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.

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

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

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

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

(a) Use Contracts; Deposit of Funds. The Executive Director may enter into use contracts with organizations seeking to engage in film production. The Executive Director shall be the sole City representative authorized to negotiate use contracts. Such contracts 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. Funds 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.
(b) Consent of Departments or Mayor. Where film production is to take place on property under the jurisdiction of City departments, the Executive Director's permission to use such property is subject to the consent of the department head or his or her designee or the Mayor or Mayor's designee.

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

1. Still photography: $100 a day.

2. A commercial, corporate media, industrial media, video, short subject, or web video: $200 a day.

3. A television series, web series, movie, pilot, or documentary:
   (A) For a production with a budget of less than $100,000: $50 a day.
   (B) For a production with a budget of $100,000 to less than $500,000: $100 a day.
   (C) For a production with a budget of $500,000 or greater: $300 a day.

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

(d) Sidewalk Closures and Sign-Posting. The Film Commission may require that film companies use City personnel or City-approved vendors to post notice of the closure of City streets and sidewalks for film production, and may establish minimum sign-posting requirements. Notwithstanding anything to the contrary in Section 724 of the Public Works Code, the Executive Director may authorize the temporary occupancy of public sidewalks for
film production, with the consent of the Department of Public Works, subject to all
requirements and conditions of the Department of Public Works and Department of Parking
and Traffic. Street closures for film production shall be governed by applicable provisions of
the Traffic Code.

SEC. 57.6. REQUIREMENTS FOR FILM COMPANIES.

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

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

(c) Notification of Filming Activities. 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 2472 hours prior to the start of those production activities anticipated to cause a parking or traffic obstruction, provide notice as specified herein to affected
residents and businesses of the anticipated parking or traffic obstruction. The 72 hour notice
requirement under this subsection (c) shall not apply where prior notice is infeasible due to
circumstances beyond the film production company's control or due to other unpredictable
circumstances that interfere with the scheduled film production activities as specified in the
Film Commission's Notification Guidelines referenced in subsection (d).
(1) The notice shall include the name of the film company; the date(s) and times of filming; a general description of the production activities and the anticipated parking or traffic obstruction they will cause; a local contact number for the film company; and contact information for the Film Commission and the Police Department.

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

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

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

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

(d) Film Commission Notification Guidelines; Report. The Film Commission shall establish film production notification guidelines (“Notification Guidelines”) within 30 days of the effective date of this ordinance or as soon thereafter as possible at a regular meeting of the Commission, and may amend such Notification Guidelines from time to time. The Notification Guidelines shall specify the types of unpredictable circumstances encountered at times by film production companies that would reasonably interfere with scheduled film production activities and render the notice under subsection (c) infeasible. The Executive Director of the Film Commission
Commission shall submit a copy of the Notification Guidelines to the Board of Supervisors on 
or before November 28, 2014.

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

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

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

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

By: ADINE VARAH 
Deputy City Attorney

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September 03, 2014 Budget and Finance Committee - CONTINUED TO CALL OF THE CHAIR

September 22, 2014 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 22, 2014 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED

September 30, 2014 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

September 30, 2014 Board of Supervisors - PASSED ON FIRST READING AS AMENDED
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

October 07, 2014 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee
File No. 140854

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/7/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

10/15/2014
Date Approved