

1 [Promoting and Sustaining Music and Culture in San Francisco.]

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3 **Ordinance adding Chapter 90A to the San Francisco Administrative Code to establish a**
4 **music and culture sustainability policy for City government; provide for development**
5 **by the Entertainment Commission of a proposal for an on-line permitting system for**
6 **entertainment-related permits, licenses, and determinations; provide for review by the**
7 **Entertainment Commission of new criteria for entertainment related permits, licenses,**
8 **and determinations; establish a process coordinated by the Entertainment Commission**
9 **for reviewing and possibly revising City Codes to conform to and implement the music**
10 **and culture sustainability policy; urge the Planning Commission to consider amending**
11 **the General Plan to conform to and implement that policy; and provide for an annual**
12 **hearing by the Entertainment Commission to review and make recommendations**
13 **relating to implementation of that policy.**

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

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

19 Section 1. The San Francisco Administrative Code is hereby amended by adding
20 Chapter 90A, comprised of Sections 90A.1 – 90A.9, to read as follows:

21 CHAPTER 90A:

22 PROMOTING AND SUSTAINING MUSIC AND CULTURE

23 SEC. 90A.1. FINDINGS AND PURPOSE.

24 (a) San Francisco has a rich music and cultural heritage manifested in numerous outdoor
25 events such as street fairs and music festivals and in many indoor venues such as community centers.

1 nightclubs, and theaters. Music and cultural events and performances are a distinct and important
2 feature of San Francisco that make it both an exceptional and a desirable place to live.

3 (b) Indoor and outdoor music, theater, performance, nightlife, dancing, and other
4 entertainment venues and cultural events are a vital component of the quality of life for all the diverse
5 communities of San Francisco. Such venues and events offer important social avenues for individuals
6 and groups of all ages, foster positive and meaningful interactions between individuals and within
7 communities in San Francisco, and strengthen neighborhoods in San Francisco.

8 (c) San Francisco's vibrant music, nightlife, and cultural life is a central component of its
9 attractiveness not only to residents but also to visitors; both those coming from the greater San
10 Francisco Bay Area, and tourists, business visitors, and convention attendees who come to San
11 Francisco from other parts of the United States and the world. The wide variety of music,
12 entertainment, and cultural events are a boon to the tourism industry in San Francisco and have a
13 major, positive impact on the San Francisco economy.

14 (d) It is the policy of the City, and the purpose of this Chapter, to foster, promote, and sustain
15 music and culture in San Francisco. This Chapter shall be implemented in a manner that is consistent
16 with the requirements of state law, the City Charter, and any fiduciary obligations.

17 SEC. 90A.2. MUSIC AND CULTURE SUSTAINABILITY POLICY.

18 The following general principles constitute the City's music and culture sustainability policy.
19 All City officials, boards, commissions, departments, and other entities shall implement these principles
20 in conducting the City's affairs.

21 (a) The City is committed to a general policy of sustaining indoor music and performance
22 venues, and outdoor special events such as, but not limited to, parades, festivals, neighborhood
23 celebrations, and street fairs. As development proceeds in San Francisco, with new buildings
24 constructed, possible zoning changes, evolving infrastructure, changes in transportation systems and
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1 traffic patterns, and the like, the City must be vigilant to ensure that San Francisco remains a
2 hospitable environment for music and cultural venues and events. San Francisco's music and
3 performance venues and indoor and outdoor cultural events should be preserved and enhanced and
4 protected from displacement due to development.

5 (b) The City is committed to a general policy of supporting and encouraging the use of City and
6 County property, including Port property, for indoor and outdoor music and other cultural events. By
7 making public property available for such events, more residents and visitors to San Francisco are able
8 to attend such events and thereby share in the rich musical and cultural experiences that San Francisco
9 offers.

10 (c) The City supports and encourages the use of galleries, art studios, salons, warehouses,
11 coffee houses, community centers, and other unique places for cultural events, such as but not limited
12 to musical performances, DJ events, readings, theater, dance events, fairs, festivals, workshops,
13 fundraisers, and other community events. Limitations of space within San Francisco make it important
14 for the City to be creative and expansive in recognizing the value of many different kinds of venues for
15 music, entertainment, and cultural events.

16 (d) The City supports and encourages music, theater, performance, dance, street fairs, and
17 other programs and events that reflect the cultural diversity of San Francisco. For San Francisco's
18 musical and cultural life to remain vibrant, the City must be receptive to new and evolving perspectives
19 on music and culture.

20 (e) The City supports and encourages innovative approaches to the provision of low-cost
21 housing to musicians, artists, performers, event planners, and others who have an integral role in San
22 Francisco's music and cultural life.

23 (f) The City supports and encourages educational programs to promote music, theater, dance,
24 and other performance arts, including but not limited to after-school programs, continuing education

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1 programs, performance career paths, and education in media and digital arts and video and audio
2 technology.

3 (g) The City supports and encourages workforce development efforts between event organizers
4 and the City, such as but not limited to training workers in providing security for outdoor events and in
5 facilitating the clean-up of neighborhoods impacted by large outdoor events.

6 (h) The City supports and encourages ongoing research activities on the economic impact of
7 street fairs, nightlife, dance clubs, music halls, other performance and entertainment venues, and
8 cultural events. These research activities should include not merely research efforts by officials,
9 boards, commissions, departments, and other entities of the City, but also research efforts of persons or
10 entities outside of City government. Through contracts, grants, or other funding by the City of outside
11 research efforts, policymakers and decisionmakers within City government and their staffs can learn
12 and benefit from the expertise, perspective, and insights that others can bring to this issue.

13 (i) The City supports and encourages advertising and promotion of music and cultural events
14 and venues, such as street fairs, nightlife, dance clubs, music halls, and other performance and
15 entertainment venues and cultural events. These advertising and promotion efforts should include not
16 merely advertising and promotion by officials, boards, commissions, departments, and other entities of
17 the City, but also advertising and promotion by persons or entities outside of City government who may
18 be specially capable of reaching diverse or specialized audiences, including diverse communities in
19 San Francisco, visitors from the greater San Francisco Bay Area, tourists, business visitors, and
20 convention attendees. Through contracts, grants, or other funding by the City in support of such
21 advertising and promotion efforts, music and cultural events and venues in San Francisco can be
22 sustained and strengthened.

23 (j) It is the policy of the City and County to have a system of coordinated policy development,
24 event planning, and permitting for music, culture, nightlife, performance, entertainment, special events,
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1 and entertainment establishments. To facilitate this goal, the Entertainment Commission shall
2 coordinate these policy development, event planning, and permitting functions. All City officials,
3 boards, commissions, departments, and other entities shall cooperate with and assist the Entertainment
4 Commission in these efforts.

5 SEC. 90A.3. STREAMLINED PERMITTING.

6 The City is committed to employing modern technologies, and to developing an on-line
7 permitting system, to provide for more economical and expeditious processing of entertainment-related
8 permits, as defined by ordinance, and other permits or licenses that must be granted or determinations
9 that must be made for a music or cultural event or other entertainment event to take place.

10 To that end, the Entertainment Commission shall develop a proposal for an on-line system that
11 simplifies and expedites the permit process with features such as, but not limited to, on-line application,
12 payment, and permit tracking, and reduction or elimination of paper use. In developing the proposal,
13 the Executive Director of the Entertainment Commission and/or staff shall consult as appropriate with
14 City boards, commissions, departments, entities, and officials, including but not limited to the Planning
15 Commission, Recreation and Park Commission, Port Commission, Police Commission, Fire
16 Commission, Building Inspection Commission, Municipal Transportation Authority, Health
17 Commission, and Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), each of
18 which shall cooperatively assist as appropriate in developing the proposal. The Department of
19 Telecommunications and Information Services shall provide assistance in developing the proposal.
20 The Arts Commission, Grants for the Arts, and the charitable trust departments may, in their discretion,
21 make recommendations to the Executive Director of the Entertainment Commission and/or staff or the
22 Entertainment Commission regarding the proposal. The City may contract with an outside consultant
23 or consultants to facilitate development of the proposal. The Executive Director of the Entertainment
24 Commission and/or staff may hold one or more public hearings to aid in development of the proposal.

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1 The Entertainment Commission shall hold at least one public hearing regarding this proposal
2 no later than December 1, 2009 and shall submit the proposal, and in the Entertainment Commission's
3 discretion an accompanying report, to the Board of Supervisors no later than January 15, 2010, in
4 order for the proposal to be fully considered during negotiations and deliberations pertaining to the
5 budget for the fiscal year that commences on July 1, 2010.

6 SEC. 90A.4. HEARINGS ON PERMIT CRITERIA.

7 (a) Except as stated in subsection (b), beginning January 1, 2010, any new criteria including
8 criteria for fees adopted by a City official, board, commission, department, or other entity pertaining to
9 the issuance of an entertainment-related permit, as defined by ordinance, or other permit or license
10 that must be granted or determination that must be made for a music or cultural event or other
11 entertainment event to take place, shall be subject to a hearing at the Entertainment Commission prior
12 to its adoption. In its discretion the Entertainment Commission may decline to hold such a hearing. In
13 its discretion the Entertainment Commission may delegate this hearing function in some or all cases to
14 the Executive Director of the Entertainment Commission, who in turn may delegate this hearing
15 function to staff. The new criteria to which this section applies may be adopted absent the hearing
16 required by this section if a period of 30 days has elapsed from the date on which the Entertainment
17 Commission was notified, with specificity, of the intent of the City official, board, commission,
18 department, or other entity to adopt the new criteria. This subsection (a) is intended to supplement any
19 other legal requirements for adoption of new criteria to which this subsection applies

20 (b) Subsection (a) shall not apply to new criteria including criteria for fees for the issuance of
21 an entertainment-related permit, as defined by ordinance, or other permit or license that must be
22 granted or determination that must be made for a music or cultural event or other entertainment event
23 to take place, if the permit, license, or determination is under the jurisdiction of the Arts Commission,
24 Grants for the Arts, the charitable trust departments, the California Academy of Sciences, the Library
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1 Commission, the Port Commission, or the Recreation and Park Commission. To the extent any of these
2 entities hold a public hearing on said new criteria, the entity shall notify the Entertainment Commission
3 of the public hearing and afford the Entertainment Commission and/or its Executive Director or his or
4 her designee an opportunity to testify at the hearing. This subsection (b) shall not preclude the
5 Entertainment Commission or any other City official, board, commission, department, or other entity
6 from holding its own hearing on new criteria for permits, licenses, or determinations under the
7 jurisdiction of the entities named in subsection (b).

8 SEC. 90A.5. REVISION OF CITY CODES.

9 By no later than July 1, 2010, the Entertainment Commission shall submit a report to the Board
10 of Supervisors and all affected City officials, boards, commissions, departments, and other entities,
11 with recommendations for revising City Codes to conform to and implement the principles contained in
12 the music and culture sustainability policy described in Section 90A.2. In developing the report, the
13 Executive Director of the Entertainment Commission and/or staff shall consult as appropriate with City
14 boards, commissions, departments, entities, and officials, including but not limited to the Planning
15 Commission, Recreation and Park Commission, Port Commission, Police Commission, Fire
16 Commission, Building Inspection Commission, Municipal Transportation Authority, Health
17 Commission, and Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), each of
18 which shall cooperatively assist as appropriate in developing the report.

19 The Arts Commission, Grants for the Arts, and the charitable trust departments may, in their
20 discretion, make recommendations to the Executive Director of the Entertainment Commission and/or
21 staff or the Entertainment Commission regarding the report to be submitted to the Board of Supervisors
22 under this section. Before the Entertainment Commission submits any report to the Board of
23 Supervisors under this section, the Executive Director of the Entertainment Commission and/or staff

1 shall consult with the Arts Commission, Grants for the Arts, and the charitable trust departments with
2 respect to the proposed report.

3 The Executive Director of the Entertainment Commission and/or staff may hold one or more
4 public hearings to aid in development of the report to be submitted to the Board of Supervisors under
5 this section. The Entertainment Commission shall hold at least one public hearing regarding the report
6 no later than May 1, 2010.

7 Upon receipt of the report mandated by this section, the Board of Supervisors or a committee
8 thereof shall hold a hearing on the report within 90 days of receipt thereof. The President of the Board
9 of Supervisors or the committee chair may extend this 90-day deadline for up to an additional 30 days
10 if, in the judgment of the President or the chair, considerations of Board or committee efficiency
11 warrant the extension. Subject to the time limits prescribed in this paragraph, the Board or committee
12 hearing of these proposals may occur in one comprehensive hearing, or in the President's or chair's
13 discretion may be split into two or more hearings.

14 The Entertainment Commission may submit to the Board of Supervisors the report mandated by
15 this section in separate parts at separate times, provided that all parts of the report are the subject of a
16 hearing before the Entertainment Commission by May 1, 2010 and before being submitted to the Board
17 of Supervisors; and provided further that all parts of the report are submitted to the Board of
18 Supervisors by no later than July 1, 2010. The requirement of a hearing before the Board of
19 Supervisors or a committee thereof mandated by this section shall not become operative until July 1,
20 2010 or until all parts of the report have been submitted to the Board of Supervisors, whichever occurs
21 first.

22 Nothing in this section is intended or shall be construed to interfere with or override Section
23 4.105 of the Charter or any other Charter provision. Nothing in this section is intended or shall be
24 construed to prevent any official, board, commission, department, or other entity at any time from
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1 proposing a revision to City Codes to conform to and implement the music and culture sustainability
2 policy or otherwise affect the ability of an official, board, commission, department, or other entity to
3 submit proposed legislation to the Board of Supervisors.

4 SEC. 90A.6. AMENDMENT OF GENERAL PLAN.

5 To the extent the principles contained in the music and culture sustainability policy described in
6 Section 90A.2 relate to the future physical development of the City and County, the Board of
7 Supervisors urges the Planning Commission to consider incorporating those principles into the City's
8 General Plan and elaborating on and implementing with greater specificity those principles in the
9 General Plan, either as a distinct element or as part of one or more existing elements or other features
10 of the General Plan, or as some combination of those approaches. The Board of Supervisors urges the
11 Planning Commission to submit by no later than July 1, 2011 a proposed amendment or amendments to
12 the General Plan to accomplish this objective. The Board of Supervisors urges the Planning
13 Department (and Planning Commission, to the extent it is involved) to work on an ongoing and
14 collaborative basis with Entertainment Commission staff (and the Entertainment Commission, to the
15 extent it is involved) in developing said amendment or amendments to the General Plan, as well as
16 working with other affected officials, boards, commissions, departments, and other entities.

17 Nothing in this section is intended or shall be construed to interfere with or override Section
18 4.105 of the Charter or any other Charter provision. Nothing in this section is intended or shall be
19 construed to prevent the Entertainment Commission or its Executive Director, or any other City
20 official, board, commission, department, or other entity from proposing to the Planning Commission or
21 the Director of City Planning amendments to the General Plan that would elaborate on and implement
22 with greater specificity the principles contained in the music and culture sustainability policy.

23 SEC. 90A.7. ANNUAL HEARING.

1 Beginning with calendar year 2012, during the first six months of every year the Executive
2 Director of the Entertainment Commission or his or her designee shall hold a public hearing to review
3 the City's implementation of the principles contained in the music and culture sustainability policy
4 described in Section 90A.2; consider whether the policy should be amended; consider whether further
5 action should be taken to implement the policy, including whether any City Codes should be revised to
6 implement the policy; and consider whether the General Plan should be amended to implement the
7 policy. Other City officials may attend and participate as appropriate in the hearing. The Executive
8 Director or his or her designee shall report on the hearing to the Entertainment Commission, and make
9 recommendations as appropriate. Prior to submitting any such recommendation following the hearing,
10 the Executive Director of the Entertainment Commission or his or her designee shall consult as
11 appropriate with the Arts Commission, Grants for the Arts, and the charitable trust departments, and
12 any official, board, commission, department, or other entity affected by the recommendation.

13 The Entertainment Commission may choose to hold the annual hearing mandated by this
14 section in lieu of its being held by the Executive Director of the Entertainment Commission or his or
15 her designee. In that event, the Entertainment Commission shall invite a representative of the Arts
16 Commission, Grants for the Arts, and the charitable trust departments, as well as any official, board,
17 commission, department, or other entity likely to have an interest in the hearing, to attend and
18 participate as appropriate. Following the hearing, the Entertainment Commission may make
19 recommendations as appropriate on the subjects covered in the hearing.

20 This section is not intended and shall not be construed to limit the number of hearings the
21 Executive Director or his or her designee may have per year on the subjects to be covered in the annual
22 hearing mandated by this section; or to limit the Entertainment Commission's ability to hold one or
23 more hearings on those subjects; or to limit the ability of any other official, board, commission,
24 department, or other entity to hold one or more hearings on those subjects; or to preclude any hearing
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1 on those subjects prior to calendar year 2012; or to preclude the Entertainment Commission or any
2 other official, board, commission, department, or other entity at any time from making
3 recommendations on those subjects.

4 SEC. 90A.8. ARTS AND OTHER DEPARTMENTS AND COMMISSIONS.

5 Nothing in this Chapter shall be construed to limit or abridge the powers or exclusive
6 jurisdiction of the charitable trust departments, the Arts Commission, Grants for the Arts, the
7 California Academy of Sciences, the Library Commission, the Port Commission, or the Recreation and
8 Park Commission, over their activities; the land and buildings set aside for their use; or over the other
9 assets entrusted to their care. This Chapter shall not be construed to impose additional hearing or
10 approval procedures for any polices, guidelines, permits, or licenses issued by the above-listed
11 agencies.

12 SEC. 90A.9. DEFINITIONS.

13 (a) "Charitable trust departments" means those departments so designated in Charter
14 section 5.101.

15 (b) "City" means the City and County of San Francisco.

16 (c) "Entertainment-related permits, as defined by ordinance" means those permits and
17 licenses as defined in Administrative Code section 90.2 as amended from time to time.

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

20 By: _____
21 PAUL ZAREFSKY
22 Deputy City Attorney

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