

SAN FRANCISCO ENTERTAINMENT COMMISSION

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 therefore, 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)

PERMITS ISSUED BY THE ENTERTAINMENT COMMISSION:

"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.

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)

THE SAN FRANCISCO ENTERTAINMENT COMMISSION

On their city webpage, the San Francisco Entertainment Commission describes itself as such:

A seven member Commission established in 2003, the Entertainment Commission has the powers and duties to accept, review, gather information regarding and conduct hearings for entertainment-related permit applications. Additionally, the Entertainment Commission plans and coordinates the provision of City services for major events for which there is no recognized organizer, promoter, or sponsor.

The Commission is currently comprised of:

- 2 industry representatives, Terrance Alan and Audrey Joseph
- 2 neighborhood representatives, Jordan Shlain and Jim Meko
- 1 public health representative, Erik Joseph Pred
- 1 urban planning representative, Bowman Leong
- 1 law enforcement representative, Bruce G. Lorin

One particular NGO was very involved in the creation of the Entertainment Commission, lobbying for its creation several years prior to July of 2003, when it was approved by the SF Board of Supervisors. It is called the Late-Night Coalition, and its Board Chairperson is Terrance Alan, local nightclub owner, entertainment industry advocate, and President of the Entertainment Commission. On their website, the Late-Night Coalition describes itself as such:

The San Francisco Late Night Coalition is a broad-based group composed of promoters, activists, dj's, musicians, artists, community members and club owners. Our goal is to protect, preserve and promote San Francisco's late-night culture.

The Late-Night Coalition was founded in 1999 when Sunshine Jones and Stephanie Tucker, two separate members of the late-night scene in SF, were refused permits for late-night events on the basis of unavailability. This came at the heels of closures of all-night dance venues over the course of the 1990's. As the clubs closed, they were not replaced by other establishments with full after-hours permits. Jones and Tuckers formed the Coalition, registering it as a Political Action Committee, after they had determined that there was no moratorium on the permits and that the unavailability was a result of unwritten police policy. The Coalition's mission statement is as follows:

The San Francisco Late Night Coalition is a broad-based group composed of promoters, activists, dj's, musicians, artists, community members and club owners. Our goal is to protect, preserve and promote San Francisco's late-night culture.

We work to encourage understanding and awareness of the regulations and issues surrounding after-hours entertainment in San Francisco, and to provide a voice for the rights and the passions of this diverse community.

We are an integral part of the cultural fabric of San Francisco, and make significant contributions to the economy and artistic diversity of this city.

The Coalition was the single greatest proponent of the formation of the Entertainment Commission, in combination with then-Supervisor Mark Leno (now a California State Assemblyman) who proposed the Commission in 1999 after a San Francisco Civil Grand Jury reviewing the permitting process for nightclubs in the city determined that establishment management was being held responsible for factors beyond their control by the SF Police Department, who issued their permits. The jury recommended a reconsideration of the permitting process, and Leno's suggestion was to transfer the responsibility to a civilian entity. This proposal was made in considerations of the Coalition's observations that the Police were both issuing and enforcing permits, a potential conflict of interest. They have a more current political ally on the Board of Supervisors in Bevan Dufty, Supervisor for District 8, the greater Castro, which is San Francisco's gay district and has one of the most vibrant late-night entertainment scenes in the city.

Relevant news articles can be found at:

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2002/07/01/BA235663.DTL&hw=entertainment+commission&sn=007&sc=462>

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2002/07/09/BA22224.DTL&hw=entertainment+commission&sn=013&sc=255>

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2002/09/12/DD174649.DTL&hw=entertainment+commission&sn=003&sc=719>

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2003/10/17/MNGK72DHON1.DTL&hw=entertainment+commission&sn=028&sc=185>

http://www.sfbg.com/37/04/cover_show_over.html

<http://www.sfbg.com/News/34/37/37ogten.html>

http://www.sfbg.com/37/04/news_ed_club.html

The Entertainment Commission's largest endeavor is the annual Halloween in the Castro street party. The party evolved organically, with no real sponsors or official party throwers. It grew in size over the last quarter of the twentieth century. I personally attended this party five years in a row, from 1997-2001. Every year it was bigger and wilder, and every year it cost the city more money to manage it, unofficially. Estimates range from \$300K-\$500K annually to pick up trash, hire police and emergency medical workers, and repair damages. In 2002, violence (a regular occurrence at the party in small outbursts) surged, and there were four major stabbings, as well as a man walking around with a working chainsaw as part of his costume. Ambulances could not move through the congested streets to the injured victims, as no thoroughfares were maintained for them. Images of trapped ambulances in crowds of revelers dominated the news. The next year the Entertainment Commission took over the party, hiring corporate sponsors, putting up entertainment stages with performers, monitoring exit and entrance, soliciting donations, and banning alcohol inside the party limits. The Halloween party attracts between 300-500,000 people every year, depending on which night Halloween falls (more attend weekends than weekdays). Before its regulation it was known as the largest spontaneous street party in the world, though no documentation exists to support that claim. Certainly there is no bigger annual street party in the United States, and its management presents serious challenges to the City of San Francisco.

Entertainment Commission Website:

http://www.ci.sf.ca.us/site/entertainment_index.asp

San Francisco Late Night Coalition Website:

<http://www.sflnc.com/>

Halloween in the Castro Website (maintained by the E.C.):

<http://www.halloweeninthecastro.com/>