[Permit Amendment - Another Planet Entertainment - Polo Field Concerts - Up To Nine Year Extension and Fee Increase]

Resolution authorizing the Recreation and Park Department to issue an amended permit allowing Another Planet Entertainment to hold ticketed concerts at the Golden Gate Park Polo Field, to take place on the Friday, Saturday, and Sunday either following or preceding the Outside Lands Festival in 2027, 2028 and 2029, in exchange for a minimum permit fee of $1,530,000 per year for two-day events and $2,295,000 per year for three-day events through 2029, and with options to extend the permit until 2035 and with increased minimum permit fees during any such extensions; affirming a categorical exemption under the California Environmental Quality Act; and authorizing the Recreation and Park Department General Manager to enter into amendments or modifications to the permit that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the permit or this Resolution.

WHEREAS, The City and County of San Francisco (the "City") owns the parcel of land commonly referred to as Golden Gate Park ("GGP"), which is under the administrative jurisdiction of the City's Recreation and Park Commission; and

WHEREAS, Another Planet Entertainment LLC, a Delaware limited liability company (“Another Planet” or “Permittee”), is a concert production company that organizes the annual Outside Lands Festival (“OSL Festival”) which has been taking place in GGP since 2009 pursuant to a twice-amended Permit (“OSL Permit”) issued by the San Francisco Recreation and Park Department (“RPD”); and

WHEREAS, The OSL Festival takes place in the western part of GGP, including on the Polo Field, and the Board of Supervisors, when it approved an extension of the OSL Permit

until 2031, found that Another Planet has made the OSL Festival a great success (Resolution No. 156-19); and

WHEREAS, In 2023, City and Another Planet entered into the Polo Field Concert Use Permit ("Polo Field Permit") separate and apart from the OSL Permit, in order to provide for the production of concerts in the Polo Field ("Polo Field Concerts") the weekend immediately following the OSL Festival in each year of 2024, 2025 and 2026 (Resolution No. 426-23); and

WHEREAS, Pursuant to the original Polo Field Permit, Another Planet produced concerts in the Polo Field after OSL in 2024 and 2025, attended by approximately 55,000 people each year and generating $2,842,000 in permit fees to the City over the two years, and is preparing to produce Polo Field Concerts in August of 2026; and

WHEREAS, The original Polo Field Permit also requires Another Planet to implement mitigation plans to support neighborhood residents and local merchants with the sound and transportation impacts from the concerts (including by utilizing a central command post and community hotline to address real-time issues), to pay community benefit funds to Supervisorial Districts 1 and 4, to reimburse RPD and the San Francisco Municipal Transportation Agency for various costs associated with the concerts, to provide free Muni rides to and from the concerts, and to also provide three free downtown concerts each year; and

WHEREAS, The Polo Field Concerts have been feasible on these terms because they occurred on the weekends immediately following the OSL Festival, which provided efficiencies by allowing re-use of the some of the same infrastructure from the OSL Festival, albeit with a reduced footprint, minimizing the events' impact on the public and the park, and allowing for just one load-in and one load-out operation; and

WHEREAS, RPD and Another Planet have negotiated an Amended Polo Field Concert Use Permit, which would incorporate the terms of the OSL Permit and original Polo Field

Permit and extend the Polo Field Permit term by at least three (3) years until 2029, increase the minimum permit fees from $2,226,000 for a three-day event to $2,295,000 for three-day events, with options to extend the term for up to six additional years with corresponding fee increases; and

WHEREAS, The proposed Amended Polo Field Concert Use Permit is on file with the Clerk of the Board in File No. 260614 and includes, among other provisions, the following significant terms:

(1) Term: An initial term of three (3) years covering concerts in 2027, 2028 and 2029, with one three (3) year option to extend to cover concerts in 2030, 2031 and 2032, and a second three (3) year option to extend to cover concerts in 2033, 2034 and 2035. Another Planet must provide at least 12 months of notice to RPD each time it chooses to exercise an option to extend.

(2) Premises: The Polo Field, a portion of Lindley Meadow, and the areas in GGP that connect those areas.

(3) Permitted Use**:**

a. Type of Events***:*** During each year of the term, production of two one-day concerts, with the option to produce one additional one-day concert, open to the public upon purchase of tickets.

b. Dates of Events: The concerts are to be held either on the Friday, Saturday and/or Sunday immediately preceding or following the weekend of the annual OSL Festival that year. Another Planet must notify RPD by May 1 of each year of the specific dates of the Polo Field Concerts for that year.

c. Infrastructure: The Polo Fields Concerts will operate within the regular footprint of the OSL Festival, and, in years where the OSL Festival also occurs, will re-use the same main stage and certain other infrastructure.

d. Removal: If the concerts are held following the OSL Festival, Another Planet must remove all set-up in the Polo Field and Lindley meadow by 10:00 p.m. on the Wednesday (Thursday if there is a concert on Sunday) following the conclusion of the Polo Field Concerts.

e. Terms and Restrictions: Another Planet is permitted to sell alcoholic beverages and allow amplified sound at the Polo Field on the same terms and conditions as set forth in the OSL Permit. Another Planet shall not allow more than 65,000 paid attendance per day.

(4) Permit Fee and Financial Terms:

a. Minimum Fees: For each year of the initial three-year term, Another Planet will pay RPD the higher of a minimum of $1,530,000 for a 2-day event and an additional $765,000 for a third day or 5% of the gross ticket revenue (as defined in the Polo Field Concert Use Permit) from the Polo Field Concerts. If the extension option for an additional three years is exercised, the fee will increase to the higher of $835,000 per day or 5% of gross ticket revenue in years 2030, 2031 and 2032. If the second extension option for another three years is exercised, the fee will increase to the higher of $915,000 per day or 5% of gross ticket revenue in years 2033, 2034 and 2035.

b. Staff Expenses: Another Planet will be required to reimburse RPD for all staff expenses including staff time to monitor set-up and take-down and for security.

c. Payment Schedule: During each year of the permit, 50% of the Minimum Rent shall be due by June 15, with the remainder of the Minimum Rent, as well as reimbursements due to RPD, to be paid due no later than September 1 of that year.

(5) Community Outreach: Another Planet shall continue to comply with all Operating and Outreach Requirements set forth in the OSL Permit and will meet with neighborhood groups prior to the Polo Field Concerts to discuss the impacts and ways to mitigate such impacts.

(6) Security: Another Planet will work with a private security firm and the San Francisco Police Department, to provide full security for the Polo Field Concerts at Another Planet's own cost.

(7) Free Muni for Polo Concert Attendees: In addition to reimbursing SFMTA for the direct costs of Muni Services, Another Planet will fund free MUNI rides to and from the Polo Field for those attending the concerts.

(8) Community Benefit Funds: In connection with the OSL Festival, Another Planet is providing $30,000 annually to both District 1 and District 4 for neighborhood-specific projects and programs, and Another Planet will continue to pay an additional $10,000 each year in community benefit funds to each of District 1 and District 4 during the term of the Amended Polo Field Concert Use Permit.

(9) Free Downtown Concerts: Another Planet will organize three free San Francisco concerts each year, bringing musical acts to three out of four of the following locations: Civic Center Plaza, Union Square, the Embarcadero and/or the Jerry Garcia Amphitheater. The free concerts will be held in the Summer and/or Fall. Another Planet will be required to obtain a one-day special event permit from RPD for each

concert and will not be charged a permit fee for these free concerts but as part of the permit will be required to cover City costs related to the concerts.

(10) Other Terms: All other terms of the Amended Polo Field Concert Use Permit relating to production of the Polo Field Concerts will follow the current OSL Permit (as amended in 2019) between RPD and Another Planet, including sound mitigation, transportation plans and community hotlines and responses; and

WHEREAS, The Amended Permit will not only provide significant recreational benefits by continuing a successfully administered and well-attended concert series in GGP, but it will also provide RPD needed revenue to ensure the current maintenance of our park system and to provide robust recreation programming in the face of significant budget constraints and increased costs; and

WHEREAS, Allowing the Polo Field Concerts to occur either on the weekends immediately before or after the OSL Festival will provide flexibility in determining a weekend that works best for the parties and the community at large; and

WHEREAS, Regardless of the weekends selected, allowing the Polo Field Concerts to use infrastructure that is also used for the OSL Festival will reduce the amount of load-in and load-out time and the impact on the park and park users; and

WHEREAS, In the event that the OSL Permit terminates and the OSL Festival will not be held, Another Planet shall still be entitled to hold two and possibly three Polo Field Concerts under all of the terms of the Amended Polo Field Concert Use Permit, provided that the Polo Field Concerts are held on one of the first three weekends (Friday through Sunday) of August, but either party may choose to terminate the Amended Polo Field Concert Use Permit by providing notice to the other party within 60 days after the termination of the OSL Permit; and

WHEREAS, The Planning Department has found that the proposed permit issuance is categorically exempt from environmental review under the California Environmental Quality Act, and a copy of these findings is on file with the Clerk of the Board of Supervisors in File No. 260614, and are incorporated herein by reference; and,

WHEREAS, The Recreation and Park Commission adopted Resolution No. 2605-009, which is on file with the Clerk of the Board of Supervisors in File No. 260614 and which is incorporated herein by reference, finding that the permit fees are appropriate, finding that reliance on competitive bidding procedures for the permit would be impractical and/or impossible, and recommending that the Board of Supervisors authorize RPD to enter into the permit; now, therefore, be it

RESOLVED, That the Board of Supervisors finds that due to 1) the significant experience of Another Planet in operating festivals in sensitive park environs and showcasing the City and the Bay Area, and the economic contributions, including the rent to be paid by Another Planet under the proposed Amended Polo Field Concert Use Permit, 2) the limited duration of the Polo Field Concerts each year, and the limited availability of City properties for musical and other special events, and 3) the unique opportunity to reduce costs and park impacts in years when the Polo Field Concerts will occur within one week of the existing OSL Festival and use much of the same infrastructure, subject to a termination option if the OSL Festival does not occur, that competitive bidding for the proposed Amended Polo Field Concert Use Permit is impractical or impossible and therefore not required; and, be it

FURTHER RESOLVED, That the Board of Supervisors hereby authorizes RPD to execute the Amended Polo Field Concert Use Permit on file with the Clerk of the Board of Supervisors; and, be it

FURTHER RESOLVED, That the RPD General Manager is authorized to execute and deliver the Amended Polo Field Concert Use Permit, and to take any and all steps necessary

or appropriate to effectuate the execution, delivery and performance of the Amended Polo Field Concert Use Permit. The General Manager, at his or her discretion and in consultation with the City Attorney and the City Controller, is authorized to enter into any additions, amendments, or other modifications to the Amended Polo Field Concert Use Permit that the General Manager determines are in the best interests of the City and do not materially increase the obligations or liabilities of the City or materially decrease the payments or other benefits to the City, and are necessary or advisable to effectuate the purpose and intent of this Resolution; and, be it

FURTHER RESOLVED, That the Board of Supervisors affirms the Planning Department's determination that the Amended Polo Field Concert Use Permit issuance is categorically exempt from environmental review under the California Environmental Quality Act.