



# Entertainment Commission

## *City and County of San Francisco*



April 21, 2021

Honorable Mayor London N. Breed

Members of the Board of Supervisors

RE: Letter of Support to Continue Strengthening the Economic Recovery of the Entertainment and Nightlife Industry in San Francisco

Dear Honorable Mayor Breed and Members of the Board of Supervisors:

On April 20, 2021, the San Francisco Entertainment Commission (the Commission) held a meeting to discuss the proposed Small Business Recovery Act (BOS File No. 210285) and the Shared Spaces Ordinance (BOS File No. 210284). The Commission discussed how these two pieces of legislation impact the economic recovery of the entertainment and nightlife industry, and made recommendations in support of their passage.

The pandemic has had a devastating economic impact on San Francisco's nightlife sector. According to the California Employment Development Department, employment in the San Francisco metro area's arts, entertainment and recreation businesses has declined 52.3% since February 2020. Along with restaurants and hotels, the entertainment sector is experiencing one of the highest job loss rates in the City.

Based on the reopening frameworks announced to-date, we anticipate that entertainment venues, nightclubs and indoor bars without bona fide meals will be among the last businesses to fully reopen when there is widespread immunity. Given the key role that entertainment and nightlife serve as local economic drivers – generating an estimated \$7 billion dollars in economic impact annually – this industry will be a critical part of our economic recovery, but only if it avoids complete collapse. Strategic policy interventions are still needed to stabilize and strengthen these vulnerable businesses in order to save them from permanent closure. To continue strengthening the economic recovery of the industry, the City has an opportunity to lower regulatory and financial barriers while remaining consistent with health and safety rules through this legislation. The successes of the JAM Permit Program and the Shared Spaces Program – free, accessible pathways for holding safer, outdoor arts and culture activity – can continue to support the momentum of recovery efforts.



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During the April 20<sup>th</sup> meeting, the Commission agreed to review and prioritize the interventions from both pieces of legislation that directly address the economic recovery of the entertainment and nightlife industry.

Please find attached recommendations that the Commission voted (4-0), to send to you for your consideration relative to the urgent and long-term needs of the industry. The Commission came to consensus that these recommendations will stabilize and strengthen San Francisco's entertainment and nightlife businesses and workers. Finally, when industries are once again able to reopen for safer outdoor activities, the Commission will continue to support the safe and equitable reopening of entertainment and nightlife businesses for outdoor activities to benefit the economic and cultural well-being of all residents across all neighborhoods.

The Commission directed myself and Commission President Ben Bleiman to share these recommendations with the Mayor and Board of Supervisors. We are happy to help support further conversations and implementation efforts moving forward to promote long-term prosperity of the industry.

Thank you for your consideration and for your steadfast leadership during these challenging and unprecedented times.

Sincerely,

Maggie Weiland  
Executive Director  
San Francisco Entertainment Commission

cc: Andres Power, Policy Director, Office of Mayor London N. Breed

Edward McCaffrey, Manager, State and Federal Affairs, Office of Mayor London N. Breed

Sophia Kittler, Liaison to the Board of Supervisors, Office of Mayor London N. Breed

Martha Cohen, Director, Special Events, Office of Mayor London N. Breed

Angela Calvillo, Clerk of the Board of Supervisors

Anne Taupier, Acting Director, Office of Economic and Workforce Development

Robin Abad, Director, Shared Spaces Program



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# Entertainment Commission

## *City and County of San Francisco*



TO: San Francisco Entertainment Commission

FROM: Maggie Weiland, Executive Director, San Francisco Entertainment Commission

DATE: April 16, 2021

RE: Recommendations to Continue Strengthening the Economic Recovery of the Entertainment and Nightlife Industry in San Francisco

Dear Commissioners:

While the State and City continue to reopen businesses and activities based on improving public health indicators, our entertainment venues, nightclubs, and indoor bars without meal service must remain closed or must operate at a greatly reduced capacity; these businesses will be among the last to fully return to normal operations based on reopening frameworks announced to date. Strategic policy interventions are still needed to stabilize and strengthen these vulnerable businesses in order to prevent them from closing permanently. With the recent introduction of two pieces of legislation – the Small Business Recovery Act and the Shared Spaces Ordinance - the City has an opportunity to lower regulatory and financial barriers for the industry while remaining consistent with health and safety rules. The successes of the JAM Permit Program and the Shared Spaces Program – free, accessible pathways for holding safer, outdoor arts and culture activity – can continue to support the momentum of recovery efforts.

### BACKGROUND:

In May 2020, the Commission conducted an Entertainment and Nightlife Industry COVID-19 Impact Survey to better understand the financial and social impacts of the virus and help guide recovery strategies. Among the findings:

- Half of respondents were highly concerned that their business will need to close permanently, including many bars, live music venues, and nightclubs.
- About half of respondents reported losing 75-100% of their expected business and individual incomes in 2020.
- 4,306 total events have been cancelled in 2020 due to COVID-19 with a total expected attendance of 3.4 million



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In response to the devastating economic impacts of the pandemic, the Mayor and Board of Supervisors convened the Economic Recovery Task Force (ERTF) from April to October to guide the City's efforts to sustain and revive businesses and employment. The Task Force was comprised of community and industry leaders and City officials across a wide range of sectors and fields. President Bleiman and I both served on the Task Force as representatives of the entertainment and nightlife sector. We worked with other task force members to identify needs and solutions for the Arts, Culture, Hospitality and Entertainment (ACHE) sectors and make recommendations to the Task Force on how to support the recovery of these sectors and the City as a whole. Released in October, the ERTF Final Report made policy recommendations that lay the groundwork for an equitable and sustainable recovery, and that address those sectors most significantly impacted by the pandemic, such as entertainment, hospitality, and food services.

At our December 15, 2020 meeting, the Commission voted unanimously to support the recommendations of the ERTF Final Report as well as a joint policy proposal from the SF Venue Coalition (SFVC) and the Independent Venue Alliance (IVA) that address recovering the local entertainment and nightlife industry, and sent a [Letter of Support](#) outlining its prioritized recommendations to the Mayor Breed and the Board of Supervisors immediately thereafter.

#### PROPOSED LEGISLATION:

Two recent pieces of legislation present an opportunity for the City to continue strengthening the industry's economic recovery. Below are summaries of the legislation for your review and consideration.

#### **Small Business Recovery Act (BOS File No. 210285)**

Introduced by Mayor Breed on April 14, 2021, the Small Business Recovery Act proposes amendments to the Planning, Business and Tax Regulations, and Police Codes to simplify procedures and allow flexibility for neighborhood, cultural, and entertainment establishments through various interventions. Most of the interventions from this ordinance listed below impact entertainment and nightlife businesses:

- 1) expanding streamlined review and inspection procedures to principally permitted storefront uses citywide;
- 2) deleting separate definitions of "Cat Boarding," "Gym," "Trade Shop," and "Services, Instructional" from the Planning Code;
- 3) allowing permitted conditional uses to continue after three years of abandonment;
- 4) allowing the continuation of longstanding places of entertainment;
- 5) allowing Outdoor Activity Areas on rooftops;
- 6) temporarily requiring a conditional use authorization for uses replacing Nighttime Entertainment uses;
- 7) allowing accessory catering uses in Restaurants;



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- 8) allowing accessory dwelling units on the ground floor in Neighborhood Commercial, Chinatown Business, and Chinatown Visitor Districts;
- 9) allowing temporary outdoor entertainment, arts and recreation activities;
- 10) deleting certain conditional use finding requirements for Nighttime Entertainment use;
- 11) deleting conditional use findings related to formula retail concentrations in certain districts;
- 12) requiring expedited permit processing for certain conditional uses on the ground floor, including Nighttime Entertainment uses;
- 13) shortening the time for the Historic Preservation Commission to request review of minor alteration permits and certificates of appropriateness;
- 14) extending default ending time for limited live performances from 10 p.m. to 11 p.m.;
- 15) allowing additional One-Time Entertainment Permits and One-Time Outdoor Amplified Sound Permits;
- 16) exempting single individual performances without amplification from permit requirements;
- 17) affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

### **Shared Spaces Ordinance (BOS File No. 210284)**

Introduced by Mayor Breed on April 6, 2021, the Shared Spaces Ordinance proposes amendments to the Administrative Code as follows:

- 1) rename and modify the Places for People Program as the Shared Spaces Program, and to clarify the roles and responsibilities of various departments regarding activation and use of City property and the public right-of-way, streamline the application process, specify minimum programmatic requirements such as public access, temporarily waive permit application fees, and provide for the conversion of existing Parklet and Shared Spaces permittees to the new program requirements;
- 2) amending the Public Works Code to create a Curbside Shared Spaces permit fee, provide for public notice and comment on permit applications, provide for hearings for occupancy of longer-term street closures, and supplement enforcement actions by Public Works;
- 3) amending the Transportation Code to authorize the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) to issue permits for the temporary occupancy of the Traffic Lane for purposes of issuing permits for Roadway Shared Spaces as part of the Shared Spaces Program, subject to delegation of authority by the Municipal Transportation Agency Board of Directors to temporarily close the Traffic Lane, and adding the Planning Department as a member of ISCOTT;



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- 4) amending the Transportation Code to prohibit parking in a zone on any street, alley, or portion of a street or alley, that is subject to a posted parking prohibition except for the purpose of loading or unloading passengers or freight;
- 5) making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1;
- 6) and affirming the Planning Department's determination under the California Environmental Quality Act.

The pieces of legislation mentioned above align with the Entertainment Commission's and the Economic Recovery Task Force's recommendations to stabilize and strengthen the industry and the City at large by lowering regulatory and financial barriers for A.C.H.E. businesses and workers:

- Extend, improve and support the Shared Spaces program. [ERTF Recommendation 4.1]
- Continue to seek ways to help businesses defray costs, and support artists and musicians to allow for more adaptive arts and entertainment uses. [ERTF Recommendation 4.1]
- Rethink rules that restrict flexible/temporary arts, culture, hospitality and entertainment uses. [ERTF Recommendation 4.4]

In addition, both pieces of legislation align with the Entertainment Commission's goals to:

- Create, sustain, and support affordable arts infrastructure.
- Promote equity and equality in the industry, and ensure access to entertainment and nightlife participation across all neighborhoods.
- Improve regulatory coordination and customer experience.

Therefore, the Entertainment Commission recommends the passage of the Small Business Recovery Act and the Shared Spaces Ordinance as key strategies to support the short-term and long-term recovery of San Francisco's entertainment and nightlife sector. Furthermore, the Entertainment Commission recommends that relevant City agencies:

- 1) Consult with the Entertainment Commission on the implementation of the policies and initiatives borne out of this legislation as they relate to entertainment and nightlife.
- 2) Ensure equity and accessibility in implementation so BIPOC and historically underserved communities receive opportunities to participate and benefit from these policies and initiatives.
- 3) Collaborate with the Entertainment Commission on promotion, education and outreach of these new policies and initiatives to encourage broad participation across all neighborhoods.



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