

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

3 **Resolution authorizing and approving the execution, delivery and performance of a**
4 **Permit to Another Planet Entertainment for the use of certain portions of Golden Gate**
5 **Park for an annual three-day music festival for a term of three (3) years plus an**
6 **additional two (2) year option; and adopting environmental findings and findings that**
7 **the Permit is consistent with the City’s General Plan and the eight priority policies of**
8 **Planning Code Section 101.1.**

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

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

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

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

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

24 (c) Permittee’s detailed outreach/mitigation plan that builds on their prior year’s efforts
25 and includes a community hotline, coordination with 311, coordination with relevant City

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 in August mutually agreed to by City
15 and Permittee. Permittee has the option to extend the term to include festivals in 2012 and
16 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 consistent
12 with the City's General Plan and with the Eight Priority Policies of City Planning Code
13 Section 101.1, and is categorically exempt from Environmental Review, a copy of these
14 findings are on file with the Clerk of the Board of Supervisors under File No. _____,
15 and are incorporated herein by this reference; now, therefore, be it

16 RESOLVED, That the Board of Supervisors hereby finds that the Permit is consistent
17 with the City's General Plan and with the Eight Priority Policies of City Planning Code
18 Section 101.1, and is exempt from Environmental Review for the reasons stated by the
19 Planning Department, and hereby incorporates such findings by reference as though fully set
20 forth in this Resolution; and, be it

21 RESOLVED, That the Board approves the Permit and authorizes the RecPark General
22 Manager to execute and deliver the Permit to Permittee, and to perform all acts required of
23 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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