

File No. 140854

Committee Item No. 2

Board Item No. 7

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date September 22, 2014

Board of Supervisors Meeting

Date 10/7/14

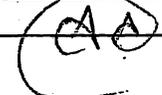
Cmte Board

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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Completed by: Andrea Ausberry Date September 18, 2014

Completed by:  Date 9.24.14

1 [Administrative Code - Film Production Fees and Notice Requirements]

2
3 **Ordinance amending the Administrative Code to add “web series” to the schedule of**
4 **film production use fees and to establish notice requirements to affected residents and**
5 **businesses for film productions that will result in parking or traffic obstructions lasting**
6 **four consecutive hours or more.**

7 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

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

15 Section 1. The Administrative Code is hereby amended by revising Sections 57.5 and
16 57.6 to read as follows:

17 **SEC. 57.5. AUTHORIZATION TO ENTER INTO USE CONTRACTS AND**
18 **COORDINATE CITY DEPARTMENTS REGARDING FILM COMPANIES; CONSENT OF**
19 **RELEVANT DEPARTMENTS; COST RECOVERY; SIDEWALK CLOSURE AND POSTING.**

20 (a) Use Contracts; Deposit of Funds. The Executive Director may enter into use
21 contracts with organizations seeking to engage in film production. The Executive Director shall
22 be the sole City representative authorized to negotiate use contracts. Such contracts shall, at
23 a minimum, provide for the full recovery of costs incurred by the various City departments in
24 providing the use of City employees, equipment and rental facilities or rental properties. Funds
25 to reimburse City departments for costs incurred by those departments for the deployment of
personnel or equipment or use of rental facilities or rental properties shall be paid directly to
those departments for deposit subject to the budget and fiscal provisions of the Charter.

1 (b) Consent of Departments or Mayor. Where film production is to take place on
2 property under the jurisdiction of City departments, the Executive Director's permission to use
3 such property is subject to the consent of the department head or his or her designee or the
4 Mayor or Mayor's designee.

5 (c) Schedule of Costs. In addition to the reimbursement of City departments for the
6 costs incurred by those departments in deploying personnel or equipment, the Film
7 Commission may, consistent with Charter Section 2.109, charge daily use fees to film
8 companies seeking to engage in film production. The use fees are as follows:

9 (1) Still photography: \$100 a day.

10 (2) A commercial, corporate media, industrial media, video, short subject, or web
11 video: \$200 a day.

12 (3) A television series, web series, movie, pilot, or documentary:

13 (A) For a production with a budget of less than \$100,000: \$50 a day.

14 (B) For a production with a budget of \$100,000 to less than \$500,000: \$100 a
15 day.

16 (C) For a production with a budget of \$500,000 or greater: \$300 a day.

17 Public service announcements, qualifying student productions, and productions created
18 by entities that are tax-exempt under section 501(c)(3) of the Internal Revenue Code are
19 exempt from the above-listed use fees. The revenue generated by such use fees shall be
20 deposited in the San Francisco Film Production Fund.

21 (d) Sidewalk Closures and Sign-Posting. The Film Commission may require that film
22 companies use City personnel or City-approved vendors to post notice of the closure of City
23 streets and sidewalks for film production, and may establish minimum sign-posting
24 requirements. Notwithstanding anything to the contrary in Section 724 of the Public Works
25 Code, the Executive Director may authorize the temporary occupancy of public sidewalks for

1 film production, with the consent of the Department of Public Works, subject to all
2 requirements and conditions of the Department of Public Works and Department of Parking
3 and Traffic. Street closures for film production shall be governed by applicable provisions of
4 the Traffic Code.

5
6 **SEC. 57.6. REQUIREMENTS FOR FILM COMPANIES.**

7 (a) Use Contracts. All film companies seeking to engage in film productions shall
8 enter into use contracts with the Executive Director.

9 (b) Insurance and Indemnification. As a condition of engaging in film productions,
10 concurrently with entering into a use contract with the City for the utilization of City property or
11 employees, film companies shall file with the Executive Director documentation of insurance
12 and indemnification holding the City and County harmless from any liability. The amounts of
13 such insurance and indemnification, and the suitability of the insuring entity, shall be
14 determined by the City's Risk Manager in coordination with the Executive Director and other
15 City departments.

16 (c) Notification of Filming Activities. If a film company filming under a use contract with the
17 City for the use of City property or employees anticipates that its film production activities will cause a
18 parking or traffic obstruction lasting for four consecutive hours or more, the film company shall, when
19 feasible when feasible, at least 2472 hours prior to the start of those production activities
20 anticipated to cause a parking or traffic obstruction, provide notice as specified herein to affected
21 residents and businesses of the anticipated parking or traffic obstruction. The 72 hour notice
22 requirement under this subsection (c) shall not apply where prior notice is infeasible due to
23 circumstances beyond the film production company's control or due to other unpredictable
24 circumstances that interfere with the scheduled film production activities as specified in the
25 Film Commission's Notification Guidelines referenced in subsection (d).

1 (1) The notice shall include the name of the film company; the date(s) and times of
2 filming; a general description of the production activities and the anticipated parking or traffic
3 obstruction they will cause; a local contact number for the film company; and contact information for
4 the Film Commission and the Police Department.

5 (2) The film company may provide the notice through signs, leaflets, telephone calls,
6 door-to-door canvassing, U.S. mail, and/or through the internet or other digital media, provided that
7 any such notice shall be reasonably calculated to inform the affected residents and businesses of the
8 anticipated parking or traffic obstruction.

9 (3) "Affected residents and businesses" to which the film company shall provide notice
10 are those residents and businesses within 150 feet of the location of the anticipated parking or traffic
11 obstruction.

12 (4) A "parking or traffic obstruction" triggering the notice requirement is a street
13 closure; a significant delay in the flow of traffic; or any truck or other vehicle, including a trailer, or
14 combination of trucks or other vehicles, occupying more than 3 parking spaces.

15 The film company may coordinate its notification efforts with those of the Executive Director or
16 the Director's designee, if any. The notice required under this subsection (c) shall be in addition to
17 any notice and signage requirements for film productions provided under City law, including Section
18 3.4 of the Transportation Code.

19 (d) Film Commission Notification Guidelines; Report. The Film Commission shall
20 establish film production notification guidelines ("Notification Guidelines") within 30 days of the
21 effective date of this ordinance or as soon thereafter as possible at a regular meeting of the
22 Commission, and may amend such Notification Guidelines from time to time. The Notification
23 Guidelines shall specify the types of unpredictable circumstances encountered at times by film
24 production companies that would reasonably interfere with scheduled film production activities
25 and render the notice under subsection (c) infeasible. The Executive Director of the Film

1 Commission shall submit a copy of the Notification Guidelines to the Board of Supervisors on
2 or before November 28, 2014.

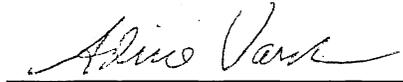
3 Section 2. Effective Date. This ordinance shall become effective 30 days after
4 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
5 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
6 of Supervisors overrides the Mayor's veto of the ordinance.

7 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
8 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
9 numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the
10 Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board
11 amendment additions, and Board amendment deletions in accordance with the "Note" that
12 appears under the official title of the ordinance.

13 Section 4. Undertaking for the General Welfare. In enacting and implementing this
14 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
15 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
16 is liable in money damages to any person who claims that such breach proximately caused
17 injury.

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

21 By:



22 ADINE VARAH
23 Deputy City Attorney

24 n:\leganalas2014\1400477\00960427.doc

LEGISLATIVE DIGEST

(Updated to reflect Board Amendments as of September 30, 2014)

[Administrative Code - Film Production Fees and Notice Requirements]

Ordinance amending the Administrative Code to add “web series” to the schedule of film production use fees and to establish notice requirements to affected residents and businesses for film productions that will result in parking or traffic obstructions lasting four consecutive hours or more.

Existing Law

1. Administrative Code Section 57.3 authorizes the Film Commission (“Commission”) to adopt rules and regulations governing permitted film production activities. Although the Commission issues guidelines for film companies to notify residents and merchants of film production activities, there is neither a rule nor an ordinance governing this subject.
2. Under Administrative Code Section 57.5, the Commission may charge daily use fees for “[a] television series, movie, pilot, or documentary” that range from \$50 a day for a production with a budget of less than \$100,000, to up to \$300 a day for those with a budget of \$500,000 or greater. Although Section 57.8 includes “web series,” together with “television series,” in the definition of qualified film productions eligible to apply for the film rebate program, the Administrative Code does not expressly list “web series” among the types of film productions for which the Commission may charge use fees.

Amendments to Current Law

1. Under the proposed ordinance, if a film company filming under a use contract with the City for the use of City property or employees anticipates that its film production activities will cause a parking or traffic obstruction lasting for four consecutive hours or more, the film company shall, when feasible, at least 72 hours prior to the start of those activities, provide notice to affected residents and businesses within 150 feet of the location of the anticipated parking or traffic obstruction. The notice must include the film company’s name; the date(s) and times of filming; a general description of the production activities and the anticipated parking or traffic obstruction, and film company, Police Department, and Commission contact information. The film company may provide notice through signs, leaflets, telephone calls, door-to-door canvassing, U.S. mail, and/or the internet or other digital media, provided that such notice is reasonably calculated to inform the residents and businesses of the anticipated obstruction. The notice requirement would not apply where infeasible due to circumstances beyond the production company’s control or other unpredictable circumstances specified in the Commission’s Notification Guidelines.
2. The proposed ordinance would add “web series” to the types of film productions for which the Commission may charge use fees.

FILE NO.

Background

This updated Legislative Digest includes changes made by the Board of Supervisors at its September 30, 2014 meeting. Specifically: (1) the amended ordinance reinserts the phrase "when feasible" in the notice requirement provision and (2) states that the notice requirement would not apply where infeasible due to circumstances beyond the production company's control or other unpredictable circumstances specified in the Commission's Notification Guidelines.

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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

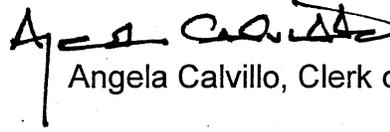
NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

- Date:** Monday, September 22, 2014
- Time:** 1:30 p.m.
- Location:** Committee Room 263, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA
- Subject:** **File No. 140854** Ordinance amending the Administrative Code to add "web series" to the schedule of film production use fees and to establish notice requirements to affected residents and businesses for film productions that will result in parking or traffic obstructions lasting four consecutive hours or more.

If the legislation passes, it would add "web series" to the types of film productions for which the Film Commission may charge daily use fees. For a production with: a budget of less than \$100,000: \$50 a day; a budget of \$100,000 to less than \$500,000: \$100 a day; a budget of \$500,000 or greater: \$300 a day. Additionally, film companies shall, at a minimum, provide for the full recovery of costs incurred by the various City departments in providing the use of City employees, equipment, and rental facilities or rental properties. Revenues generated by these fees shall be deposited into the San Francisco Film Production Fund.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco CA 94102.

Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, September 19, 2014.



Angela Calvillo, Clerk of the Board

DATED: September 10, 2014

PUBLISHED/POSTED: September 12 & 18, 2014

President, District 3
BOARD of SUPERVISORS



*BOS-11, Aides
COB, Leg Dep
BF Clerk - LU Clerk
City Hall Dep City Atty*
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7450
Fax No. 554-7454
TDD/TTY No. 544-5227

DAVID CHIU
邱信福
市參事會主席

PRESIDENTIAL ACTION

Date: 9/2/2014

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____ (Primary Sponsor)

Title. _____

Transferring (Board Rule No. 3.3)

File No. 140854 Cohen
(Primary Sponsor)

Title. Film Production & Notice Requirement

From: Budget & Finance Committee

To: Land Use & Economic Development Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

RECEIVED
BOARD OF SUPERVISORS
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2014 SEP -2 PM 12:18

David Chiu
David Chiu, President
Board of Supervisors

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Cohen

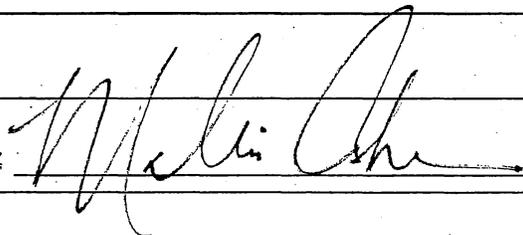
Subject:

Administrative Code - Film Production Fees and Notice Requirements

The text is listed below or attached:

(Attached)

Signature of Sponsoring Supervisor:



For Clerk's Use Only: