



ANNUAL REPORT

FY 2013|14





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Executive Summary

SAN FRANCISCO'S NIGHTLIFE AND ENTERTAINMENT SECTOR – WHICH INCLUDES RESTAURANTS, BARS, NIGHTCLUBS, LIVE MUSIC VENUES, AND OTHER PERFORMANCE SPACES – IS AN INTEGRAL PART OF THE CITY'S FABRIC. NIGHTLIFE AND ENTERTAINMENT BUSINESSES ATTRACT RESIDENTS AND VISITORS TO OUR DIVERSE NEIGHBORHOODS AND PROVIDE SOCIAL SPACES THAT ARE CRUCIAL TO THE DEVELOPMENT OF OUR UNIQUE AND VIBRANT CULTURAL LIFE.

NIGHTLIFE ISN'T JUST A CULTURAL BENEFIT FOR THE CITY; IT IS ALSO A MAJOR ECONOMIC DRIVER. THE NIGHTLIFE INDUSTRY INCLUDES 3,200 BUSINESSES THAT CREATE OVER 52,000 JOBS CITYWIDE. ACCORDING TO A 2012 ECONOMIC IMPACT STUDY, THE SECTOR ACCOUNTS FOR \$4.2 BILLION IN SPENDING BY 80 MILLION CUSTOMERS ANNUALLY.

THROUGH ITS PROCESSES, THE ENTERTAINMENT COMMISSION MANAGES NIGHTLIFE AND ENTERTAINMENT VENUES FOR THE CITY AND COUNTY OF SAN FRANCISCO. THE SEVEN MEMBER COMMISSION WAS ESTABLISHED IN 2003, AND HAS THE POWERS AND DUTIES TO ACCEPT, REVIEW, GATHER INFORMATION REGARDING, AND CONDUCTING 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.



Jurisdiction

The Entertainment Commission was created in July 2003 by an amendment to the Charter Section 4.117

SEC. 4.117. ENTERTAINMENT COMMISSION

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

Of the four members nominated by the Mayor, the Mayor shall nominate one member to represent the interests of City neighborhood associations or groups, one member to represent the interests of entertainment associations or groups, one member to represent the

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

To stagger the terms of the members, the initial appointments to the commission shall be as follows: the Mayor shall nominate two members to serve terms of four years, one member to serve a term of three years, and one member to serve a term of two years. Of the three remaining members of the commission, the Board of Supervisors shall appoint one member to serve a term of four years, one member to serve a term of three years, and one member to serve a term of two years. Except for appointments to fill a vacancy, all subsequent appointments shall be for a term of four years. Members of the commission nominated by the Mayor may be suspended by the Mayor and removed by the Board of Supervisors only as set forth in Section 15.105. Members of the commission appointed directly by the Board of Supervisors may be suspended by a motion of the Board of Supervisors approved by six votes and may be removed by the Board of Supervisors only as set forth in Section 15.105. (Added November 2002).

Powers and Duties

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:

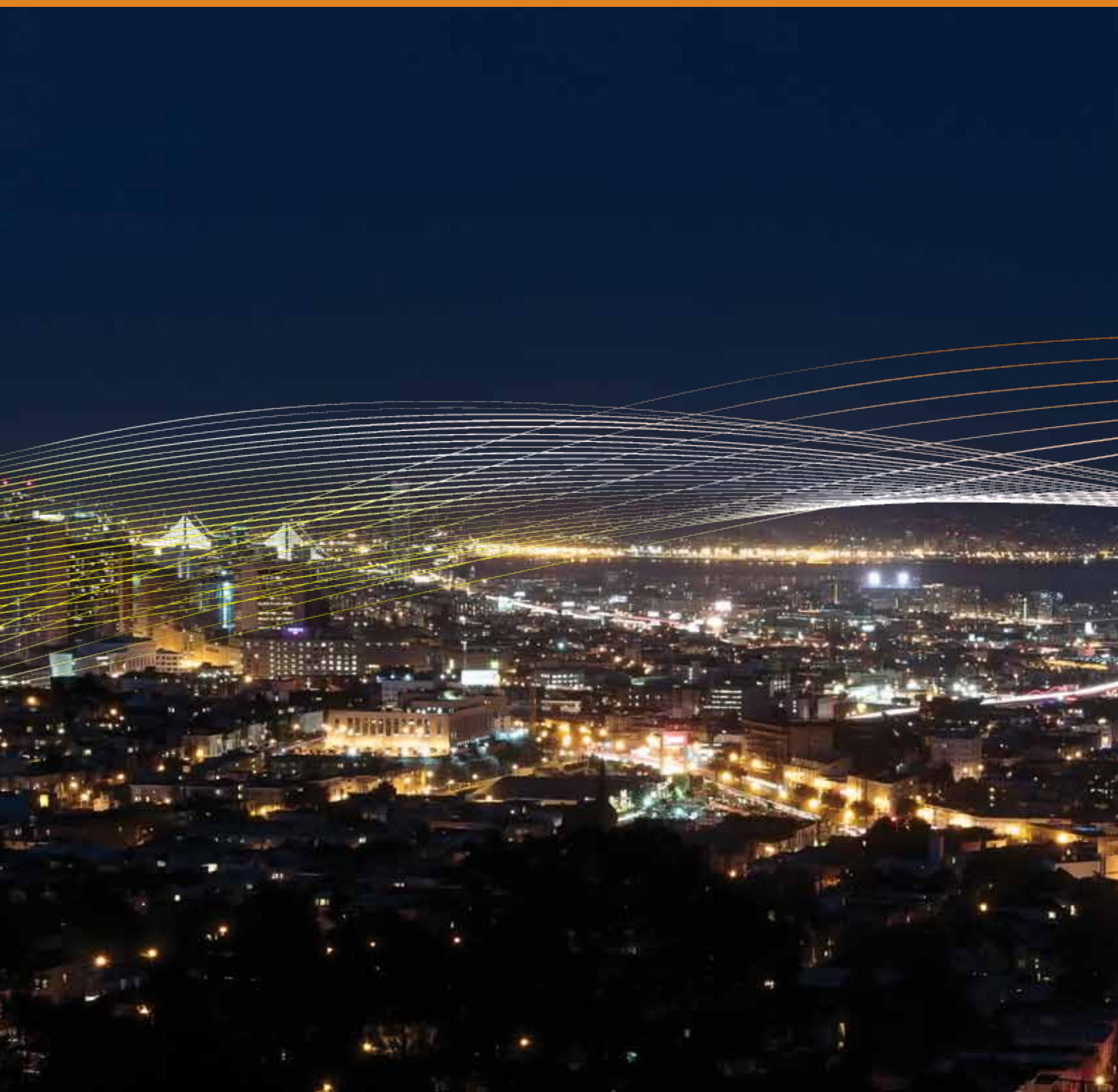
- (a) Accept review, gather information regarding, and conduct hearings upon applications for entertainment-related permits; and rule upon and issue, deny, condition, suspend, revoke or transfer entertainment-related permits in accordance with applicable laws and regulations. The commission may authorize 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.

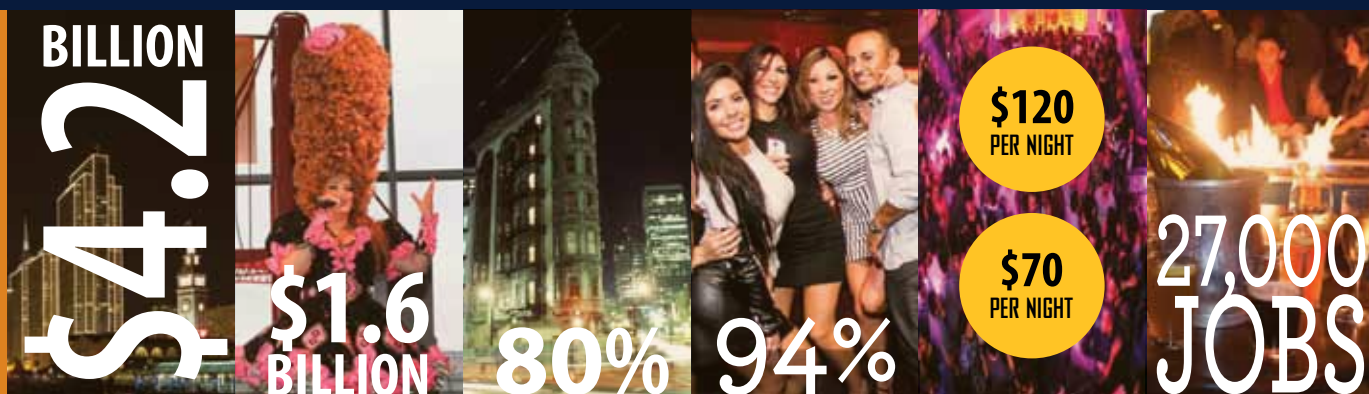


With the approval of the Recreation and Parks Commission or Port Commission, as the case may be, exercise the powers and perform the duties set forth in this Section with respect to events and establishments to be held or operated upon property or within facilities under the jurisdiction of the Recreation and Parks Commission or Port Commission. (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

The Importance of Nightlife to San Francisco

The Controller's Office released an Economic Impact Study of San Francisco's Nightlife Businesses in the spring of 2012 which illustrates the importance of Nightlife to San Francisco. Among the findings:





Nightlife establishments employed 48,000 workers, hosted 80 million spending customers, and generated **\$4.2 billion** in 2010. These establishments also contributed \$55 million in payroll taxes and sales taxes to the City.

The Nightlife Industry supported the city's economy by purchasing **\$1.6 billion** in services and supplies from local businesses, ranging from food and beverages to performers.

80% of San Francisco's Nightlife economy is concentrated in visitor areas in the Northeastern sector of the city. 57% of Nightlife patrons in these areas were visitors to San Francisco.

Visitors who live in other Bay Area counties make up 40% of spending in these areas. The main reason cited by **94%** of these visitors for coming to San Francisco was to patronize a Nightlife business.

These Bay Area patrons spent an average of **\$120 per night**; San Francisco residents spent an average of **\$70 per night**, across all venues surveyed.

Out-of-town visitors spend **\$2.2 billion** at Nightlife businesses in San Francisco. This spending supports 27,000 jobs across every sector of the economy.





The Limited Live Performance Permit (LLP) was created in 2011 as a way for restaurants, cafés, bar and event spaces to provide entertainment as an accessory use to their main function.

"Limited Live Performance (LLP) permits have now been available for 3 years and have made a small but meaningful impact on the music scene and created opportunities for musicians in San Francisco. We hope to see more LLPs in the coming years and more creative performances in all parts of the city."

*— JOCELYN KANE
Executive Director,
San Francisco Entertainment Commission*

What Does the Entertainment Commission Do?

The San Francisco Entertainment Commission regulates, promotes and embraces entertainment and nightlife in the city of San Francisco. The seven member commission has authority to accept, review and gather information to conduct hearings for entertainment-related permit applications. The City is becoming more populated, and as density increases, so does sensitivity to the impacts of entertainment. The Entertainment Commission works with venues, festivals and events, and the community to mitigate those impacts through mediation, conditioning and outreach.

Who is the Commission?

The Commission is made up of seven members, 4 appointed by the Mayor and 3 appointed by the Board of Supervisors, each representing a specific constituency. The current commission is:

APPOINTED BY THE MAYOR

Commissioner Bryant Tan, *Board President*
Urban Planning Representative

Commissioner Barbara Campagnoli
Law Enforcement Representative (through June 2014)

Commissioner Liam Frost
Law Enforcement Representative (current)

Commissioner Audrey Joseph
Entertainment Industry Representative

Commissioner Al Perez
Neighborhood Representative

APPOINTED BY THE BOARD OF SUPERVISORS

Commissioner Glendon Hyde, *Vice President*
Neighborhood Representative

Commissioner Naomi Akers
Public Health Representative (through August 2014)

Commissioner Steven Lee
Entertainment Industry Representative

Commissioner Demetri Moshoyannis
Public Health Representative (current)



President Bryant Tan



Vice President Glendon Hyde



Commissioner Naomi Akers



Commissioner Barbara Campagnoli



Commissioner Liam Frost



Commissioner Audrey Joseph



Commissioner Steven Lee



Commissioner Demetri Moshoyannis



Commissioner Al Perez





"Adding live entertainment is a great way to help your restaurant, bar, café or other small business attract new patrons and keep them at your business for longer. With a Limited Live Performance permit, you can set your business apart from your competitors while contributing to the cultural enrichment of your community."

— BEN VAN HOUTEN
Project Manager, Nightlife and Entertainment Sector,
San Francisco Office of Economic and
Workforce Development

The Entertainment Commission has been working with the Mayor's Office of Economic & Workforce Development and the Office of Small Business to inform small business owners of the Limited Live Performance Permit, and how entertainment can boost business.

Commission Staff



Jocelyn Kane
Executive Director



Cammy Blackstone
Deputy Director



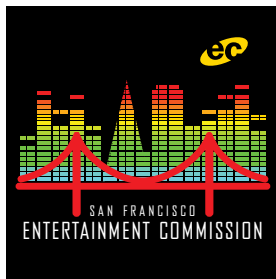
Sean Burke
Sound Technician / Inspector



Jordan Pauley
Sound Technician / Inspector



Crystal Stewart
Commission Secretary



Permits Issued and Serviced

The Entertainment Commission issues a variety of permits. The majority are the following:

- » Billiard Parlor Permits (BP or pool tables)
- » Extended Hours Premises Permits (EHP)
- » Itinerant Show Permits (outdoor events)
- » Limited Live Performance Permits (LLP)
- » Loudspeaker / Amplified Sound Permits
- » Mechanical Amusement Device Permits (MAD or video games)
- » One Night Event / Dance Permits
- » Place of Entertainment Permits (POE)

In the FY 2013/14, the Entertainment Commission issued 57 fixed place permits, including:

| | |
|--|----|
| Billiard Parlor / Pool Tables Permits | 2 |
| Extended Hours Premises Permits | 4 |
| Limited Live Performance Permits | 20 |
| Mechanical Amusement Device Permits | 3 |
| Place of Entertainment Permits | 28 |

In the FY 2013/14, the Entertainment Commission issued 458 temporary permits, including:

| | |
|--|-----|
| Loudspeaker / Amplified Sound Permits | 333 |
| One Night Event Permits | 125 |

In addition to granting new permits, the Entertainment Commission is responsible for regulating the existing fixed place permits throughout the year. Valid permits are kept up to date with licenses issued and renewed annually by the Tax Collector. In FY 2013/14, there were 649 permit renewals:


| | |
|--|-----|
| Billiard Parlor / Pool Tables Permits | 106 |
| Dance Hall Keeper Permits | 12 |
| Extended Hours Premises Permits | 86 |
| Limited Live Performance Permits | 39 |
| Mechanical Amusement Device Permits | 83 |
| Place of Entertainment Permits | 323 |

Staffing and Budget

The Entertainment Commission offices continued to be staffed with only:

- Executive Director (1)
- Permit Coordinator (1)
- Commission Secretary (1)
- Sound Technicians / Inspectors (2)

Budget for Entertainment Commission was given a line item but remained under the Administrative Services overall budget. Total budget is approximately \$520,000.



The Limited Live Performance Permit is an affordable alternative to a Place of Entertainment Permit and works well for businesses that want to add entertainment as a complement to their regular offerings.

"We're very grateful to the Entertainment Commission for granting us our Limited Live Performance permit. Customers enjoy the live music, musicians appreciate the opportunity to perform and get paid, and we enjoy a nice boost at the cash register. As a "legacy" Irish bar with Cuban cuisine, live music from a variety of genres fits our brand."

— JEFF HANFORD
General Manager,
Cha Cha Cha / Original McCarthy's on Mission

Enforcement

The Entertainment Commission is tasked with ensuring that nightlife venues are run safely and responsibly. To this end, every permit issued by the Commission includes the Good Neighbor Policy, list of 13 conditions under which all venues should operate. These conditions are enforced by the Entertainment Commission inspectors.

For the last nine years, the Entertainment Commission has had only one inspector for the entire City. A second inspector position was added in 2012, and in 2014 the Entertainment Commission was fully staffed with two inspectors.

The Entertainment Commission Inspectors visit venues regularly to monitor compliance with the Good Neighbor Policy. They also follow up on complaints and reports from the San Francisco Police Department and other City agencies. Typically, the first violation results in a Notice of Violation, with citations issued for repeated violations. Serious or repeated violations can result in a Director's Order, and then a suspension or revocation of a permit.

In FY 2013/14, the Entertainment Commission issued seven Notice of Violations and seven Citations. A Director's Order was given to one venue, and there were no suspensions or revocations.

Most of the time, the inspectors are able to work with the venues and the residents to come up with a solution, rather than issue citations or suspensions. The Entertainment Commission and staff also facilitate meetings between residents and venues to resolve issues so that residents and nightlife can coexist.

| | |
|-----------------------------|---|
| Notice of Violations issued | 7 |
| Citations issued | 7 |
| Director's Order | 1 |
| Suspensions | 0 |
| Revocations | 0 |

"I was impressed with Sean's quick grasping of the delicate complexities of the problem, and the ideas he presented to me, to solve them! We are most grateful to him, and to the continuing efforts of all Commission members who have been working on this neighborhood sound blight."

"I can't tell you how grateful I am for your help with reducing / eliminating the DJ noise in my flat. I had no problems the rest of the weekend and feel so relieved!"

"I just want to say THANK YOU so much!!! This year's Festival posed no noise problems in the Russian Hill area. At Leavenworth and Lombard I could hear only occasional sound and none of the pounding, anxiety-inducing bass of last year. And what I did hear was well within reason, and jus the price of living in a city that has great music festivals! So, a big thanks to you and everyone else that worked to make sure the festival was a success without causing undue noise intrusion for residents in the NE part of the City."



"I used to live in London where many pubs and restaurants would have live music in the afternoons or early evenings, and it really added to the cosmopolitan allure of that city; now San Francisco finally has a great equivalent. This permit system allows us to balance artistic offerings and opportunities for musicians while increasing the vibrancy and energy of our city, yet still respecting sane noise levels and reasonable hours of operation."

— TRENT BERRY
Musician

As an "accessory use" permit, the Limited Live Performance Permit is restricted in that the area for entertainment cannot exceed 200 square feet and entertainment must end by 10:00 pm.

Highlights

During the FY 2013/14, the Entertainment Commission accomplished the following:

- » Issued a total of 458 one-time permits and 57 new fixed place permits and regulated 649 existing fixed place permits.
- » Instructed 4 police academy classes on entertainment issues.
- » Coordinated and produced the 6th Annual Entertainment Summit, attended by over 200 industry professionals to discuss issues and concerns facing the nightlife industry, with a focus on development and its impacts on entertainment.
- » Presented Safety and Security Best Practices to the Hotel Council to educate hotel management and security on parties and special events.
- » Promoted live entertainment as a potential business booster to small businesses at the annual Small Business Week kick-off event.
- » Worked with the Department of Public Health and other City agencies on the Noise Task Force to clarify roles and responsibilities, and amend the current Noise Ordinance.
- » Partnered with the Office of Civic Engagement and Immigrant Affairs to translate Entertainment Commission applications and citations into Chinese and Spanish.
- » Developed and released Guidelines for Meaningful Outreach to educate applicants on how to engage their community in the permit process.
- » Trained with the Tax Collector on LICA to improve accuracy on tax licenses.
- » Facilitated meetings between several venues and the residents they impact to mitigate nuisance issues.
- » Worked with Supervisor London Breed on updating Mechanical Amusement Devices regulations.
- » Worked with the Office of Economic & Workplace Development on the Plaza Program, to activate City-owned plazas outside of the jurisdiction of the Recreation & Parks Department.
- » Worked with the Department of Technology to include Entertainment permits and information in the Mayor's new Business Portal.

Celebrating Three Years of Limited Live Performance Permit

The Limited Live Performance permit (LLP) was created in 2011 as a way for restaurants, cafes, bars and event spaces to provide entertainment as an accessory use to their main function. As of July 2014, there were 45 active Limited Live Performance permits.

As an "accessory use" permit, this particular permit is restricted in that the area for entertainment cannot exceed 200 square feet and entertainment must end by 10:00 pm. However, this is an affordable alternative to a Place of Entertainment permit and works well for businesses that want to add entertainment as a complement to their regular offerings.

The Entertainment Commission has been working with the Mayor's Office of Economic & Workforce Development and the Office of Small Business to inform small business owners of the LLP, and how entertainment can boost business. As word of this permit spreads, the expectation is that the number of LLPs will continue to rise.

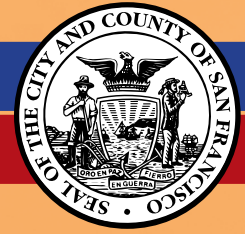


San Francisco Ordinance No. 172-11 Amended in Board 08/02/11

Establishing a Limited Live Performance Permit, as defined and restricted in this ordinance, will enhance employment opportunities for musicians and other performers, increase earnings for businesses affected, increase City tax revenues, and increase opportunities for residents and visitors to enjoy music and culture in their daily lives.

Looking Ahead to Next Year

1. Streamline permitting process with online applications to expedite reviews and approvals of permit applications by City agencies.
2. Translate forms, applications and documents into Spanish, Chinese and Tagalog languages.
3. Work with applicants and permitted venues to improve sustainability by taking advantage of City programs such as Invest In Neighborhoods, the Emerging Business Loan Fund, and upcoming events such as Superbowl 2016.
4. Work with transportation agencies on implementation plans for Late Night Transportation.
5. Continue to broadcast that Entertainment and Nightlife are major components of the City's economy, and the results of the upcoming Controllers Economic Impact Report on the value of Street Fairs and Festivals.
6. Work with Supervisor London Breed's office on legislation to help longtime entertainment venues survive new residential development.
7. Begin to implement Music & Culture Sustainability Policy outlined in 90.A of the San Francisco Administrative Code.



San Francisco Administrative Code Music & Culture Sustainability Policy

SEC. 90.A – FINDINGS AND PURPOSE.

- (a) San Francisco has a rich music and cultural heritage manifested in numerous outdoor events such as street fairs and music festivals and in many indoor venues such as community centers, nightclubs, and theaters. Music and cultural events and performances are a distinct and important feature of San Francisco that make it both an exceptional and a desirable place to live.
- (b) Indoor and outdoor music, theater, performance, nightlife, dancing, and other entertainment venues and cultural events are a vital component of the quality of life for all the diverse communities of San Francisco. Such venues and events offer important social avenues for individuals and groups of all ages, foster positive and meaningful interactions between individuals and within communities in San Francisco, and strengthen neighborhoods in San Francisco.
- (c) San Francisco's vibrant music, nightlife, and cultural life is a central component of its attractiveness not only to residents but also to visitors; both those coming from the greater San Francisco bay Area, and tourists, business visitors, and convention attendees who come to San Francisco from other parts of the United States and the world. The wide variety of music, entertainment, and cultural events are a boon to the tourism industry in San Francisco and have a major, positive impact on the San Francisco economy.
- (d) It is the policy of the City, and the purpose of this Chapter, to foster, promote, and sustain music and culture in San Francisco. This Chapter shall be implemented in a manner that is consistent with the requirements of state law, the City Charter, and any fiduciary obligations.



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).



San Francisco Entertainment Commission

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The Commission meets on the first and third Tuesday of every month at 5:30 pm in room 416 of City Hall; live broadcasts are available on SFGov TV.

COMMISSIONERS

Bryant Tan, President
Urban Planning Representative

Glendon Hyde, Vice President
Neighborhood Representative

Liam Frost
Law Enforcement Representative

Audrey Joseph
Entertainment Industry Representative

Steven Lee
Entertainment Industry Representative

Demetri Moshoyannis
Public Health Representative

Al Perez
Neighborhood Representative

STAFF

Jocelyn Kane
Executive Director

Cammy Blackstone
Deputy Director

Crystal Stewart
Commission Aide

Sean Burke
Sound Technician / Inspector

Jordan Pauley
Sound Technician / Inspector

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