

1 [Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) – include
2 Entertainment Commission and Emergency Medical Services in review process.]

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4 **Ordinance amending San Francisco Traffic Code Section 800 to include the**
5 **Entertainment Commission as part of the Interdepartmental Staff Committee on Traffic**
6 **and Transportation (ISCOTT); amending Section 801 to require emergency medical**
7 **services plans for "major events" and the inclusion of the Director of Emergency**
8 **Medical Services and Emergency Operations Section (EMSEO) in approval process for**
9 **major event applications; amending Section 802 to expand definition of "major events"**
10 **to include street fairs; amending Section 804 to require Clerk of the Board of**
11 **Supervisors to transmit copies of any legislation approving a temporary street closing**
12 **for major events to the Director of EMSEO; amending Section 806 to include the**
13 **Executive Director of the Entertainment Commission in the review process of**
14 **applications for temporary use of streets for street fairs; amending San Francisco**
15 **Administrative Code Section 90.4 to require permit applicants for major events to**
16 **submit an emergency medical services plan to the Entertainment Commission for**
17 **consideration in the approval of permit applications for major events.**

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

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

22 Section 1. The San Francisco Traffic Code is hereby amended by amending Article 21,
23 Sections 800, 801, 802, 804, and 806 to read as follows:

24 Sec. 800. INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND
25 TRANSPORTATION (ISCOTT).

1 There is hereby established a committee to be known as the Interdepartmental Staff
2 Committee on Traffic and Transportation (ISCOTT), consisting of the department heads or
3 their designated representatives from the following departments and agencies: Parking and
4 Traffic, Public Works, Police, Fire, Public Health, Municipal Railway, *and* City Planning, *and*
5 Entertainment Commission. The Director of the Department of Parking and Traffic, or his or her
6 designee shall serve as Chair of ISCOTT. The Director of Administrative Services or his or
7 her designee shall review recycling plans and recommend with ISCOTT when the Committee
8 considers for approval applications for the temporary use or occupancy of a public street, a
9 street fair or an athletic event which include the dispensing of beverages or other use which
10 generates large volumes of recyclable materials, pursuant to the provisions of Section 805. In
11 exercising its powers the Committee shall consult with any other City department or agency;
12 *which that* could be affected by any temporary use or occupancy of a public street. The
13 Committee shall have the authority to take all acts reasonably necessary for it to carry out any
14 duties imposed upon it by ordinance. Before acting on any application for temporary use or
15 occupancy of public streets, street fair or an athletic event, ISCOTT shall conduct a public
16 hearing at publicly noticed times and at places to be determined by the Committee.

17 Sec. 801. REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY
18 OF PUBLIC STREETS; PROCEDURE.

19 (a) Any person seeking permission for the temporary use or occupancy of a public
20 street within the City and County shall file an application with, and on a form provided by, the
21 Director of the Department of Parking and Traffic (hereafter, the "Director"), and shall pay a
22 filing fee of \$80; provided, however, that (a) if the application is filed fewer than 60 days prior
23 to the date of the proposed temporary use or occupancy, then the applicant shall pay a filing
24 fee of \$140, (b) if the application is filed fewer than 30 days prior to the date of the proposed
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1 temporary use or occupancy, then the applicant shall pay a filing fee of \$180, and (c) if the
2 application is filed fewer than seven days prior to the date of the proposed temporary use or
3 occupancy under the conditions set forth in the succeeding paragraph, then the applicant shall
4 pay a filing fee of \$250.

5 An application shall not be accepted or approved for a proposed temporary use or
6 occupancy scheduled to occur fewer than seven calendar days after the application is
7 submitted to the Director, except as follows in this paragraph:

8 (a) An application for a proposed temporary use or occupancy scheduled to
9 occur fewer than seven calendar days after the application date may be filed for emergency
10 consideration. The Director shall consider the request if the applicant has demonstrated that
11 an extraordinary emergency exists that requires the closing of a street, and provided that
12 there is adequate time available for the Director to conduct the required public hearing and
13 post notice of the scheduled hearing at least 24 hours in advance of the hearing.

14 (b) The Mayor's Film and Video Arts Commission (the "Film Commission"), or
15 other successor commission or division of the Mayor's office, may file with the Director an
16 application on behalf of a film or other video production company (which company shall be
17 responsible for the payment of all applicable fees) for a proposed temporary use or occupancy
18 scheduled to occur fewer than seven calendar days after the application date, provided that
19 there is adequate time available for the Director to conduct the required public hearing and
20 post notice of the scheduled hearing at least 24 hours in advance of the hearing. The Film
21 Commission (or the film company on whose behalf the application was made) shall (i) notify
22 residents, merchants and other occupants of the public street(s) to be closed of the dates
23 proposed for street closure, and (ii) notify any and all affected City departments, including the
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1 Chief of Police, the General Manager of the Municipal Railway and the Director of the
2 Department of Public Works.

3 The completed application shall include, when applicable, maps and/or drawings which
4 identify the streets that would be affected, describe the scope and design of the event,
5 including illustrations of the location of staging, food booths, seating, and a diagram of an
6 emergency access plan. In addition, the Director may request such additional information as
7 is necessary to allow ISCOTT to make an informed evaluation of the proposed temporary use
8 or street occupancy. In the case of "major events," as defined in Section 802, applicants shall submit
9 an emergency medical services plan.

10 Applicants shall be responsible for posting notice of the public hearing at least seven
11 calendar days prior to the hearing at which the application will be reviewed by ISCOTT. Such
12 notice shall include a description of the streets that would be affected and shall be posted in
13 the area of the proposed temporary use or street occupancy according to rules and
14 regulations prescribed by the Director. A declaration under penalty of perjury shall be
15 submitted to the Director by the applicant attesting that the required public notices have been
16 posted.

17 Upon receipt, the Director shall refer such a request to ISCOTT for its review and
18 approval, or disapproval.

19 (b) ISCOTT Review and Approval Process. In reviewing an application, ISCOTT
20 shall: Consider the impact of the temporary use or occupancy of public streets on the traffic,
21 security, health, and safety of the public; determine the traffic, security, health, and safety
22 requirements of the proposed temporary use or occupancy; and evaluate the measures
23 proposed by the applicant to satisfy those requirements. For major events, ISCOTT shall
24 forward the applicant's proposed emergency medical services plan to the Director of Emergency
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1 Medical Services and Emergency Operations Section (EMSEO). ISCOTT shall consider the
2 recommendations of EMSEO regarding the proposed emergency medical services plan. It shall be the
3 duty of ISCOTT to also consider the following:

4 1. Demonstrated ability of the applicant to comply with requirements necessary to
5 protect the safety, health, and welfare of the public.

6 2. Duration of the temporary use or street occupancy and the City's ability to
7 accommodate such use or occupancy with the necessary resources.

8 3. Overextension of the City's resources because of previously approved
9 temporary use or occupancy of public streets or other activities that could cause scheduling
10 conflicts during the same period.

11 4. The availability of an appropriate emergency access plan.

12 5. The number of major events (as defined in Section 802 below) scheduled during
13 the period for which the applicant seeks a permit, the nature and location of the major events,
14 and the demand these major events will have on the City's resources, including its police,
15 emergency and sanitation personnel. In considering the major events for which applications
16 have been filed and/or approved, ISCOTT should give priority based on the chronological
17 order in which the applications are received, and applicants denied permission on the basis
18 that there are too many major events already approved or pending for approval shall be
19 offered alternative dates by ISCOTT. Notwithstanding this provision, ISCOTT may, in its
20 discretion, grant preference to recurring events traditionally or historically associated with a
21 particular day or dates, provided that applications, once approved, cannot be revoked
22 because of the subsequent filing of an application for a permit for an event traditionally or
23 historically associated with a particular day or dates.

1 6. If the application is related to a filming project to be conducted by the applicant,
2 the Director and ISCOTT shall notify the Film Commission (or other successor commission or
3 division of the Mayor's office) and shall consider such conditions and criteria as the Film
4 Commission shall attach to the application.

5 The ISCOTT committee may impose additional requirements or conditions it deems
6 necessary to protect the public interest by ensuring traffic management, security of property
7 and health and safety of citizens. At the time ISCOTT reviews the application, it shall also
8 determine the necessity of and the total estimated actual costs incurred by the Municipal
9 Railway to run motor coaches to accommodate the rerouting of electrically powered transit
10 vehicles because of restrictions which are imposed by the temporary street closing. The
11 applicant shall pay a fee to the Municipal Railway, which is calculated at the rate of \$6.00 per
12 electrically powered vehicle hour per line affected. For purposes of this provision, "vehicle
13 hour" shall mean the number of hours each coach on a line is in operation during the day of
14 the street closing. If the application is approved, the General Manager of the Municipal
15 Railway shall transmit to the applicant an invoice for the fee. The applicant shall make full
16 payment of the fee no later than five days prior to the date of the street closing, or in
17 accordance with a schedule agreed to by the General Manager of Municipal Railway.
18 ISCOTT shall not disapprove any application for a temporary use or occupancy of public
19 streets because of the applicant's political, religious, or cultural orientation.

20 Notice of ISCOTT's action of approval or disapproval shall be submitted to the Director;
21 the Chief of Police; the Chief of the Fire Department; the Director of Health; the General
22 Manager of the Municipal Railway; the Director of Public Works; the Executive Director of the
23 Entertainment Commission; and the Director of City Planning, and be maintained as a matter of
24 record. For major events, notice of ISCOTT's action of approval or disapproval shall also be
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1 submitted to the Director of EMSEO. The Director shall deem the application approved by
2 ISCOTT as submitted, if ISCOTT takes no action to approve or disapprove the application
3 within 30 days of receipt of the application.

4 (c) Appeals Process. Should the application be disapproved by ISCOTT, the
5 applicant may first appeal the decision to the Director if the application was filed at least 30
6 days prior to the date of the proposed temporary use or occupancy. Such appeal shall be
7 made by filing the appeal with the Director on a form provided by the Director within five
8 working days of disapproval. Upon receipt, the Director shall set a time and place for hearing
9 such appeal. In considering the appeal the Director shall conduct a public hearing for which
10 notice shall be posted at least 72 hours in advance of the hearing at the Department of
11 Parking and Traffic, at the main library, and at the Office of the Clerk of the Board of
12 Supervisors.

13 At the appeal hearing, the appellant and members of ISCOTT shall have an opportunity
14 to present oral testimony and written materials in support of their positions. The Director shall
15 conduct the hearing according to the same standards of review as set forth in Section 801(b)
16 hereof. Upon hearing the appeal, and after any further investigation by the Director, the
17 Director may affirm, reverse, or modify the ISCOTT decision. Notice of the Director's action of
18 approval or disapproval shall be submitted to the Chief of Police, the Chief of the Fire
19 Department, the Director of Health, the General Manager of the Municipal Railway, the
20 Director of Public Works, the Executive Director of the Entertainment Commission, and the Director
21 of City Planning and be maintained as a matter of record.

22 If the Director denies the application after the appeal described in the preceding
23 paragraph, the applicant may then appeal the decision to the Board of Supervisors. Such
24 appeal shall be made by filing the appeal with the Clerk of the Board, on a form provided by
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1 the Clerk, within five working days of the Director's disapproval. The Board may establish a
2 fee to be imposed upon the filing of any such appeal. Upon receipt, the Clerk shall set a time
3 and place for hearing such appeal by the Board of Supervisors, which hearing shall be at the
4 Board's next regular meeting, provided that all applicable public notice requirements are
5 satisfied. The Board shall conduct the hearing according to the same standards of review as
6 set forth in Section 801(b) hereof. Upon hearing the appeal, and after any further
7 investigation that the Board may request, the Board may affirm, reverse or modify the
8 Director's decision. The decision of the Board regarding the appeal shall be final.

9 Any permission for the temporary use of occupancy of a public street authorized
10 pursuant to these provisions shall be subject to the conditions set forth in Sections 807 and
11 808.

12 (d) Late Application. Should the applicant file an application for a proposed
13 temporary use or occupancy fewer than 30 days prior to the date of the proposed use or
14 occupancy, and not far enough in advance of the proposed use or occupancy to allow
15 ISCOTT to consider the application at a regularly scheduled meeting of ISCOTT, then the
16 Director shall have the responsibility and duty to consider and approve or disapprove the
17 application after consulting with the members of ISCOTT. The Director shall conduct a public
18 hearing for which notice shall be posted at least 24 hours in advance of the hearing at the
19 Department of Parking and Traffic, the main library, and at the Office of the Clerk of The
20 Board of Supervisors. At the hearing, the applicant and interested persons shall have an
21 opportunity to present oral testimony and written materials in support of their position. The
22 Director shall conduct the hearing according to the same standards of review as set forth in
23 Section 801(b) hereof. Notice of the Director's action of approval or disapproval shall be
24 submitted to the Chief of Police, the Chief of the Fire Department, the Director of Health, the
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1 General Manager of the Municipal Railway, the Director of Public Works, the Executive Director
2 of the Entertainment Commission, and the Director of City Planning, and shall be maintained as a
3 matter of record. In the event the Director disapproves the application, the applicant shall
4 have the right to appeal the Director's decision to the Board of Supervisors in accordance with
5 the same terms and conditions as set forth in Subsection (c) of this Section above.

6 Sec. 802. MAJOR EVENTS DEFINED.

7 "Major events" are those events, including athletic events and street fairs, involving any
8 of the following: The use or occupancy of more than five blocks, the expected attendance or
9 participation of more than 1,000 people at any one time, or the rerouting of more than three
10 Municipal Railway transit lines. "Major events" shall also include any sports events at
11 Candlestick Park with expected attendance of more than 50,000 people, or any parade
12 governed by the provisions of Police Code Section 366 et seq.

13 Sec. 804. NOTICE.

14 The Clerk of the Board of Supervisors shall transmit copies of any legislation approving
15 a temporary street closing to the Director of Public Works, Chief of Police, the Chief of the Fire
16 Department, the Superintendent of Emergency Hospital Service of the Department of Public
17 Health, the Executive Director of the Entertainment Commission, and to the General Manager of
18 the Municipal Railway. For major events, the Clerk of the Board of Supervisors shall transmit copies
19 of any legislation approving a temporary street closing to the Director of EMSEO.

20 Sec. 806. TEMPORARY USE OF STREETS FOR STREET FAIRS.

21 (a) Definitions. For the purpose of this Section, the following definitions shall apply:

22 (1) "Director" means the Director of the Department of Parking and Traffic or
23 his or her designee.
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1 (2) To "issue" a permit is to deliver to an applicant for a street fair permit
2 written permission to sponsor or hold a street fair at a specified date and location.

3 (3) "Sponsor" means that organization responsible for organizing a street fair
4 and authorized to represent the street fair before City agencies and officials.

5 (4) A "street fair" means a social or community event, not including an
6 athletic event or parade, in which any group of persons convene to celebrate their community
7 or neighborhood on any street in the City and County of San Francisco which event obstructs
8 or interferes with the normal flow of vehicular traffic.

9 (b) Applying for Temporary Use of Street for Street Fair. Notwithstanding any other
10 provisions of the Administrative Code of the City and County of San Francisco, the regulation
11 of street fairs, including the processes for obtaining permits from the City for conducting these
12 street fairs and the payment of associated fees to the City, shall be governed by Section 806.
13 In order to provide for the safe, orderly and cost-effective conduct of street fairs, any
14 organization seeking permission for the temporary use of a street for the purpose of
15 conducting a street fair shall file an application with the Director no later than 90 days prior to
16 the proposed date for the event. Applications shall be submitted on forms prepared by the
17 Director after conferring with the appropriate representatives from the Police Department, Fire
18 Department, Department of Public Health, the Municipal Railway, the Department of Public
19 Works, Entertainment Commission, and the Department of Parking and Traffic. At the time of
20 filing an application under this Section, the sponsoring organization shall also file a \$80
21 application fee.

22 (c) Timeliness of Applications. No person submitting an application after the
23 deadlines set forth in this ordinance shall be granted permission to conduct a street fair in the
24 corresponding period unless the person demonstrates to the satisfaction of the Director that
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1 the failure to submit a timely application was justified by extraordinary circumstances;
2 provided, however, that in no event shall an applicant be permitted to file an application less
3 than 60 days prior to the proposed date for the event. A late fee of \$80 shall be assessed for
4 untimely filed applications.

5 (d) Review of Application.

6 (1) Upon receiving an application for permission for the temporary use of a
7 street for purposes of conducting a street fair, the Director shall review the application to
8 determine whether the information required in the application has been provided. If the
9 Director determines that the applicant has failed to provide the information required, the
10 Director shall, within five business days of receiving the application, notify the applicant of
11 what additional information is required. If the applicant fails to provide the additional
12 information required within five business days of notification by the Director, the applicant's
13 application shall be deemed to be untimely filed; provided, however, that upon good cause
14 shown the Director may extend this five-day period. Except as provided in Subsection (2) of
15 this Section, the Director shall transmit the completed application to ISCOTT.

16 (2) If, upon reviewing the application, the Director determines that the
17 proposed street fair will be contained within one block in such a manner that no intersections
18 will be closed, and that the proposed street fair will not require the rerouting of Municipal
19 Railway vehicles, the Director may grant the street fair permit without referring the application
20 to ISCOTT, provided however that the Director shall transmit copies of the applications to the
21 constituent members of ISCOTT for informational purposes. The Director will calculate the
22 fee to be charged to the sponsor using the same schedule and in the same manner as
23 prescribed in Subsection (f) of this Section. If such a street fair will include the sale of food or
24 beverages, the appropriate permits shall be obtained from the Department of Public Health no
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1 later than 14 days prior to the date of the event. If such a street fair will include the use of
2 propane or butane (liquefied petroleum gas), open flames, pyrotechnics and fireworks, or tent
3 or membrane structure, the appropriate permits shall be obtained from the Fire Department no
4 later than 10 days prior to the date of the event.

5 (e) Review by ISCOTT; Recommendation. Except as provided in Subsection (d)(2)
6 of this Section, no later than 60 days prior to the proposed date of the street fair, ISCOTT
7 shall review the application and shall recommend that the Director grant, deny, or grant with
8 conditions the application for a permit. The Director may accept or reject the recommendation
9 of ISCOTT, and may grant, deny or grant with conditions the application for a permit. Upon
10 granting permission to conduct a street fair, the Director shall cause all necessary permits to
11 be issued to the sponsor of the street fair. If the Director denies permission to conduct the
12 street fair, the Director shall state in writing his or her reasons for the denial.

13 (f) Fee. No later than 60 days prior to the proposed date of the street fair and in
14 consultation with other City departments, ISCOTT shall determine the fee to be charged for
15 the permit pursuant to the schedule below. No other fee for conducting a street fair shall be
16 required or assessed. All fees paid by the sponsors for street fair permits shall be deposited
17 in the general fund. The fee shall be based on the actual costs to the City of temporarily
18 closing the street for the street fair, pursuant to the following fee schedule:

19 (1) Fire Department:

20 (A) Application fee: \$129.00

21 (B) Inspection fee—Food vendors using propane, butane, charcoal
22 briquettes or open flame:

23 (i) First Day of Street Fair:

24 1 to 10 food vendors: \$163.28
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11 to 20 food vendors: \$326.56

21 to 30 food vendors: \$489.84

31 food vendors and over: \$652.92

(ii) Each Consecutive Day of Street Fair:

1 to 20 food vendors: \$163.28

21 food vendors and over: \$326.56

(C) LPG heaters: \$163.28 and \$40.82 for each hour after four hours of service. Whenever an LPG heater is used in a tent where a public assembly event is held, one inspector shall be on duty during the duration of the operation of the heater, pursuant to Section 2501.18.1 of the Municipal Fire Code.

(D) Tents or membrane structures

Permit fee: \$146.00

(E) Fireworks or pyrotechnics

Permit fee: \$90.00

(2) Department of Public Health:

Application and permit fees payable to the Department of Public Health under this section shall be the same as those charged for temporary food permits for special events as governed by Section 249.11 of the Business and Tax Regulations Code.

(3) Municipal Railway fee:

\$6.00 per electrically powered vehicle hour per line affected, where "vehicle hour" means the number of hours each coach on a line is in operation during the day of the event.

(4) (A) Street fairs where alcoholic beverages are served:

1 100 percent of the projected Police Department costs incurred by reason of the
2 street fair, subject to the following caps:

| 3 ATTENDANCE | MAXIMUM FEE |
|--|-------------|
| 4 0 to 100,000 patrons | \$5,000 |
| 5 100,001 to 250,000 patrons | \$10,000 |
| 6 More than 250,000 patrons | \$20,000 |

7 The Police Department, working with the sponsor, shall provide an estimate of
8 attendance for the event for purposes of determining the applicable cap.

9 (B) Street fairs where alcoholic beverages are not served:

10 If the Director grants the application for a permit, he or she shall transmit to the sponsor
11 an invoice for the fee. The sponsor of the street fair shall make full payment of the fee no
12 later than 10 days prior to the date of the event.

13 (g) Insurance. Street fair sponsors shall be required to file with the Director proof of
14 the insurance required by Section 807(l) no later than the Thursday before the date of the
15 street fair.

16 (h) Conditions. In addition to any other conditions imposed by the Director, any
17 street fair conducted pursuant to this Article shall be subject to the conditions set forth in
18 Section 807.

19 (i) Appeals. Any appeal from the denial of the issuance of a permit to conduct a
20 street fair, from the imposition of conditions on the issuance of a permit, or the determination
21 or refund of fees shall be to the Board of Supervisors. Such appeal shall be made by filing
22 with the Clerk of the Board, on a form provided by the Clerk of the Board, within 10 days of
23 the Director's approval or disapproval or the determination or refund of fees. The Board may
24 establish a fee to be imposed upon the filing of any such appeal. Upon receipt, the Clerk shall
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1 set a time and place for hearing such appeal by the Board of Supervisors, which shall be at its
2 next regular meeting in conformance with public notice requirements.

3 At the appeal hearing, the appellant and Director shall have an opportunity to present
4 oral testimony and written materials in support of their positions. Upon hearing the appeal,
5 and after any further investigation ~~which~~ that the Board may request, the Board may affirm,
6 reverse, or modify the Director's decision on the issue appealed.

7 (j) Notice. The Director shall transmit copies of the granting of permission to
8 conduct a street fair to the Chief of Police, the Chief of the Fire Department, the General
9 Manager of the Municipal Railway, the Director of Public Works, the Executive Director of the
10 Entertainment Commission, the Director of the Environmental Health Section of the Department
11 of Public Health and the Superintendent of Emergency Hospital Service of the Department of
12 Public Health.

13 (k) Authorization to Sell Goods; Unauthorized Sales. The sponsor of a street fair
14 shall determine which individuals or organizations may sell goods or merchandise on a street
15 that has been closed for the purposes of conducting a street fair, provided, however, that such
16 authorization shall not be withheld on the basis of the race, sex, religion, creed, national origin
17 or sexual orientation of the person seeking such authorization. Individuals seeking to sell
18 goods or merchandise in a street that has been closed for the purpose of a street fair without
19 the authorization of a sponsor may be cited for violating San Francisco Police Code Section
20 869 (peddling without a permit). Nothing in this Section shall be construed to deprive the
21 Department of Public Health of its authority to determine that foods or beverages may be sold.

22 (l) Refund of Fees. If for any reason a sponsor cancels a proposed street fair, the
23 sponsor shall be entitled to a refund of that portion of the fees paid, other than application
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1 fees, representing the costs saved by City departments by reason of the cancellation of the
2 street fair.

3 (m) Annual Reports. No later than December 1st of each year, the Chief of Police
4 and the Director or their designees shall provide to the Board of Supervisors written reports
5 setting forth in detail the Police Department and Parking and Traffic Department costs,
6 respectively, associated with street fairs for that year.

7 (n) City Undertaking Limited to Promotion of General Welfare. In undertaking the
8 adoption and enforcement of this Section, the City is assuming an undertaking only to
9 promote the general welfare. It is not assuming, nor is it imposing on its officers or
10 employees, an obligation for breach of which the City is liable in money damages to any
11 person who claims that such breach proximately caused injury.

12 (o) Annual Adjustment of Fees. Beginning with fiscal year 2003-2004, fees set in
13 this Section, including the caps on fees for police services, may be adjusted each year,
14 without further action by the Board of Supervisors, to reflect changes in the relevant
15 Consumer Price Index, as determined by the Controller.

16 No later than April 15th of each year, the officer, department, or agency administering
17 the fees shall submit its current fee schedule to the Controller, who shall apply the price index
18 adjustment to produce a new fee schedule for the following year.

19 No later than May 15th of each year, the Controller shall file a report with the Board of
20 Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient
21 revenue to support the costs of providing the services for which each fee is assessed, and (b)
22 the fees do not produce revenue which is significantly more than the costs of providing the
23 services for which each fee is assessed.

1 (p) Severability. If any part of this Section, or the application thereof, is held to be
2 invalid, the remainder of this ordinance shall not be affected there-by, and this ordinance shall
3 otherwise continue in full force and effect. To this end, the provisions of this ordinance, and
4 each of them, is severable.

5 Section 2. The San Francisco Administrative Code is hereby amended by amending
6 Section 90.4 to read as follows:

7 Sec. 90.4. POWERS AND DUTIES OF THE ENTERTAINMENT COMMISSION.

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

10 (a) Accept review, gather information regarding, and conduct hearings upon
11 applications for entertainment-related permits; and rule upon and issue, deny, condition,
12 suspend, revoke or transfer entertainment-related permits in accordance with applicable laws
13 and regulations. The commission may authorize the executive director or permit
14 administrators, or both, to rule upon applications and grant, deny, condition, transfer or modify
15 specified types of entertainment-related permits deemed by the commission to be routine and
16 unlikely to pose significant negative impacts on persons in the vicinity of the event or
17 establishment for which the permit is sought; provided, that any City department with an
18 interest in the permit or person having a right to appeal to the Board of Appeals under Section
19 30 of the San Francisco Business and Tax Regulations Code may, in writing, (i) request that
20 the permit application be heard in the first instance by the commission, or (ii) request
21 reconsideration by the commission of the executive director's or permit administrator's
22 decision. If the commission grants a request for reconsideration, it may hear the matter de
23 novo, or may limit its review to the administrative record that was before the executive director
24 or permit administrator at the time of his or her decision.

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

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

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

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

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

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

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

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

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

20 (~~l~~k) With the approval of the Recreation and Parks Commission or Port Commission,
21 as the case may be, exercise the powers and perform the duties set forth in this Section with
22 respect to events and establishments to be held or operated upon property or within facilities
23 under the jurisdiction of the Recreation and Parks Commission or Port Commission.
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1 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

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3 By: 
4 VIRGINIA DARIO ELIZONDO
Deputy City Attorney

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 051382

Date Passed:

Ordinance amending San Francisco Traffic Code Section 800 to include the Entertainment Commission as part of the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT); amending Section 801 to require emergency medical services plans for "major events" and the inclusion of the Director of Emergency Medical Services and Emergency Operations Section (EMSEO) in approval process for major event applications; amending Section 802 to expand definition of "major events" to include street fairs; amending Section 804 to require Clerk of the Board of Supervisors to transmit copies of any legislation approving a temporary street closing for major events to the Director of EMSEO; amending Section 806 to include the Executive Director of the Entertainment Commission in the review process of applications for temporary use of streets for street fairs; amending San Francisco Administrative Code Section 90.4 to require permit applicants for major events to submit an emergency medical services plan to the Entertainment Commission for consideration in the approval of permit applications for major events.

October 11, 2005 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi,
Peskin, Sandoval

Absent: 1 - Daly

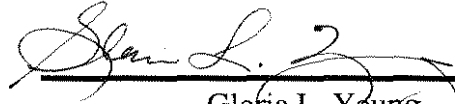
Excused: 1 - Alioto-Pier

October 18, 2005 Board of Supervisors — FINALLY PASSED

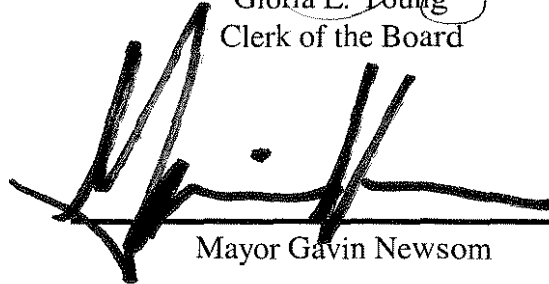
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051382

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on October 18, 2005
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom

OCT 21 2005

Date Approved