

1 [Multi-year Permit for the Use of Certain Portions of Golden Gate Park for a Three-day Music  
2 Festival.]

3 **Resolution pursuant to S. F. Charter Section 9.118 authorizing and approving the**  
4 **execution, delivery and performance of a Permit to Another Planet Entertainment for**  
5 **the use of certain portions of Golden Gate Park for an annual three-day music festival**  
6 **for a term of three (3) years for an estimated income to the City of \$3.6 million, plus an**  
7 **additional two (2) year option; and adopting environmental findings.**

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9 WHEREAS, The Recreation and Park Commission on December 4, 2008, authorized  
10 the Recreation and Park Department ("RecPark") to issue a Request for Qualifications to  
11 select a concert promoter to produce an annual multi-day festival in Golden Gate Park, the  
12 proceeds of which are intended to benefit RecPark and Golden Gate Park; and,

13 WHEREAS, RecPark received proposals from three (3) concert promoters, which were  
14 evaluated by a six-member selection committee and ranked on how well they met the project  
15 objectives and selection criteria described in the solicitation; and,

16 WHEREAS, The selection panel unanimously recommended Another Planet  
17 Entertainment ("Permittee") to the Recreation and Park Commission to produce the three-day  
18 festival, due in part to the following:

19 (a) Permittee's knowledge and experience with producing large scale events in Golden  
20 Gate Park, including 2008 Outside Lands and 2004 Dave Matthews concert;

21 (b) Permittee's proposed event highlighting the park, as well as local music, art, culture  
22 and food;

23 (c) Permittee's detailed outreach/mitigation plan that builds on their prior year's efforts  
24 and includes a community hotline, coordination with 311, coordination with relevant City  
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1 agencies, outreach to neighbors, and outreach to attendees using mass advertising and  
2 targeted emails; and

3 (d) Permittee's proposed financial terms, which allowed for a base rent and  
4 participation rent formula that maximizes revenue to RecPark; and,

5 WHEREAS, The Recreation and Park Commission, on February 5, 2009, approved the  
6 selection panel's recommendation to select Another Planet Entertainment to produce a three-  
7 day festival in Golden Gate Park and directed the staff of RecPark to begin permit  
8 negotiations for the festival; and,

9 WHEREAS, The City, acting through RecPark, has negotiated a permit for the use of  
10 portions of Golden Gate Park for the festival (the "Permit"), a copy of which is on file with the  
11 Clerk of the Board of Supervisors under File No. 090557; and,

12 WHEREAS, The Permit includes the following terms and conditions:

13 (a) Term. The initial festival will be held on August 28-30, 2009. The festival will  
14 also be held in the summer of 2010 and 2011, on dates between June 1 and August 31  
15 mutually agreed to by City and Permittee. Permittee has the option to extend the term to  
16 include festivals in 2012 and 2013.

17 (b) Permit Fees. The initial Minimum Permit Fee shall be \$950,000, and shall  
18 increase \$50,000 each year thereafter. Permittee shall pay the greater of 10% of Gross  
19 Revenue or the Minimum Permit Fee for each Festival, whichever is higher. Gross Revenue  
20 is all of the ticket revenue for the festival minus ticket taxes and Additional Rent. Additional  
21 Rent shall be \$1.00 for each ticket sold by Permittee, and shall be paid to RecPark in addition  
22 to the Minimum Permit Fee and Percentage Rent.

23 (c) City Costs. Permittee to reimburse the City for all relevant City costs. RecPark  
24 and the Mayor's Office will convene appropriate City agencies (i.e. RPD, Police, MTA, DPT) to  
25 establish proposed service levels and costs. Costs to be escalated annually.

1 (d) Operating and Outreach Requirements. RecPark and Permittee, with input from  
2 neighborhood stakeholders, developed the "Operating and Outreach Requirements" that are  
3 incorporated into the Permit. Under these requirements, Permittee is required to submit, for  
4 RecPark approval, detailed site plans, a transportation management plan, a security plan, a  
5 program for sound mitigation, and an outreach plan. These plans are designed to assist the  
6 RecPark and Permittee in mitigating any potential negative impacts from the festival on  
7 Golden Gate Park and the surrounding neighborhoods; and,

8 WHEREAS, The Recreation and Park Commission reviewed and considered the  
9 Permit, and recommended approval to the Board of Supervisors on April 16, 2009 (RecPark  
10 Resolution No. 0904-015); and,

11 WHEREAS, The City's Planning Department has found that the Permit is categorically  
12 exempt from Environmental Review, a copy of these findings are on file with the Clerk of the  
13 Board of Supervisors under File No. 090557, and are incorporated herein by this  
14 reference; now, therefore, be it

15 RESOLVED, That the Board of Supervisors hereby finds that the Permit is exempt from  
16 Environmental Review for the reasons stated by the Planning Department, and hereby  
17 incorporates such findings by reference as though fully set forth in this Resolution; and, be it

18 RESOLVED, That, pursuant to Charter Section 9.118, the Board approves the Permit  
19 to Another Planet Entertainment for the use of certain portions of Golden Gate Park for an  
20 annual three-day music festival for a term of three (3) years for an estimated income to the  
21 City of \$3.6 million, plus an additional two (2) year option, and authorizes the RecPark  
22 General Manager to execute and deliver the Permit to Permittee, and to perform all acts  
23 required of the City thereunder; and, be it

24 FURTHER RESOLVED, That all actions heretofore taken by the officers of the City  
25 with respect to the Permit are hereby approved, confirmed and ratified; and, be it

1           FURTHER RESOLVED, That the Board of Supervisors authorizes the RecPark  
2 General Manager to enter into any modifications to the Permit (including without limitation, the  
3 exhibits) that the RecPark General Manager determines, in consultation with the City  
4 Attorney, are in the best interests of the City, do not decrease the rent or materially increase  
5 the obligations or liabilities of the City, are necessary or advisable to effectuate the purposes  
6 of the Permit or this Resolution, and are in compliance with all applicable laws, including the  
7 City's Charter.

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