously anticipated MOU cost increases and position annualizations total $133 million. This includes investment in new frontline service positions such as additional Police, Nurses and Park maintenance staff.

General revenues for fiscal year 2008-2009 are projected to grow from 2007-2008 budgeted levels by approximately 5%. Any growth over the 5% would require deposits to the Rainy Day Reserve and very little would be available for general fund spending.

Moreover, we assume no additional deposits to pre-fund our retiree health benefit liability, which is a future liability valued at approximately $4 billion.

Finally, we expect additional bad news for the city’s budget at the beginning of next year, when the Governor’s budget is announced. The State is addressing an estimated $10 billion shortfall for next year.

The table below shows a summary of the projected budget deficit over the next two years.
GENERAL FUND
SOURCES AND USES
($ in millions)

<table>
<thead>
<tr>
<th></th>
<th>FY 09</th>
<th>FY 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Loss of One-Time Sources</td>
<td>($110)</td>
<td>($14)</td>
</tr>
<tr>
<td>Revenue Growth</td>
<td>$119</td>
<td>$85</td>
</tr>
<tr>
<td>Sources Subtotal</td>
<td>$9</td>
<td>$71</td>
</tr>
<tr>
<td>MOU Costs and Annualization of Positions</td>
<td>($111)</td>
<td>($86)</td>
</tr>
<tr>
<td>Health, Dental, Pension and Other Benefits</td>
<td>($22)</td>
<td>($29)</td>
</tr>
<tr>
<td>Mandated Spending Requirements</td>
<td>($72)</td>
<td>($30)</td>
</tr>
<tr>
<td>Other Operating Costs</td>
<td>($34)</td>
<td>($45)</td>
</tr>
<tr>
<td>Uses Subtotal</td>
<td>($238)</td>
<td>($190)</td>
</tr>
<tr>
<td>Shortfall Projection</td>
<td>($229)</td>
<td>($118)</td>
</tr>
</tbody>
</table>

This projection is influenced by a number of variables that are likely to change over the course of the current fiscal year. Updates on the fiscal year 2008-2009 General Fund shortfall will be provided on a periodic basis as new information becomes available.

2. **FINANCIAL TARGETS AND POLICY INSTRUCTIONS**

As in previous years, the Mayor’s Office is requesting that departments complete a number of forms providing information about their proposed budgets. In prior years, departments have been asked to submit a budget narrative. As with last year, that requirement will be satisfied by submission of the department’s annual efficiency plan, due February 1st. In this plan, departments should explicitly discuss the relationship between resource allocations and their ability to meet departmental service goals. Each form in the following sections of this booklet is accompanied by detailed instructions for its completion.

*Instruction #1: Budget Savings Equal to 8% of Current General Fund Support*

The Mayor asks all departments to submit 8% target reductions, in a combination of on-going and one-time solutions.

A. **All General Fund departments are to reduce their on-going General Fund Support by at least 5%.**
Departments are instructed to submit budget requests for 2008-2009 that reflect at least a 5% reduction in General Fund support. One-time solutions will not count towards this target. However, your target could be adjusted depending on optional mid-year cuts (see Instruction #2, below). Departments should contact their assigned analyst in the Mayor’s Budget Office to obtain their specific base budget reduction targets.

The reduction targets are only anticipated to resolve approximately 20% of next year’s problem.

B. All General Fund departments are to reduce their General Fund Support by a maximum of 3% in one-time savings.

Departments should submit one-time expenditure reductions of no more than 3% of their General Fund Support.

- Non-General Fund departments are instructed to absorb all known costs increases within their proposed budget submissions by increasing revenues and/or reducing expenditures.

- All departments are instructed to prioritize operating efficiencies, especially reductions in administrative staffing and overhead costs ahead of reductions in core services to the public.

- Departments should consider the cost increases facing non-profit contractors when putting together their budgets. Departments may need to reallocate funds within their base budgets in order to supplement funding for contracts with those nonprofit agencies that would otherwise be unable to continue service delivery, or to reduce the units of service required under a status quo budget.

Using Budget Form 1A, which is a new form, departments should provide a summary of major changes in operations including resource allocations assumed in the proposed budget. Examples of these highlights include new or increased budget investments, any programmatic improvements, new initiatives, changes in staffing levels as well as service reductions. Please indicate whether your savings are to meet your on-going or one-time target.

Instruction #2: Propose On-going Savings in the Current Year

To the extent that departments provide on-going solutions in the current year, departments will get credit towards your one-time and on-going targets, where applicable. Please contact your Mayor’s Budget Analyst to discuss any savings proposal in the current year.

Instruction #3: Submit Additional Contingency Savings of 5%

Departments should submit a prioritized contingency plan with their budget submission equal to 5% of their reduced General Fund base on Form 6. Contingency plans may include both one-time and ongoing solutions. Contact your Mayor’s Budget Analyst to receive this figure for your department.
In cooperation with each department, the Mayor’s Budget Office will evaluate the need for these reductions as improved information regarding revenues available to fund the FY 2008-2009 budget are known. The Mayor’s Budget Office may need to work with your department to find savings beyond the target and contingency.

**Instruction #4: Budget Submission Should Not Exceed the Department Target**

Do not load expenditures into the budget system that exceed your target. Use two new budget forms: Form 7A for position expenditures and Form 7B for non-position expenditures that exceed budget target. Provide justification of why these expenditures should prevent departments from meeting their budget reduction targets.

**Instruction #5: Request Funding for Efficiency Measures**

The Mayor’s Office invites proposals for one-time grants to implement efficiency measures that result in long-term General Fund savings or revenue enhancement. If the efficiency investment is projected to generate savings or revenues in FY 2009-10, partial credit may be provided to offset target reductions that may be issued in FY 2009-10, pending verification by the Mayor’s Budget Office and/or the Controller’s Office.

Proposals may be submitted by individual General Fund or enterprise departments, groupings of departments, or by City contractors via a City department. Clusters and SFStat policy area groups are particularly encouraged to discuss and recommend interdepartmental efficiency proposals.

All requests should be submitted on Form 12. One example of an efficiency measure might be a technology systems investment that is anticipated to result in labor cost savings.

**Instruction #6: Identify Position Deletions Separately, and Justify Enhanced Staffing Requests**

Form 8 requires that departments list all proposed new positions and all existing unfunded positions proposed to be in the FY 2008-09 budget. In cases where the new hiring is approved by the Mayor’s Office, departments will be required to fund existing vacant positions through an attrition adjustment before adding new positions.

Form 9 is for any new position deletions. Please note all proposed deletions on this form, however, do not implement any layoffs until we finalize the FY 2008-09 budget.

**Instruction #7: Submit Functional and Position Level Organization Charts**

Departments are to submit two versions of the department’s organization chart. The first should be a one-page high-level display of the major divisions or functional areas within the department. The second should provide position-level detail (job class, title, and FTEs) and should identify those positions that have been eliminated in the proposed budget, as well as those that are vacant as of February 1st. Please include three copies of the detailed organization charts with your budget submission.
MEMORANDUM

TO: Angela Calvillo, Clerk of the Board of Supervisors
CC: Supervisor Bevan Dufty
FROM: Ed Harrington, Controller and Andrew Murray, Office of the Legislative Analyst
DATE: October 20, 2007
SUBJECT: Board of Supervisors Inquiry to the Controller (Reference #20070814-009) and to the Legislative Analyst (File #071213) – Analysis of Establishing an Office of Special Events in San Francisco

This report is being issued in response to requests made by Supervisor Bevan Dufty to the Controller’s Office (Reference #20070814-009) and the Office of the Legislative Analyst (File #071213) to conduct research on establishing an “Office of Special Events” in San Francisco. Because of the overlapping nature of these requests, the Controller and Office of the Legislative Analyst worked together to produce the findings and recommendations of this report. The exact text of the requests is included in Appendix A.

Executive Summary

Special events provide important cultural and economic benefits to the City, but often cause concern among residents of the neighborhoods where they take place. The City’s special events permitting and planning process must balance these competing interests.

This report addresses the following three questions:

- Can the City enhance its cultural and economic profile by playing a more active role in attracting, creating, and promoting special events?
- Can the City increase the number and quality of special events by streamlining the permitting process?
- Can the City increase the utilization of and revenue from City facilities used for special events?

The findings and recommendations contained in this report are summarized below. A complete list of the findings and recommendations is included in Appendix B.

Findings in Brief

- San Francisco could benefit economically and culturally from additional special events, yet no City agency currently focuses on attracting, creating, and promoting new events. Although the Entertainment Commission has the statutory mandate to perform these functions, it lacks the capacity to effectively carry them out. The Mayor’s Office is best suited for this role, and in fact, the Mayor’s Office of Economic and Workforce...
ESTABLISHING AN OFFICE OF SPECIAL EVENTS IN SAN FRANCISCO
and residents concerned about the impact of special events on their neighborhood. The web site should also contain information on the City's special events venues and how to book civic facilities.

- The City should seek to ensure fair and consistent treatment of event permit applications by City agencies through issuing policies or guidelines regarding special conditions and fees to be charged or waived.

Introduction

Background

Every year, hundreds of special events take place on the streets, in the parks, and on the waterfront of San Francisco. Many of these are annually planned events, such as street fairs, music festivals, art exhibitions, parades, and holiday celebrations, while others are one-time events, such as the 2007 Major League Baseball All-Star Game festivities. Most of these events are privately produced and sponsored, by corporations and nonprofit organizations. However, a few large annual events have no sponsor and are produced by the City and County of San Francisco. These include the New Year's Eve and Fourth of July celebrations, as well as the Halloween festivities in the Castro.

Special events are an important part of the cultural-life of San Francisco and a driver of economic activity. However, in some instances they are also a source of concern to City residents who live in the neighborhoods where events take place. Residents worry about the threats to safety and security, noise disturbances, vandalism, and pollution that may accompany a special event, and often appeal to the Mayor and Board of Supervisors to intervene in the event permitting and coordination process. The special event permitting and planning process must balance these competing interests, and the Mayor and Board of Supervisors should weigh these concerns when considering streamlining the event permitting process or increasing the number of events that take place in the City.

Purpose of the Report

The impetus for Supervisor Duffy’s request for a study on special events in San Francisco was the cancellation of a City-sponsored Halloween celebration in 2007. Following a violent incident during the Halloween festivities in the Castro in 2006, Mayor Newsom and the Board of Supervisors sought to improve planning for Halloween in 2007. The Mayor’s Office, along with Supervisor Duffy and the Entertainment Commission, attempted to develop an alternative plan for a Halloween celebration away from the Castro. These efforts included an agreement with a private event promoter to produce an event in a lot near AT&T Park. When the promoter withdrew from these efforts, the Mayor’s Office decided to cancel holding an official City-sponsored Halloween party. As the annual Halloween celebration has been a community event that has attracted hundreds of thousands of San Francisco residents and visitors for many years, the cancellation spurred a discussion regarding what role the City should play in event coordination and facilitation. It also raised questions about a host of other issues, including the City’s broader cultural programs, permitting process, and the use of public facilities.
This report addresses the following three questions:

- Can the City enhance its cultural and economic profile by playing a more active role in attracting, creating, and promoting special events?
- Can the City increase the number and quality of special events by streamlining the permitting process?
- Can the City increase the utilization of and revenue from City facilities used for special events?

Methodology

In writing this report, the Controller's Office and Office of the Legislative Analyst reviewed relevant provisions of the City Charter and Municipal Code, analyzed the events permitting process, interviewed knowledgeable City employees and local event producers, researched practices in other jurisdictions (including Boston, Chicago, Houston, New York and San Diego), and consulted with the City Attorney's Office.

**Question 1: Can the City enhance its cultural and economic profile by playing a more active role in attracting, creating, and promoting special events?**

Existing Situations and Opportunities

As noted, San Francisco is home to a number of special events, including many neighborhood festivals and parades. Three opportunities for the City related to special events are discussed below: attracting new, established events to San Francisco; creating new City-sponsored events; and playing a role in improving existing events or managing unsponsored events.

**Case Study: Chicago's Mayor's Office of Special Events**

Chicago is repeatedly cited by experts in the destination management and event planning industry as the leading big city in creating its own special events and festivals and enabling neighborhood organizations and other private parties to do the same. The city's Mayor's Office of Special Events is the central contact point, providing a special events planning resource guide and a single special events permit package incorporating all of the forms required by the relevant regulating agencies. The office's homepage includes an event calendar with a search function.

In addition to a large number of neighborhood events, the city is instrumental in the production of a number of citywide events of national acclaim, including the Chicago Blues Festival, Chicago Jazz Festival, Taste of Chicago, and Outdoor Film Festival. The city has also successfully attracted a number of one-time events, such as the 2007 AIBA World Boxing Championships. Chicago is the US representative in the bid to host the 2016 Summer Games, an honor it won over San Francisco.

Chicago's office is noteworthy in its consolidation of numerous special events functions, including the Mayor's Office of Protocol, Chicago Film Office, Neighborhood Festivals
Program, and Sports Development Office. Other divisions of the office illustrate its focus on event creation and production: Event Operations, Event Programming, and Corporate Sponsorship.

The city is the organizer of Chicagoween, produced with the financial support of corporate sponsors, including AT&T and the local NBC affiliate, which draws approximately 250,000 attendees. For the event, Daley Plaza is transformed into "Pumpkin Plaza," complete with pumpkins, a Haunted Village and an orange fountain. Special programming includes circus performances, storytelling, and pumpkin decorating. It also involves the Halloween Happening participatory children's costume parade.

Findings

#1: San Francisco Could Benefit Economically and Culturally from Additional Special Events

Many players in the City's economic development arena agree that the City could benefit, economically and culturally, from more and better special events, such as festivals and sporting events. Also, an opportunity exists to improve the impact of events by managing their scheduling. Such a conclusion is consistent with the findings of the forthcoming San Francisco Economic Strategy (April 18, 2007 version), created jointly by the Mayor's Office of Economic and Workforce Development (MOEWD) and the Controller's Office of Economic Analysis (OEA), which states:

San Francisco's export base is essentially based on two main categories of exports: knowledge-intensive services (financial & professional services, media and high-tech) and experience-based services (tourism). These export activities drive San Francisco's economic growth. The better the City is able to accomplish them, the greater the growth potential throughout the economy.

In addition to growing the number of visitors, San Francisco needs to continuously improve the product, to develop new ways of encouraging visitors to spend more during their stay. One way to do that is to broaden the tourism product, by incorporating a broader range of neighborhoods, cultures, and experiences into the "San Francisco experience". Another way to do this is to progressively develop more unique restaurants, museums, attractions, boutiques, theaters, architecture, and other forms of the urban experience, in core tourism areas and elsewhere.

The San Francisco Economic Strategy recognizes the challenge of balancing increasing entertainment opportunities with maintaining quality of life for neighborhood residents:

There is an intimate connection between investing in the quality of life that San Francisco residents experience, and strengthening the City's competitive advantage in a growing but increasingly competitive international tourism industry.

Ted Egan, the Chief Economist of the Controller's Office, specifically notes that there is a particular opportunity for neighborhood commercial districts that are currently off the beaten
path to gain patronage through hosting events, which might make them more regular destinations of San Francisco residents and tourists alike.

#2. No City Agency is Currently Focused on Attracting, Creating, and Promoting Special Events; the Mayor's Office is Best Suited

Attracting and creating new special events is not a primary focus of any San Francisco organization. Although the Entertainment Commission has the statutory authority to do so, it lacks requisite resources and expertise. Among other responsibilities, the Entertainment Commission is charged with promoting entertainment. One of the Powers and Duties of the Entertainment Commission (Administrative Code Section 90.4) is to "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." In addition, within the Declaration of Policy (Administrative Code Section 90.1), the Entertainment Commission is directed to "promote the development of a vibrant entertainment and late-night entertainment industry within the City." However, although it currently works with applicants to help them secure event permits issued by itself and other city agencies, it does not devote significant resources to event attraction or creation.

The Entertainment Commission's ability to expand its core services beyond the present levels and focus is limited by the need to address a number of operational issues, as identified in the recent Civil Grand Jury report. Therefore, it is reasonable to consider whether the Entertainment Commission's unfulfilled responsibility to attract and support special events (including those without sponsors) should officially be transferred to some other unit. This might address a perceived conflict within the Entertainment Commission of permitting (and therefore regulating) special events, while also being responsible for promoting and expanding them. It might also effectively address accountability issues indigenous to the Entertainment Commission, such as those regarding lines of authority, job responsibilities, and accountability of the Executive Director, as raised in the Civil Grand Jury report.

If the motivation to attract and create new events is economic, it is most squarely the responsibility of the Mayor's Office of Economic and Workforce Development. However, the Mayor's Office of Economic and Workforce Development has only worked to attract a modest number of high-profile events (including the 2016 Summer Games and the 2007 Major League Baseball All-Star Game), and plays a limited role in creating City events. One economic development staff member currently works on a full time basis to facilitate permits, conduct community outreach, and make other arrangements for significant privately sponsored and civic events (such as New Year's Eve and the Fourth of July). The profile of the Mayor's Office is a significant advantage in attracting new events and sponsorships and coordinating the activities of City agencies to support events.

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2 Finding C.2. “Many of the Commissioners, and the Executive Director himself, are unclear as to the exact lines of authority in terms of supervision of the Executive Director, and the same lack of clarity applies to the job requirements of the Executive Director.”
#3. Convention and Visitors Bureau or Other Nonprofit Agency Could Effectively Play Larger Role in Attracting and Promoting Special Events

The responsibility to attract or promote events might also be viewed as a responsibility of the San Francisco Convention and Visitors Bureau ("Visitors Bureau"). The Visitors Bureau receives 56% of its approximately $14 million annual budget from the City's hotel tax to promote San Francisco as a tourist destination and to book conventions and trade shows at the City's convention center, primarily to book hotel rooms. Based on conversations with Visitors Bureau staff, it views its core mission and competency as promoting San Francisco's attractions. The Visitors Bureau could expand this focus to also address attracting special events that would likely result in hotel bookings.

Although the Visitors Bureau does not consider creating special events to be part of its core function, a reallocation of existing resources or the addition of new ones would make it possible for the Visitors Bureau to become more involved in such. The Visitors Bureau already plays a role in organizing the City's annual Fourth of July celebration. Its nonprofit status provides a flexible framework from which it could attract sponsorships and other funding for events. Another nonprofit organization, the San Francisco Special Events Committee, which works closely with the Mayor's Office of Protocol, might also be a contributor to an effort to build homegrown special events. This organization conducts fundraising activity on an as-needed basis and contracts with private event promoters to produce special events at the Mayor's request. For example, the Office contracted with Ritu Barela Productions to produce the 100th Anniversary of the 1906 Earthquake and obtain the necessary permits.

#4. Grants for the Arts Could Participate in Event Attraction, Creation, and Promotion

If the motivation to create additional special events is partially cultural, groups beyond the Mayor's Office of Economic and Workforce Development and Visitors Bureau might reasonably share the responsibility. San Francisco's Grants for the Arts, which is supported by a share of the Hotel Tax, already provides financial support to a number of annual celebrations and parades, such as the Castro Street Fair, Chinese New Year Parade, Cinco de Mayo, Folsom Street Fair, and the Stern Grove Festival. It also provides support to what it classifies as Civic Events, such as Juneteenth, Memorial Day, Veterans' Day, and the Martin Luther King Jr. Birthday Observance. These are privately organized events that receive special consideration outside of the normal grant application process because they are priorities of the Mayor's.

Grants for the Arts' support of special events could expand with additional resources or by redirecting current resources. Its current role is primarily reactive, responding to requests for funding from existing efforts. However, it could certainly become more proactive in attracting or creating events, particularly to fill gaps in current programming.

#5. Unsponsored Events Like Halloween Are Likely Best Managed by the Mayor's Office in Cooperation with a Private Event Producer

As noted above, one motivation for this research project is the specific case of the Halloween celebration in the Castro. Something of a spontaneous event, the City has been trying to determine the best way to manage and support it. The model of partnering with a private
producer is appealing, as it draws on the expertise of the City's event planning industry while limiting the cost to the City. If this model falls through, relying on the Mayor's Office of Special Events, discussed below, or the Entertainment Commission, per its specific charge to "plan and coordinate the provision of City services for major events for which there is no recognized organizer..." (Administrative Code section 90.4(h)), are the best alternatives. Successful management of Halloween by the City would require tasking one of the aforementioned agencies with the responsibility.

#6. The City Could Be More Proactive in Pursuing Sporting Events

Note that although it has been a topic of consideration for some time, the City does not currently have a unit focused to pursuing sporting events, although the Mayor's Office of Economic and Workforce Development is active on a limited scale in this regard. Many other jurisdictions, including Los Angeles, Sacramento, San Diego, and San Jose, have government agencies, public-private partnerships, or nonprofit organizations dedicated to attracting sporting events.

Recommendations

#1. Create a Unit Responsible for Special Event Attraction, Creation, Cultivation, Promotion, and Facilitation

A new program, the Mayor's Office of Special Events, should be created, responsible for attracting and promoting special events, and creating and cultivating a limited number of homegrown, signature special events. The program should also have responsibility for facilitating permitting (by serving as an information clearinghouse and first point of contact, as recommended below) and other City support of prominent privately organized events. Also, it should be integral to seeking sponsors for and backstopping unsponsored events if necessary, such as Fourth of July and Halloween. This office should also provide policy direction regarding special events, including helping to create a strategic master event calendar/program that would help ensure optimal distribution of events throughout the year, across neighborhoods, and the creation of new, signature events. Policy consideration might also include developing a uniform fee policy, policy for cost recovery of City services, and public noticing requirements. This office should coordinate with other City units related to special events, including those responsible for facility booking. This office should specifically work with Grants for the Arts to consider its role in creating and expanding local cultural events. In addition, the City should consider associating the Mayor's Office of Protocol with the new Office of Special Events.

The Board of Supervisors should amend Chapter 90 of the Administrative Code to create the Mayor's Office of Special Events and transfer responsibility for promoting events and the use of city facilities for events, as well as planning and coordinating City services for unsponsored events like Halloween, from the Entertainment Commission to the newly created office. These amendments should include language requiring the Mayor's Office of Special Events to coordinate closely with the Entertainment Commission.

Note that one full-time employee within the Mayor's Office of Economic and Workforce Development already supports prominent special events. This position should be transferred to the Mayor's Office of Special Events. One additional position would be necessary to meet the
new responsibilities outlined above. This position would be responsible for addressing special events policy as well as leading new event attraction and creation efforts.

#2. House the Entertainment Commission in the Mayor's Office

The Entertainment Commission does not currently have the capacity to address its authority to promote, facilitate, and expand the City's entertainment offerings. The Civil Grand Jury found that this shortcoming was in part due to poor communication with the Mayor’s Office. In order to improve communication, the Entertainment Commission should therefore be housed within the Mayor's Office and closely coordinate its functions with the office that will undertake broader special events activities and policy, the new Mayor's Office of Special Events. The Mayor's Office of Special Events will serve as the primary first point of contact for producers and residents regarding special events. As the Entertainment Commission already plays this role to some degree, the two organizations' activities should be closely coordinated. In addition, the Entertainment Commission should consider using its public hearings as an informational forum to discuss special events and make recommendations regarding special events policy to the Mayor's Office of Special Events and permitting agencies.

#3. Involve the Convention and Visitors Bureau in Event Attraction, Creation, and Promotion

As noted, the Visitors Bureau's mission of attracting visitors and spurring hotel booking is closely aligned with the economic development opportunity created by special events. The City should discuss a potential expanded role for the Visitors Bureau in attracting new events, creating local events (including serving as the fiscal agent in some cases), and promoting existing events to tourists and residents.

Question 2: Can the City increase the number and quality of special events by streamlining the permitting process?

Existing Situation and Opportunities

Currently, several City departments and commissions have the authority to issue permits related to special events. There is no formal centralized office or “one-stop shop” where event producers can obtain information about holding special events or submit permit applications. Therefore, event organizers frequently have to interact with a variety of agencies when planning their event. If the event requires a street closure, the event producer must obtain a Temporary Street Occupancy permit from the Department of Parking and Traffic, through the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT). If the event is to

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3 Page 6: “Communication between the Entertainment Commission and the Mayor's office has not been sufficiently good to allow such efforts [promoting the development of a vibrant entertainment and late-night entertainment industry] to move forward.”

4 The Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) consists of representatives from the Department of Parking and Traffic, Department of Public Works, Police Department, Fire Department, Public Health Department, Municipal Railway, City Planning Department, and Entertainment Commission. Under Article 21 of the Traffic Code, ISCOTT has the authority to issue permits for the temporary use or occupancy of public streets. Before acting on any permit, ISCOTT is required to consult with any other City department or agency that could be affected by a temporary use or occupancy of a public street and to conduct a public hearing.
be held in a public park, the producer must obtain a permit from the Recreation and Park Department, and if the event is to be held on Port property, the producer must obtain a permit from the Port Commission. Most special events require a Loudspeaker or Sound Amplification permit, which is issued by the Entertainment Commission or Recreation and Park Department. In addition, events that include the sale or distribution of food or beverages must obtain a permit from the Public Health Department, and events that include the use of open flame devices or fireworks must obtain a permit from the Fire Department. Table 1 below illustrates the many permits that may be necessary for a special event, and the agencies that issue them.

<table>
<thead>
<tr>
<th>Type of Event</th>
<th>Likely Permits Required</th>
<th>Issuing Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Fair</td>
<td>Temporary Use or Occupancy of a Public Street</td>
<td>Parking and Traffic/ISCOTT</td>
</tr>
<tr>
<td></td>
<td>Loudspeaker/Sound Amplification</td>
<td>Entertainment Commission</td>
</tr>
<tr>
<td></td>
<td>Temporary Food Establishment Permit for Special Event</td>
<td>Public Health</td>
</tr>
<tr>
<td></td>
<td>Open Flame Devices, Fireworks, Tents</td>
<td>Fire Department</td>
</tr>
<tr>
<td></td>
<td>Temporary Occupancy of Street for Construction (e.g., of a stage or platform)</td>
<td>Public Works</td>
</tr>
<tr>
<td>Concert/Music Festival in a Public Park or on Port Property</td>
<td>Use of Public Park or Port Property (for Special Event)</td>
<td>Recreation and Park or Port</td>
</tr>
<tr>
<td></td>
<td>Loudspeaker/Sound Amplification</td>
<td>Entertainment Commission or Recreation and Park</td>
</tr>
<tr>
<td></td>
<td>Temporary Food Establishment Permit for Special Event</td>
<td>Public Health</td>
</tr>
<tr>
<td></td>
<td>Open Flame Devices, Fireworks, Tents</td>
<td>Fire Department</td>
</tr>
</tbody>
</table>

In addition to obtaining the appropriate permits, event producers may have to work with other City departments and pay various fees. For example, many events require staffing by the Police Department, the costs for which must be borne by the event organizer, and many require coordination with the Department of Public Works for clean-up after the event. In addition, “major” events (as defined in the Traffic Code) require an Emergency Medical Service Plan approved by the Department of Public Health, as well as an insurance policy naming the City as an additional insured party, on a form approved by the Office of Risk Management. The involvement of various city agencies in permitting and coordinating special events is demonstrated by the sample Temporary Street Occupancy permit issued by ISCOTT included in Appendix C.

Case Study: San Diego Exemplifies Best Practice in Special Events Permitting

Many experts in event planning have identified San Diego as a model of effective customer service regarding permitting special events. The San Diego Office of Special events serves as a single point of contact for special events permitting. It maintains an informative website, provides a useful handbook of guidelines for special events producers, and facilitates permit issuance by accepting a single, consolidated permit application, and walking it through the

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5 The Entertainment Commission issues sound amplification permits for the Port through a Memorandum of Understanding. The Recreation and Park Department issues their own sound amplification permits.

6 The event producer may also make separate arrangements for clean-up rather than use the Department of Public Works.
approval processes of relevant agencies. The permitting process is backstopped by a clear local ordinance and policy that address process, prioritization, appeals, and fees (and waivers). This provides a high degree of transparency and consistency to the process. Note that denied special event permits are appealable directly to the city council Committee on Public Safety and Neighborhood Services.

San Diego’s office is also actively engaged in seeking and submitting bid proposals to bring major events to San Diego. Once a major event is secured, the office serves as the liaison between the event organizer, host committee, community, and city departments. San Diego is often cited as a major competitor with San Francisco for conventions, special events, and tourists.

Findings

#7: Permitting Process May Be Difficult to Navigate for New and One-Time Events

According to several event organizers interviewed for this report, the current special events permitting process in San Francisco works reasonably well for long-standing annual events with experienced organizers who are familiar with the process, but may be difficult to navigate for new events and one-time events. Since there is no single, publicized point of contact for special events permits, event organizers unfamiliar with the process may spend a great deal of time simply figuring out who to contact at the various agencies involved. Indeed, it is unclear how event organizers currently ascertain where to initiate the permit application process, as there is no website devoted to special events or written guidelines distributed by the City. In addition, communicating with several different agencies is time-consuming and often confusing, and since many special events in San Francisco are organized by volunteers, the City should seek to make the permitting process as expeditious and easy to navigate as possible.

#8: Entertainment Commission Lacks the Capacity to Be a “One-Stop Shop”

Chapter 90 of the Administrative Code states that it is the policy of San Francisco to have the Entertainment Commission “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...all necessary permits from the City.” However, based on our research, the Commission only has the capacity to perform this function in a limited fashion for certain events. According to Deputy Director Jocelyn Kane, the Entertainment Commission’s four staff members spend at least 50% of their time dealing with special events permitting and facilitation (as opposed to dealing with other kinds of permits issued by the Commission, such as Place of Entertainment permits). The Entertainment Commission has a seat on ISCOTT, issues permits for sound amplification, addresses neighborhood complaints and concerns regarding sound amplification permits in its public hearings, and provides a sound technician to assist in setting up sound equipment and monitoring noise levels. In our interviews, event organizers reported that the Entertainment Commission staff is very helpful and makes every effort to facilitate the permitting process. However, in its current form, the Entertainment Commission has not been funded to be, nor has it assumed the role of, a “one-stop shop” for new and one-time events. In

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7 San Diego Administrative Code Division 40: Special Events
its July 2007 report, the Civil Grand Jury found that the “Entertainment Commission appears to have minimal involvement, at best, in [the events] permitting process.”

#9: ISCOTT Provides an Effective Forum for Permit Review by Various City Departments, But Lacks the Capacity to Provide Sufficient Facilitation for New and One-Time Events

The process of issuing temporary street closure permits through ISCOTT is generally sound and working well. According to several local event producers, ISCOTT is the first point of contact for many event planners. ISCOTT provides a forum for several City agencies to simultaneously review event permit applications and gives the public an opportunity to present their concerns regarding proposed events. In addition, when ISCOTT issues a permit, Cindy Shamban, the Department of Parking and Traffic representative, provides the event producer with a packet that includes information regarding the permit holder’s rights and responsibilities and a checklist of other permits that are required for the event. ISCOTT also maintains a list of upcoming street closures on the Municipal Transportation Agency (SFMTA) web site.

However, ISCOTT does not provide further facilitation of the permitting process once a temporary street closure permit has been issued. After providing the permit checklist, Ms. Shamban does not have sufficient time to shepherd permits through other agencies, or follow-up with event organizers to ensure that they are obtaining the necessary permits.

#10: Mechanisms for Public Involvement in the Permitting Process Could Be Improved

While the ISCOTT process provides for a public hearing for temporary street closure permits, this procedure alone might not provide for adequate consideration of neighborhood concerns regarding special events or allow for sufficient public involvement once a permit is approved. For one thing, the ISCOTT process only applies to events that require a street closure. Events held in public parks and on Port property are not always subject to a public hearing, and the Entertainment Commission only requires a public hearing regarding sound amplification permits for events that will occur after 10:00 p.m.

The ISCOTT process itself might be improved by providing greater public outreach to ensure that San Francisco residents are aware of the hearings and have an opportunity to present their concerns. As a staff committee, ISCOTT lacks the visibility and notoriety a commission might enjoy, and therefore having an organized system of public outreach is essential. Article 21 of the Traffic Code requires permit applicants to post notices of the public hearing at least seven days in advance of the hearing in the “area of the proposed temporary use or street occupancy according to rules and regulations prescribed by the Director [of the Department of Parking and Traffic].” In addition, Ms. Shamban has a list of neighborhood organizations and businesses that she emails when an application is submitted for an event in their area. While Ms. Shamban’s efforts are commendable, this system does not ensure that the public at large and businesses not in the immediate vicinity of the proposed event are aware of the hearing.

Furthermore, there is currently no formal mechanism for the public to issue complaints or express concerns once special events permits are issued. As a result, residents often contact the

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Mayor's Office or their representative on the Board of Supervisors and ask them to intervene on their behalf. Currently, at least one staff member in the Mayor's Office spends a significant amount of time mediating between the event organizers, City departments, and the public. This process is not the most effective method of addressing neighborhood concerns.

#11: Permitting Process Lacks Transparency and Consistency

The fragmented and ad hoc nature of the current permitting process results in a lack of transparency in decision making and can lead to inconsistent treatment of event permit applications. In our interviews, several event producers expressed the opinion that events are treated differently with regard to special conditions placed on their permits and fees charged (or waived) depending on the agency issuing the permit. In many cases, the reasons for this disparate treatment were unknown. In particular, the event producers pointed to differences in decisions made by various district police captains, and in treatment by the Port and Recreation and Park departments, as opposed to ISCOTT and the Entertainment Commission. At present, there are no written guidelines or policies that address when a fee can be waived. According to Port of San Francisco staff, any fee waivers for events on Port property must be approved by the Port Commission, although these are generally granted only for large events, such as the Fourth of July celebration or the 2007 Major League Baseball All-Star Game activities.

One result of the lack of transparency and consistency in the permitting process is the perception by some event organizers, expressed during our interviews, that the City does not recognize the value of special events to the quality of life and economy of San Francisco. They believe that department employees are sometimes inflexible and uncooperative with event organizers in order to avoid dealing with vocal City residents who oppose events in their neighborhood. They believe the City should embrace special events and departments should work with the organizers to make events happen while addressing neighborhood concerns.

Recommendations

#4: Create a Dedicated Web Site for Special Events

Currently, there is no web site devoted to special events in San Francisco. The City should create one that provides information for event organizers, including permit application materials and links to and contact information for the relevant departments and the San Francisco Convention and Visitors Bureau. It should also provide information for individuals interested in attending special events, including a calendar of events. Such a calendar currently exists on the City's 311 web site and the Visitor's Bureau web site. However, these pages are not directly accessible from the SFGov home page and may be difficult to find. Indeed, the 311 events calendar does not even appear on the first page of results if one searches for "events" or "special events" on the City's web site. Finally, the web site should provide information for concerned citizens, such as a calendar of public hearings regarding special events and direct them to the appropriate agency to lodge complaints. If the City creates an Office of Special Events under the Mayor, as proposed above, this office should maintain the special events web site. Otherwise, it should be the responsibility of the Entertainment Commission or ISCOTT.

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9 Under "Events in San Francisco" at [http://www.sfgov.org/site/sf311_index.asp?id=538009](http://www.sfgov.org/site/sf311_index.asp?id=538009)
Establish a Single Point of Contact for Initiating Special Events Permits

To assist event organizers unfamiliar with the City’s special events permitting process, the City should establish and publicize on its website a single point of contact for initiating special events permit applications. This office would provide information to event organizers, including the permit checklist currently distributed by ISCOTT, and perhaps a more thorough “orientation packet” with information on the rights and responsibilities of event organizers, and the fees they may be required to pay. This office could also provide increased facilitation of the permitting process. However, event organizers would not be required to go through this office and could submit permit applications directly to ISCOTT or the other permit-issuing agencies. If the City creates a Mayor’s Office of Special Events, as proposed above, this office should serve as the point of contact for initiating special events permits. Otherwise, it should be the responsibility of the Entertainment Commission or ISCOTT.

Improve the Mechanisms for Public Involvement in the Special Events Permitting Process

In order to adequately address neighborhood concerns, the City should increase community outreach and enhance posting requirements to increase public awareness and participation in ISCOTT hearings. In addition, the City should identify a single entity for handling complaints about special events and, as noted above, include information on the special events website. By creating a Mayor’s Office of Special Events and moving the Entertainment Commission to the Mayor’s Office, the City will be fostering coordination between the mediation and facilitation functions currently provided by the Mayor’s Office of Economic and Workforce Development and the public hearing function of the Entertainment Commission. Once it is established, the Mayor’s Office of Special Events should take a leadership role in assessing the public participation mechanisms of the permitting process, and further consider the relationship between ISCOTT, which is a staff committee, and the Entertainment Commission, which is an appointed body. Finally, as recommended above, the Entertainment Commission should consider using its hearings to discuss neighborhood concerns regarding special events and make recommendations on events policy.

Ensure Fair and Consistent Treatment of Event Applications

One way to ensure that event applications are treated consistently would be to provide increased guidance to departments regarding fee waivers, cost recovery, and the imposition of special conditions on event permits, as San Diego does. The proposed Mayor’s Office of Special Events should be responsible for determining and issuing these guidelines, or recommending legislation if deemed necessary. In addition to providing transparency and consistency, this action may also partially address the sentiment that the City does not recognize the importance of special events.
#8: Consider Creating a Single Application for Special Events Permits

One way of further streamlining the event permitting process would be to create a single application or packet of applications for all of the relevant permits, as is the practice in San Diego. This application packet could be available on the special events web site. However, taking this action may only be beneficial if the City assigns one agency the responsibility of receiving the application packet, distributing it to the appropriate departments, and following up with the department staff to ensure timely review of the applications. At this juncture, it is unclear whether such a system would make the permitting process more efficient or create a bottleneck. In our interviews, at least one event producer expressed concern over putting the permit application process entirely in the hands of one office. He was more comfortable bearing the responsibility of working with several different agencies to obtain permits himself rather than relying on a City employee to monitor the status of the applications.

Question 3: Can the City increase the utilization of and revenue from City facilities used for special events?

Existing Situation and Opportunities

The City owns numerous prominent facilities, under the jurisdiction of different departments, that are available to rent for one-time uses, including concerts, trade shows, conventions, sporting events, and receptions. These include the Bill Graham Civic Auditorium, City Hall, County Fair Building, Kezar Stadium, Monster Park, Moscone Center, the Asian Art Museum, and the War Memorial and Performing Arts Center (comprised of Davies Symphony Hall, the Opera House, and the Veterans Building). Bill Graham, City Hall, and Moscone are all under the jurisdiction of the City Administrator, whereas Monster Park, Kezar Stadium, and the County Fair Building are under the jurisdiction of the Recreation and Park Department (RPD). The Asian Art Museum, and War Memorial and Performing Arts Center are under the jurisdiction of their own departments. The facilities vary in the amount of value (derived through utilization, revenues, local economic development, and other impacts) they provide to the community. The marketing efforts for these facilities are performed in each separate department.

Findings

#12. Coordinated Marketing and Booking Could Increase Utilization of Certain Civic Facilities

The City does not currently have robust metrics in place to measure the benefit derived from civic facilities. Although some, such as the Moscone Center, have high utilization rates, others, such as Bill Graham and Monster Park, do not. Note that marketing is just one of many factors that impact the utilization and revenues of the facilities. In addition, the inherent strengths and weaknesses of a facility and competition with other facilities are important factors.

Individuals associated with event operations for various facilities suggested during this research project that it would be easier for private event coordinators, and therefore financially attractive
to the City, if the City better coordinated or consolidated booking support, as it might result in additional events and greater utilization.

Recommendations

#9. Create a Single Information Point for Booking Civic Facilities

The large number of agencies marketing and booking civic facilities makes it challenging for individuals and organizations unfamiliar with the City's offerings to select and book a facility. Better communication and coordination would be beneficial. Providing transparent, coordinated booking and event support should be balanced against competing resource demands, and a realistic assessment of the costs and benefits. Some suggested that a Customer Relationship Management (CRM) system might be an appropriate means of coordinating booking. At the very least, the City should create a single high "findability" website providing information on the City's venues and contact information. This site should be coupled with that for special events generally. In addition, the City should consider establishing an online calendar that indicates what facilities are available, when. This would serve both members of the public interested in reserving facilities, as well as City staff cross-marketing facilities that are not their primary responsibility.

Conclusion

Special events are important to the culture and economy of San Francisco. The cancellation of a City-sponsored Halloween celebration has shed light on the fragmented permitting process currently in place and the ad hoc system of attracting, creating, and promoting special events. Establishing a Mayor's Office of Special Events, and linking it to the Entertainment Commission, will provide for a single point of contact for new events, and allow for greater facilitation of the permitting process. It will also enhance the City's ability to address neighborhood concerns and ensure transparency and consistency in decision making.
Appendix A: Text of Board of Supervisors Requests

The Request to the Controller (Reference #20070814-009):

Requesting that the Office of the Controller conduct research into the need for, feasibility of, and fiscal impact of a dedicated and separately funded Office of Special Events in San Francisco. Specifically:

1) What are the cost benefits of annual city events such as Fleet Week, Halloween, neighborhood street fairs, Gay Pride, Lunar New Year, and others.
2) What are the cost expenditures of such City departments as the Entertainment Commission, Office of Protocol, Mayor's Special Events Staff, San Francisco Police Department, Recreation and Park Department, Port of San Francisco, and others.
3) What would be the cost impact of creating a dedicated Special Events office, with the capacity to consolidate and/or oversee the activities currently engaged in by these various departments, comparable to the Special Events Offices in Chicago, Boston, New York City, Houston, and other cities.

The Request to the Office of the Legislative Analyst (File #071213):

Motion requesting the Legislative Analyst to conduct research into the need for and feasibility of a dedicated and separately funded Office of Special Events in San Francisco. Specifically, whether the activities currently engaged in by such City departments as the Entertainment Commission, Office of Protocol, Mayor's Special Events Staff, San Francisco Police Department, Recreation and Parks Department, Port of San Francisco, and others might be effectively consolidated into and/or overseen by an office comparable to the Special Events Offices in Chicago, Boston, New York City, Houston, and others.
Appendix B: List of Findings and Recommendations

Findings

1. San Francisco Could Benefit Economically and Culturally from Additional Special Events
2. No City Agency is Currently Focused on Attracting, Creating and Promoting Special Events; Mayor's Office is Best Suited
3. Convention and Visitors Bureau or Other Nonprofit Agency Could Effectively Play Larger Role in Attracting and Promoting Special Events
4. Grants for the Arts Could Participate in Event Attraction, Creation, and Promotion
5. Un-sponsored Events Like Halloween Are Likely Best Managed by the Mayor's Office in Cooperation with a Private Event Producer
6. The City Could Be More Proactive in Pursuing Sporting Events
7. Permitting Process May Be Difficult to Navigate for New and One-Time Events
8. Entertainment Commission Lacks the Capacity to Be a “One-Stop Shop”
9. ISCOTT Provides an Effective Forum for Permit Review by Various City Departments, But Lacks the Capacity to Provide Sufficient Facilitation for New and One-Time Events
10. Mechanisms for Public Involvement in the Permitting Process Could Be Improved
11. Permitting Process Lacks Transparency and Consistency
12. Coordinated Marketing and Booking Could Increase Utilization of Certain Civic Facilities

Recommendations

1. Create a Unit Responsible for Special Event Attraction, Creation, Cultivation, Promotion, and Facilitation
2. House the Entertainment Commission in the Mayor's Office
3. Involve the Convention and Visitors Bureau in Event Attraction, Creation, and Promotion
4. Create a Dedicated Web Site for Special Events
5. Establish a Single Point of Contact for Initiating Special Events Permits
6. Improve the Mechanisms for Public Involvement in the Special Events Permitting Process
7. Ensure Fair and Consistent Treatment of Event Applications
8. Consider Creating a Single Application for Special Events Permits
9. Create a Single Information Point for Booking Civic Facilities
Appendix C: Sample Temporary Street Closure Permit for A Special Event Issued by ISCOTT

TEMPORARY STREET CLOSURE PERMIT
FOR A SPECIAL EVENT ISSUED

Temporary Street Closing

Ms.
San Francisco, CA

Dear:

Your application for the temporary street closures of:

has been approved.

This permit has been issued to you, the sponsor of the event, on the basis of the site plan and other information which was presented to ISCOTT. Any subsequent changes to this plan must be submitted in writing, including a new site plan if appropriate, to Cindy Shamban of the Department of Parking and Traffic. She will consult with the various impac
ted City agencies and will inform you, in writing, if the changes are acceptable. DEVIATION FROM THE FINAL APPROVED PLAN COULD MEAN IMMEDIATE REVOCATION OF THIS PERMIT.

The following list is a reminder to you of the conditions to which you have agreed in order to have received the approval for your temporary street closure. You, as the sponsor of the above event, are responsible for making sure those conditions with a bullet next to them are being met.

- Removal of the Public Hearing Notices that were posted by Department of Parking and Traffic (DPT) staff on the above approved street(s). Return a signed copy of the enclosed "Declaration" from within 10 days to DPT.

- Insurance Requirements: See attachment. Insurance must be submitted to the Department of Parking & Traffic, attn: Cindy Shamban by .

- 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.

- The establishment of temporary blue zones for the duration of the event (72 hours advance signing is required). See the Enforcement Notification Form attached to the permit for further information.

- The number of portable toilets required is; at least of them are required to be wheelchair accessible. Each of the accessible bathrooms shall have a sign on them which reads; "Priority is to be given to individuals with disabilities in the use of this accessible facility." Each cluster of bathrooms should have at least one wheelchair accessible bathroom.
Signage at each entrance to the event that shows path of travel, restrooms, phones (if any), all accessible features, drinking fountains and the name of a contact person and their location who is responsible for dealing with any problems which may arise during the street closure.

A 14 foot emergency access lane throughout the entire street closure.

San Francisco Entertainment Commission Permit. If there is to be amplified sound, a sound permit is needed. Please contact the Entertainment Commission at 554-5793 for further information. The Entertainment Commission would appreciate the submittal of an application soon after you receive this permit. See the sound permit application enclosed.

Contact from the District Police Station, at least before your event. He can be reached at. It is through him that you can arrange for barricades and the posting and towing of vehicles.

NOTE: In the event that police barricades are requested, and provided, the event sponsor is responsible for returning all of the barricades to the same location and same configuration as they were delivered when provided. In instances when barricades are not gathered and reassembled, additional fees for personnel hours will be assessed and may preclude use of police provided barricades in the future.

Paying for San Francisco Police Department services during the course of the event pursuant to Article 21, Section 806 of the San Francisco Municipal Code.

As of January 31, 2006, the SFPD is no longer providing barricades for events other than street fairs; parades and Civic events. You, as the event organizer, are responsible for arranging for barricades through a private vendor. Barricades should be delivered as close to the event time as possible and must be picked up as soon as possible after the event has ended.

By, please notify Cindy Shamban, DPT, of the barricade vendor, the vendor contact person, their contact information and date of barricade delivery and pick up.

Hiring Parking Control Officers during the course of the event. Please contact Assistant Director Debbi Fong-Borthne to confirm at 553-1620.

Paying for the advance signing costs. This work will be done through the Department of Parking and Traffic, Traffic Sign Division.

Paying all MUNI fees connected with substituting diesel buses for electric buses.

Department of Public Health's Temporary Event Permit(s). Please contact Mr. Ajamu Stewart, Special Events Coordinator for DPH at 252-3828. Note: DPH requires at least 10 working days to process permit applications.

San Francisco Fire Department Permit(s) is required if there is to be cooking with propane, butane, charcoal briquettes or open flame and/or tents erected. Please contact Inspector Manuel Pegueroes at 558-3366 for more information. Note: SFFD requires at least 10 working days to process permit applications.

EMS REQUIREMENT: There is a requirement for an Emergency Medical Service Plan. Attached to this permit is further information on this requirement. This plan is due by. If you have any questions, please contact Dr. John Brown directly at 415-355-2607 or you can refer to the following website: www.sanfranciscoems.org

Department of Public Works' Permit(s). (A reminder: all stages must have a ramp with a
slopes not to exceed 1:12 or an ADA approved portable lift.) Please contact Street Use Permits at 554-5810.

- A one day alcohol permit is required from the Alcohol and Beverage Commission (ABC). Please contact them at 415-356-6500 for further information.

- A permit from the Recreation & Park Department is required. Please contact Ms. Sandy Lee at 415-831-6500 for further information.

- A permit from the Port of San Francisco is required. Please contact Ms. Joyce Chan at 415-274-0259 for further information.

- Arrange with the Department of Public Works or make your own arrangements for cleanup after the event. If you want to use DPW, please contact Ms. Alison Mickels at 695-2130. You are responsible for cleanup. If DPW is sent into the area after the event to do additional cleanup, you may be liable for the cost of this service.

- Adherence to the recycling plan. A letter or a copy of the invoice from both garbage and recycling vendors confirming their services for this event must be submitted to the Department of Parking & Traffic, Attn: Cindy Shamban by. See attachment to this permit for further information.

- Please contact Ms. Jordana Tchigpen of the Taxi Cab Commission, at 503-2183, for further information on the establishment of a temporary taxi zone at least two weeks before your event.

- Monitored Bicycle Parking is required. Be sure that the location of the bicycle parking is on the site, maps and on event advertising. Please refer to the "Suggested Guidelines For Monitored Bike Parking at Special Events" that can be found in the ISCOTT application packet for further details.

- The placement of tobacco advertising and promotional displays in publicly visible locations is strictly prohibited by San Francisco Police Code Section 974. 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 this ordinance during your event could result in the revocation of this permit.

- Other:

Further information about all of the above will be found in the Temporary Street Closure application packet. There may be other items for which you are responsible that are not covered in this permit. You are still responsible for all provisions laid out in the Temporary Street Closure Application packet. If you have any further questions, please contact Cindy Shamban, of my staff, at 701-4683.

Very truly yours,

Jack Lucero Fleck
City Traffic Engineer

By: Harvey Quan
Senior Engineer
AMENDMENT OF THE WHOLE – 9/24/07
RESOLUTION NO. 523 -07

FILE NO. 071336

Commission: A Work in Progress”]

Resolution responding to the Presiding Judge of the Superior Court on the
recommendations contained in the 2006-2007 Civil Grand Jury Report entitled “The
Entertainment Commission: A Work in Progress”.

WHEREAS, Under California Penal Code Section 933 et seq., the Board of
Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
Court on the recommendations contained in Civil Grand Jury Reports; and,

WHEREAS, In accordance with Penal Code Section 933.05(c), if a finding or
recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
county agency or a department headed by an elected officer, the agency or department head
and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
response of the Board of Supervisors shall address only budgetary or personnel matters over
which it has some decision making authority; and,

Commission: A Work in Progress” is on file with the Clerk of the Board of Supervisors in File
No. 071336, which is hereby declared to be a part of this resolution as if set forth fully herein;

and,

WHEREAS, Recommendation No. A.6. of the subject Civil Grand Jury Report states:
“Citation authority would help ensure observance of the good neighbor policy. The granting of
such citation authority to members of the Entertainment Commission staff should be given
serious consideration by the Board of Supervisors”; and,
WHEREAS, Recommendation No. A.8. states: "The Administrative Code section cited should be changed to reflect the greatly reduced permit issuance responsibility that is the reality of the Entertainment Commission's work"; and,

WHEREAS, Recommendation No. D.5.a. states: "Someone at the Entertainment Commission has to take a leadership role. As the highest ranking, paid staff member of the Commission, this burden appropriately falls on the Executive Director"; and,

WHEREAS, Recommendation No. D.5.b. states: "The Civil Grand Jury strongly recommends that the Entertainment Commission adopt term limits for its Commissioners. If each serves no more than two 4-year terms, incompatibility is less of a problem than in the current potentially endless situation"; and,

WHEREAS, in accordance with Penal Code Section 933.05(c), the Board of Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior Court on the Recommendation Nos. A.6., A.8., D.5.a. and D.5.b. contained in the subject Civil Grand Jury Report; now, therefore, be it

RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that it agrees with Recommendation Nos. A.8 and D.5.a of the 2006-2007 Civil Grand Jury Report entitled "The Entertainment Commission: A Work In Progress"; and be it

FURTHER RESOLVED, That the Board of Supervisors reports that it partially agrees with Recommendation No. A.6, as follows:

- Citation authority would be beneficial, but existing staffing of the organization does not include any position that would be appropriate for enacting citations;
  and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that it disagrees wholly with Recommendation No. D.5.b; and, be it

Supervisor Elsbernd
BOARD OF SUPERVISORS
FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the implementation of accepted recommendations through his/her department heads and through the development of the annual budget; and, be it

FURTHER RESOLVED, That the Board of Supervisors urges City departments responsible for recommendations not necessitating a response from the Board of Supervisors to provide a status report to the Board of Supervisors on implementation of said recommendations within six months of the passage of this resolution.

Supervisor Elsa bernd
BOARD OF SUPERVISORS

October 2, 2007  Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Chu, Maxwell, McGoldrick, Mirkari, Peskin, Sandoval

I hereby certify that the foregoing Resolution was ADOPTED on October 2, 2007 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved

Mayor Gavin Newsom
Appendix 6

FILE NO.  

ORDINANCE NO.  

[The Entertainment Commission will be responsible for attracting, promoting, and organizing
special events in the City.]

Ordinance giving the Entertainment Commission and its Executive Director the
following new duties and responsibilities: facilitating special events by coordinating
permitting and other City support for such events; maintaining a master calendar of
special events; creating a web site for special events; providing guidelines to other
City departments on appropriate special event policies; working with the Entertainment
Commission, Grants for the Arts, the Convention and Visitors Bureau, and the Mayor’s
Office of Protocol to support existing special events and attract new special events..

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

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

Section 1. The San Francisco Administrative Code is hereby amended by amending
Section 90.1, 90.2, 90.4, and 90.5 to read as follows:

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 special events and for
entertainment establishments throughout the City to promote such establishments and special
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)
provide City support to organizers of special events and assist the organizers and operators of
cultural, entertainment, athletic and similar special events and entertainment establishments
to apply for, and obtain from the commission and other City departments when the applicant

Supervisors Duffy & Aliolo Pier
BOARD OF SUPERVISORS

11/8/2007

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satisfies the requirements therefor, all necessary permits from the City; (2) promote the
responsible conduct and operation of such special events and entertainment 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 special events and entertainment 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, promote,
manage, and coordinate the provision of City services and support for, major events for which
there is no recognized or adequate organizer or promoter, such as Halloweenbacchanalia 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; (11) maintain
a master calendar of special events; (12) create a web site for special events; (13) provide
guidelines to other City departments on appropriate special event policies; and (14) work with
the Entertainment Commission, Grants for the Arts, the Convention and Visitors Bureau, and
the Mayor’s Office of Protocol to support existing special events and attract new special
events.
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.

(g) "Special Event" means a cultural, entertainment, civic, athletic, or similar event that is open to the public, is a one-time or annually recurring event, and requires issuance of a City
permit for temporary use or occupancy of a public street, use of a loudspeaker or sound
amplification system, or use of property under the jurisdiction of the Recreation and Park
Department, the Port, or other City department.

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 special 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 special events and entertainment establishments permitted by the City and the organizers of such events and operators of such establishments.

(h) Plan, promote, manage, and coordinate the provision of City services and support for, major special 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. Where appropriate, the commission shall contract with a private sponsor or promoter to assist in the planning, promotion, organization and management of such major special events. For purposes of this Chapter, "major special 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) Assist special event organizers unfamiliar with the City’s special events permitting
process by acting as an initial point of contact and information clearinghouse for special event
organizers seeking City permits. The Entertainment Commission shall distribute to all special
event organizers a permit checklist, and an orientation packet with information on the rights
and responsibilities of event organizers, including an overview of the fees that may be
applicable. The commission shall not require special event organizers to initiate their permit
applications through its auspices, but shall, at every stage of the event planning process,
facilitate permitting and other City support for privately-sponsored and publicly-sponsored
events.

(ii) Create and maintain a master calendar of special events in the City to help ensure
optimal distribution of events throughout the year and across neighborhoods, and to facilitate
the creation of new, signature events.

(k) Create and maintain a web site devoted to special events in the City. The web site
may provide information for event organizers, such as permit application materials for all City
permits, and contact information for the person(s) in each permit-issuing department who can
assist the event organizer. The web site may also contain a list of City facilities and venues
available for special events, including information regarding fees and booking, and information
about venues and services appropriate for events ancillary to conventions held in the City.
For use by individuals interested in attending a special event, the web site may also provide a
program and other relevant information for each event. For the use of residents concerned
about the impact of a special event on the surrounding neighborhood, the web site may also
provide a list of public hearings regarding each proposed event, and the name and contact
information of the person who can provide the public with further information about the event.
The web site shall include the master calendar described in subsection (i), above.

(i) Provide guidance to City departments regarding cost recovery, fee waivers, and
imposition of conditions on special event permits.

(m) Work with the San Francisco Convention and Visitors' Bureau, the Grants for the
Arts Program, the Entertainment Commission and the Mayor's Office of Protocol to promote
existing special events and to create and attract additional special events to the City.

(ii) 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.

(iii) 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

Supervisors Duffy & Alloto Pier
BOARD OF SUPERVISORS

Page 7
11/8/2007
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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.

(kp) 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.

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, promoting and coordinating of major cultural,
entertainment, athletic and similar special 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, creating and maintaining a Citywide
calendar of special events and a web site for special events, recommending to the
commission guidelines regarding cost recovery, fee waivers, and imposition of conditions on
special event permits, working with the San Francisco Convention and Visitors' Bureau, the
Grants for the Arts Program, the Entertainment Commission and the Mayor's Office of
Protocol to promote existing special events and to create and attract additional special events,
assisting special event organizers and facilitating communication and cooperation between

Supervisors Duffy & Alioto Pier
BOARD OF SUPERVISORS
special event organizers and relevant City departments, and performing such other duties as the commission may prescribe.

Section 2. The San Francisco Administrative Code is hereby amended by adding Section 90.10 to read as follows:

SEC. 90.10. COOPERATION

All City departments shall provide prompt and full cooperation and assistance to the commission in the attraction, promotion, creation, facilitation and management of special events in the City.

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

By: MARIAM MORLEY
Deputy City Attorney
Appendix 7

FILE NO.  

ORDINANCE NO.  

[Creates a Mayor’s Office of Special Events to attract, create and promote special events]  

Ordinance creating a Mayor’s Office of Special Events with responsibility for organizing major special events, like Halloween, that have no private sponsor, facilitating privately-sponsored special events by coordinating permitting and other City support for such events, maintaining a master calendar of special events, creating a web site for special events, providing guidelines to other City departments on appropriate special event policies, working with the Entertainment Commission, Grants for the Arts, the Convention and Visitors Bureau, and the Mayor’s Office of Protocol to support existing special events and attract new special events, and issue a report to the Board of Supervisors on the effectiveness of this Ordinance within a year of its effective date, and removing from the Entertainment Commission responsibility for organizing major special events like Halloween, helping event organizers obtain permits from other City departments, and mediating disputes between organizers of special event and people affected by those events. 

Note: Additions are single-underline italic Times New Roman; deletions are strikethrough italic Times New Roman. Board amendment additions are double underlined. Board amendment deletions are strikethrough normal. 

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

Section 1. The San Francisco Administrative Code is hereby amended by adding Sections 90A.1, 90A.2, 90A.3 and 90A.4, to read as follows: 

SEC. 90A.1. DECLARATION OF POLICY. 

It is the policy of the City and County of San Francisco to have a coordinated system of attracting, creating, facilitating and promoting special events in order to enrich the economic 

Supervisors Duffy & Alioto-Pier  
BOARD OF SUPERVISORS
and cultural life of San Francisco’s residents and visitors, and to celebrate the diverse
communities within San Francisco.

SEC. 90A.2. DEFINITIONS.

(a) For the purpose of this Section, the term "special event" shall mean a cultural,
entertainment, civic, athletic, or similar event that is open to the public, is a one-time or
annually recurring event, and requires issuance of a City permit for temporary use or
occupancy of a public street, use of a loudspeaker or sound amplification, or use of property
under the jurisdiction of the Recreation and Park Department, the Port, or other City
department.

SEC. 90A.3. MAYOR’S OFFICE OF SPECIAL EVENTS.

There is hereby established a Mayor’s Office of Special Events to assume
responsibility for attracting, creating, facilitating and promoting special events in the City, to
act as a single point of contact for initiating permit applications, and to provide information to
event organizers and the public. The Office of Special Events shall have the following duties:

(a) The Office of Special Events shall plan, organize, promote and manage major
civic or community events for which there is no recognized or adequate organizer or promoter,
including, but not limited to, Halloween and New Year’s Eve festivities. It shall coordinate
necessary City services, permit applications, hearings, and support for such events, and,
where appropriate, contract with a private sponsor or promoter to assist in the planning,
promotion, organization and management of such events.

(b) The Office of Special Events shall assist event organizers unfamiliar with the
City’s special events permitting process by acting as an initial point of contact and information
clearinghouse for special event organizers seeking City permits. The Office of Special Events
shall distribute to all event organizers a permit checklist, and an orientation packet with
information on the rights and responsibilities of event organizers, including an overview of the
fees that may be applicable. The Office of Special Events shall not require event organizers
to initiate their permit applications through its auspices, but shall, at every stage of the event
planning process, facilitate permitting and other City support for privately-sponsored and
publicly-sponsored events, and facilitate communication and cooperation between event
organizers and relevant City departments.

(c) The Office of Special Events shall also be responsible for creating and
maintaining a master calendar of special events in the City to help ensure optimal distribution
of events throughout the year and across neighborhoods, and to facilitate the creation of new,
signature events.

(d) The Office of Special Events shall create and maintain a web site devoted to
special events in San Francisco. The web site may provide information for event organizers,
such as permit application materials for all City permits, and contact information for the
person(s) in each permit-issuing department who can assist the event organizer. The web
site may also contain a list of City facilities and venues available for special events, including
information regarding fees and booking, and information about venues and services
appropriate for events ancillary to conventions held in the City. For use by individuals
interested in attending a special event, the web site may also provide a program and other
relevant information for each event. For the use of residents concerned about the impact of a
special event on the surrounding neighborhood, the web site may also provide a list of public
hearings regarding each proposed event, and the name and contact information of the person
who can provide the public with further information about the event. The web site shall
include the master calendar described in subsection (c), above.
(e) The Office of Special Events shall provide guidance to City departments regarding cost recovery, fee waivers, and imposition of conditions on special event permits,

(f) The Office of Special Events shall work with the San Francisco Convention and Visitors' Bureau, the Grants for the Arts Program, the Entertainment Commission and the Mayor's Office of Protocol to promote existing special events and to create and attract additional special events to the City.

(g) Within 14 months of the effective date of this Ordinance, the Office of Special Events shall report to the Board of Supervisors on the City's experience with special events over the past year, the effectiveness of this Ordinance in enhancing the City's cultural and economic profile, and any recommended changes to the Ordinance to increase its effectiveness.

SEC. 90A.4. COOPERATION

All City departments shall provide prompt and full cooperation and assistance to the Office of Special Events in the attraction, promotion, creation, facilitation and management of special events in the City.

Section 2. The San Francisco Administrative Code is hereby amended by amending Sections 90.1, 90.4, 90.5 and 90.6 of Chapter to read as follows:

Sec. 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 permits from the commission and other City departments when the applicant satisfies the requirements therefor; (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; and (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.

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) In consultation with the Office of Special Events, 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.

(ih) 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

Supervisors Duffy & Ailoto-Pier
BOARD OF SUPERVISORS

Page 7
11/8/2007

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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.

(jj) 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.

(kj) 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.

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 special events in consultation with the Office of Special Events;
promoting the location of cultural, entertainment, athletic and similar establishments within the
City; promoting the responsible operation of such entertainment 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.

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 entertainment-related 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 entertainment establishments and events; and for such other duties as the Executive
Director may prescribe.

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

By: MARIAM MORLEY
Deputy City Attorney

Supervisors Dufty & Alloto-Pler
BOARD OF SUPERVISORS

Page 9
11/8/2007

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Effectiveness Report

The San Francisco Entertainment Commission:

Effectiveness Report 2007
In 2003, the City and County of San Francisco embarked on an experiment: to implement the first ever Entertainment Commission in the United States. The City created a set of policy declarations, in a variety of forms, to guide the newly created department in its first years. The City also faced difficult choices regarding its budget, and therefore created a staffing challenge for the Entertainment Commission with its first steps.

As required by Administrative Code, Chapter 90, Section 90.4, the Entertainment Commission shall submit a report to the Mayor and Board of Supervisors analyzing its effectiveness in advancing the policies specified in Chapter 90, section 90.1 and the laws governing entertainment-related permits, and make recommendations related thereto.

This report represents the Entertainment Commission's first attempt to analyze the effectiveness of our efforts implementing those policies and declarations. While the Commission continues to devise systems to measure the impact of its work, there is no roadmap for the department nor clear paths to simple success.

(1) Assist the organizers of cultural, entertainment, athletic and similar events and establishments to apply for and obtain from the commission and other city departments the necessary permits. The staff of the commission has established a very effective system of assisting applicants in obtaining EC permits in a predictable and timely fashion. These include fixed place permits (Place of Entertainment,
Extended Hours, Billiard Parlor, etc.) and one time permits
(Loudspeakers, Soundtrucks, One Time Events, Dance permits.) This
process works well primarily due to a system of single points of contact
with the pertinent departments, including Planning, SFPD, SFFD, DBI,
Health, etc. who are routinely involved in signing off on most EC
permits. The commission staff also has a voting seat on ISCOTT,
(Interdpartmental Staff Committee on Traffic and Transit), which
keeps staff involved in the process of closing streets for cultural,
entertainment and athletic events. With these systems, staff can
shepherd an applicant completely thru the planning and approval
processes required for single day or permanent fixed place permits.
Due to the designated single point of contact with various departments,
the turnaround time for approvals of most permits has been reduced.
The staff and commission has also mounted a strong outreach
program with the different associations that represent some of the
primary event coordinators, and this has created opportunities to work
with, and train applicants both in how to more effectively plan the event
to comply with city regulations, but also how to prepare their permit
applicant. This outreach program has also helped to reduce the time
required by the city to process the application.

(2) Promote the responsible conduct and operation of such events and
establishments: The commission has been very successful in working
with both event promoters and venue owners, in promoting effective
management techniques. This effort starts with an intensive permit
intake procedure that is required for each new applicant. Every permit
applicant meets with staff to review their management approach to
every phase of the venue operation. The commission has also passed
legislation in 2004, commonly referred to as “Scharrod’s Law” (Board
of Supervisors Ordinance #262-04) that requires all venues to have a
Security Plan as part of their application, and must be approved by the
commission. For permit holders that were inherited, the commission works mostly by bringing venue owners in similar geographic areas together for larger impact. For instance, along the "Broadway corridor", "SOMA" south of market" (eleventh street, eighth street, and the area around Fourth and Mission), and the "eastern waterfront," commission staff worked with groups that included local police officers, as well as merchants and residents to resolve conflicts and to make sure that nighttime businesses and their patrons remain good neighbors. These meetings have been successful in establishing better management of venues and greater cooperation between the police and the venue operators. The commission has also worked with the fair and festival promoters to promote strategies that will help them to have safer and more neighborhood friendly events.

(3) Promote the development of a vibrant entertainment and late-night entertainment industry: The commission has worked hard to promote entertainment in the city but the results have been mixed. The number of new fixed place permits issued has increased slightly, but many of those new permits are for venues that have been turned over to new ownership, as opposed to brand new entertainment or hospitality establishments. The state of entertainment in the city, according to many in the entertainment industry, is flat. In many ways, this flatness may be attributed to the variety of ways that city government has created obstacles in the form of liquor moratoriums, zoning restrictions, etc. However, the Entertainment Commission continues to work toward decreasing the amount of government obstacles that become barriers to entry. For instance, the Entertainment Commission created and helped pass legislation in 2004 creating a new "One Night Event" permit which enables responsible promoters to hold events in alternative spaces that are safe and meet city code requirements. In this way, the city promotes creativity and safe entertainment without