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**City Hall Complex**

**915 I Street, 1<sup>st</sup> Floor, Sacramento**

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## **SUPPLEMENTAL MATERIAL**

**Description:** Attached is supplemental material received after publishing the agenda adding an attachment to Discussion Item 5. The attached staff report replaces the original staff report in its entirety.

**For the Meeting of:** Tuesday, March 26, 2024, at 2:00 p.m.

**Agenda Item:** **Discussion Item 5**

### **5. Proposed Limited Entertainment Permit**

File ID: 2024-00595

**Location:** Citywide

**Recommendation:** Provide directions to the City Manager on amending the Sacramento City Code chapter 5.108 related to Entertainment Establishments to create a Limited Entertainment Permit.

**Contact:** Tina Lee-Vogt, Nighttime Economy Manager, (916) 808-2679, [tlee-vogt@cityofsacramento.org](mailto:tlee-vogt@cityofsacramento.org), City Manager's Office of Innovation and Economic Development; Dustin Hollingsworth, Assistant Director (916) 808-5538, [djhollingsworth@cityofsacramento.org](mailto:djhollingsworth@cityofsacramento.org), Convention & Cultural Services

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3/26/2024

**Discussion Item 5.**

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**Presenter:** Tina Lee-Vogt, Nighttime Economy Manager, (916) 808-2679, tlee-vogt@cityofsacramento.org, City Manager's Office of Innovation and Economic Development

### **Attachments:**

1-Description/Analysis

2-Attachment A - Proposed Limited Entertainment Permit

3-Attachment B - Sacramento Regulatory Review

### **Description/Analysis**

**Issue Detail:** Sacramento has established rich and vibrant nighttime, social and creative economies, offering world-class amenities for visitors and residents. The city's social venues provide diverse entertainment experiences and unique programming both day and night that appeal to all ages, backgrounds, and interests. While most of the city's social venues are in downtown and midtown, there are opportunities throughout Sacramento where people can go to play and socialize. Nightlife is a vital part of the city's economy, culture, and identity, supporting jobs and generating revenue. It is an important incubator of cultural movements and provides spaces for connection, creativity, and personal expression.

In 2003, the Sacramento City Council adopted an ordinance to regulate the operation of entertainment establishments for public health, safety, and welfare. Sacramento had issues with out-of-area promoters who failed to properly manage patrons, resulting in excessive noise and violence. There were also problems with large and unruly crowds at events in warehouses. These problems

prompted the need for the ordinance as lack of regulation threatened health and public safety for the surrounding business and residential community. The entertainment permit program successfully addressed many of these issues, however, recent studies indicate that reevaluation to support the city's current nighttime, social and creative economy objectives is needed. One of the shortfalls of the code is that it does not differentiate between different types and sizes of businesses and events. Business owners, creatives, and others have expressed concerns that this places an undue burden on businesses and events who want to provide entertainment that would have minimal public impact.

The Office of Nighttime Economy contracted with Responsible Hospitality Institute (RHI) and completed a Sociable City Assessment, an in-depth analysis of our social economy that identified our strengths, challenges, and opportunities. This assessment also provided recommendations for next steps. Additionally, the City's Office of Arts & Culture commissioned Sound Music Cities to conduct the Sacramento Music Census and Regulatory Review, an in-depth analysis of the local music industry and assessment of how its regulatory environment impacts our live music scene. Although these studies had different intentions, both identified several similar recommendations to improve regulating nightlife and social activities. One of those key recommendations was the creation of multiple levels of entertainment permits.

Based on the assessment and census findings, the Office of Nighttime Economy is collaborating with the Office of Arts & Culture to propose amending the City Code to create a new Limited Entertainment Permit (LEP). This new permit would be an alternative for smaller businesses to provide entertainment without the extensive costs, application process, and requirements that nightclubs and larger establishments follow to obtain the traditional entertainment permit. Currently, most entertainment permit venues are in the central City. This new permit type would reduce barriers for venues along our commercial corridors to increase vibrancy citywide. This would also increase opportunities for musicians and other entertainers to perform, a key need identified in the Sacramento Music Census.

Attachment A provides an outline for the proposed LEP. Some of the criteria being considered for the new permit include:

- Occupancy of 299 or less.
- Entertainment acts as a secondary operation (e.g., restaurant featuring live music).
- Maximum performance space of 200 square feet.
- Entertainment ends at 10pm on weeknights and 11pm on weekends.

Staff is using San Francisco's Limited Live Performance (LLP) permit as a model for a tiered licensing approach. This permit supports businesses that want to offer live performances without undergoing the extensive requirements of traditional entertainment permits. Its streamlined approach benefits businesses that want to enhance their ambiance with live performances but do not want to be a full-fledged entertainment venue. The key features of the LLP include limiting the timing of

entertainment to address sound concerns and reduced inspections to simplify processes. According to staff from the San Francisco Entertainment Commission, part of what makes the LLP so effective is that it is considered an accessory use for planning/zoning purposes, so it doesn't require any additional land use approvals. It is generally permitted in commercial/mixed-use zoning districts. They have had a significant increase in LLP permit applications in the last two fiscal years. They currently have 195 active LLP permits and 20 pending. Most of the LLP permit holders are restaurants, but they also permit shared community spaces, bookstores, coffee shops/cafes, cannabis dispensaries, art galleries, and clothing stores.

**Policy Considerations:** The proposed limited entertainment permit is supporting the City's commitment to the nighttime economy and is consistent with the findings and recommendations included in the Sacramento Sociable City Assessment to identify priorities to develop and implement a strategic plan for a safe, vibrant, and well managed social economy. Additionally, it aligns with RHI and Sound Music Cities recommendations to create new categories for entertainment licenses. Finally, it aligns with Goal 3 of the Creative Edge Cultural Plan, which identifies regulatory relief as a key strategy for creative economy growth and development.

**Economic Impacts:** Nightlife is a vital part of our economy, culture, and identity. Nightlife supports jobs and generates revenue. Cities that thrive have a vibrant nighttime economy. Studies have shown that live music at bars and restaurants provides significant benefits to the businesses including increasing the length of stay per guest and dollars spent per guest.

**Environmental Considerations:** This action is not a project that is subject to CEQA because it does not have the potential for causing a significant effect on the environment. (CEQA Guidelines §15061 (b)(3).)

**Sustainability:** Not applicable.

**Commission/Committee Action:** The Sacramento Arts, Culture & Creative Economy Commission reviewed the findings of the Sound Music Cities Regulatory Review and passed a motion urging the Council to act on the recommendations - one of which was a tiered permitting system.

**Rationale for Recommendation:** Staff are requesting directions on whether to proceed with a proposed revision to the Sacramento City Code related to creating a limited entertainment permit.

**Financial Considerations:** Creating a new entertainment permit type will result in a significant increase in permit applications. Additional staffing will be required to process applications and manage new permits.

**Local Business Enterprise (LBE):** Not applicable.

## **LIMITED ENTERTAINMENT PERMIT PROPOSED NEW ENTERTAINMENT PERMIT TYPE**

- **BACKGROUND**

The City of Sacramento Entertainment Permit Program was designed for larger entertainment establishments such as nightclubs and larger live music venues. Smaller establishments such as coffee shops, cafés, and art galleries that may provide entertainment as an accessory use must pay the same fees and comply with the same application and operating requirements as larger establishments. This may prohibit smaller businesses from providing entertainment such as live music and karaoke.

- **OBJECTIVE**

Limited Entertainment Permit (LEP) would allow smaller businesses to provide entertainment without complying with the same costs, application process, and requirements as nightclubs and larger establishments. This would also increase opportunities for live music and other performers.

- **SCOPE**

- Criteria for an LEP:
  - Occupancy of 299 or less
  - Entertainment acts as a secondary operation (e.g., restaurant featuring live music).
  - Performance limited to designated area
  - Entertainment ends at 10pm on weeknights and 11pm on weekends.

- **ENTERTAINMENT**

- Entertainment allowed with an LEP includes but may not be limited to:
  - Musician
  - Band
  - DJ
  - Dance performance
  - Comedy show
  - Karaoke
- Please see SCC 5.108.040 for entertainment definition

- **DEFINITIONS**

- **Limited Entertainment Permit:** Permit issued by the City of Sacramento for businesses, where live entertainment is secondary to its main operation.
- **Performance Space:** The specific area within a business setup designated for live performances

## **ATTACHMENT A**

- **ELIGIBILITY**
  - Current City Business Operations Tax certificate
  - Land use zoning allows entertainment as an accessory use
- **APPLICATION AND APPROVAL PROCESS**
  - All applications are subject to evaluation and approval from the Community Development, Fire, and Police Departments.





# **Sacramento Arts and Culture**

## Regulatory Review and Recommendations

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SEPTEMBER 2023 // PREPARED BY SOUND MUSIC CITIES, INC.





## INTRODUCTION & BACKGROUND

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Over the last five years, several different studies, reports, and plans have identified challenges for the live music ecosystem in Sacramento stemming from its regulatory landscape; each recommended regulatory review.

In 2021, the Sacramento Office of Arts and Culture was part of a nationwide initiative, managed by the Music Policy Forum, aiming to promote the safe revival of live music after the pandemic. Sacramento's involvement, coordinated through Sound Music Cities, surfaced a prevalent sentiment amongst the music community: the climate for live music in Sacramento, specifically regarding regulatory policy, needed immediate attention. This sentiment echoed the call from the 2018 Creative Edge Cultural planning process that identified the immediate need for regulatory relief.

In response to this, the Sacramento Office of Arts and Culture, following a competitive RFP process, sought the expertise of Sound Music Cities (SMC). This Austin-based music ecosystem consultancy, renowned for its extensive experience in local government matters, was tasked with two key objectives. The first objective was to conduct a local music census to thoroughly comprehend the real-life experiences of members within the capital region's music community, which was recently completed.

The second objective involved conducting a comprehensive review of arts and entertainment regulatory policies and procedures. As part of this review, SMC met with staff from Community Development, Convention and Cultural Services, Fire, Police, The Office of Innovation and Economic Development, and Youth, Parks, and Community Enrichment. SMC is expected to make policy recommendations and work on the development of new permit categories. This report captures the findings and recommendations of this review.

This strategy of starting with the data-driven music census process to focus and inform the regulatory review ensures a thorough understanding of the current landscape while driving policy innovation to better support Sacramento arts, culture, and the greater creative economy.

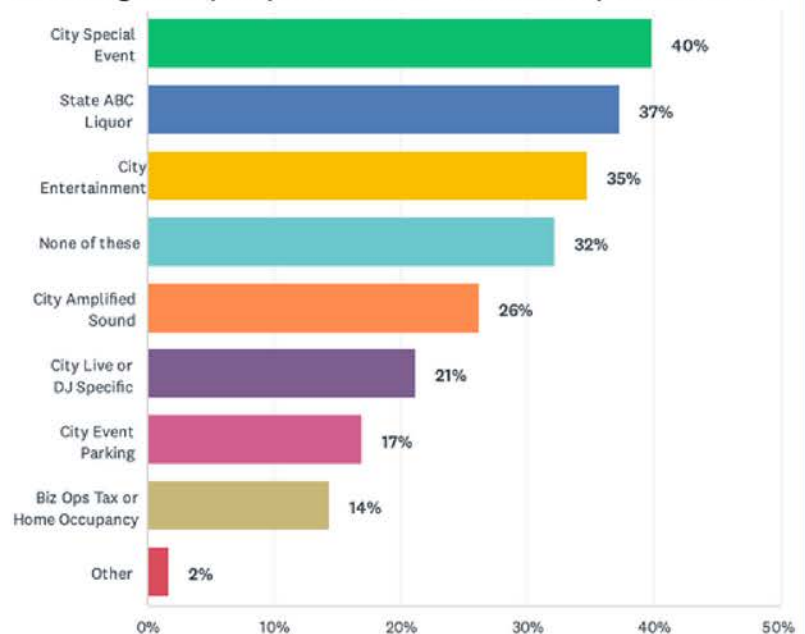


## REGULATION, COMPLIANCE, AND ENFORCEMENT APPROACHES

Regulation is defined as government intervention through a set of rules identifying permissible and impermissible activity on the part of individuals and business. When it comes to arts, culture, and entertainment, cities frequently focus on creating a system for regulation and enforcement without understanding the inherent need for active compliance. There is a place for enforcement, but our experience shows that proper compliance yielded from well-understood regulation requires less focus on enforcement. Achievable and well-understood regulations will provide transparency and more successful compliance.

One of the findings in the Sacramento Music Census that indicates an issue area to be addressed is that Sacramento's music venues and presenters generally lack experience with regulatory requirements. These businesses expressed experience in relevant regulatory requirements as seen in table to the right. This dataset tells us that existing outreach and education about these policies, regulations and permits is not working well.

**What Regulatory Requirements Do You Have Experience With?**



A compliance-oriented approach can be integrated into code for Sacramento, but much of the success is predicated on the actual implementation. Cities experiencing regulatory and compliance challenges are often inclined to rewrite their code, but not change the practice by which regulation happens. When a city simply rewrites code without understanding and solving the root cause, which requires including the people and businesses impacted, the gap continues. A participatory design approach enables new regulation to be understood in a way that leads to active compliance. Successful municipal policy creates a process that envisions what compliance looks like across the entire lifecycle of a live music or entertainment event – from conception to permitting to compliance – in a manner that is understood by not just the city but also those completing the application.

## CONVERGENCE AND DIVERGENCE BETWEEN NIGHTLIFE AND ARTS AND CULTURE

Nightlife and arts and culture involve a variety of stakeholders who both overlap and differ between the two domains. Common stakeholders include local businesses, artists, musicians, and regulatory authorities. Local businesses in both sectors contribute to economic development, offering venues that can either be primarily entertainment-focused like clubs, or more artistic and intellectual, such as galleries and theaters. Artists and musicians might find platforms in both spheres, performing in nightlife venues or participating in cultural exhibitions.

Unique stakeholders for nightlife include bar owners, security services, and beverage distributors, who cater to the recreational aspects of social life. In the arts and culture sphere, stakeholders like curators, historians, and educational institutions play specialized roles in preserving and interpreting cultural heritage. Audience demographics may also differ; nightlife generally attracts a broad audience looking for entertainment, while arts and culture events might attract specific demographics interested in intellectual and artistic pursuits.

**Regulatory authorities oversee licensing, safety standards, and public resources for both, though the extent may differ due to the distinct challenges posed by alcohol consumption in nightlife settings. Currently, live music is lumped in with bar and nightclub restrictions, so the regulations are limiting the local live music and venue business as well as arts and cultural events that seek to include live music.**

The interaction among these diverse stakeholders creates a complex ecosystem where arts and culture and nightlife coexist, sometimes complementing and at other times contrasting with each other. Their interplay should influence local policies, cultural offerings, and the overall social dynamics of the Sacramento community. More importantly, permitting regulations that impact both audiences need to be carefully considered to bolster live music and the cultural economy of Sacramento for both nightlife and arts and culture.

# Observations & Issue Areas

## of the Current Regulatory Landscape in Sacramento

- Fundamental Challenges
- Existing Entertainment License Policy Concerns
- Sound Ordinance Issues
- Lack of Dedicated Resources in Sacramento's Review Process
- Governance Challenges of the Administrative Permitting Process



## FUNDAMENTAL CHALLENGES

*Key challenges experienced by users of the current regulatory landscape*

The current regulatory landscape for permits and events, in the City of Sacramento, has several areas that require attention:

**No Single Point of Entry:** There is no centralized or publicized department for permit information, making it difficult for event organizers to know where to go for guidance.

**Understanding Event Types:** A nuanced understanding of how arts and entertainment events differ from nightlife activities is needed to improve the permit process.

**Lack of Guidelines:** There are no clear guidelines differentiating permit requirements by event type or size. Currently, every event needs an Entertainment License, which fails to account for the variety of live performances and their respective needs.

**Inconsistent Security Requirements:** Security protocols are not consistently applied and appear to be influenced by the genre of the event, which suggests subjectivity in enforcement. Some venues are allowed to utilize the guard-card option that allows them to utilize venue staff, while other applicants are not aware of this option.

**Inconsistent Communication:** Based on the communications shared with us from applicants, those with similar applications are receiving varying direction from staff. This also includes applicants that we shadowed through their permitting process.

**Resource Constraints:** The city lacks dedicated resources to manage temporary and special events, leading to inefficiencies in the process.

**Incomplete applications:** From multiple staff interviews, one frustration surfaced repeatedly was the issue of dealing with incomplete applications and chasing down the needed information.

**Staff Expertise:** While the staff involved are knowledgeable about the permit process, a lack of practical experience in event production and venue management affects their efficiency and effectiveness.



**Insufficient Outreach and Education on Regulatory Requirements:** The data from the Sacramento Music Census shows there is a disturbing lack of knowledge and experience among music venues and presenters. Special Event requirements ranked highest at 40%, while Entertainment License at 35% edged out None of These at 32%. A more collaborative approach than what is currently being offered is obviously needed.

**Overly Stringent Permit Process:** The current process assumes the worst of everyone and treats all events as if they were bars or nightclubs, ignoring the nuanced needs of different event types.

**Review Focus:** The review process emphasizes building, plumbing, and mechanical inspections over other relevant factors like crowd and sound management. This makes some inspections redundant.

**Nonprofit Permit Exemption:** While intended to ease administrative burdens on public charities, the exemption from the permit process is seen as a public health risk, as it bypasses important regulatory checks.

**Compliance Oversight:** Conditions for special events often go unchecked due to the absence of a formal compliance team and dedicated resources, leaving a gap in regulation and too much reliance on enforcement.

Overall, the regulatory landscape suffers from a lack of clarity, standardization, and resources, necessitating comprehensive reforms to better serve public needs and safety.

## EXISTING ENTERTAINMENT LICENSE POLICY CONCERNS

*Areas of the code/policy/legislation that need improvement*

The current regulatory code and legislation for permits and events, in the City of Sacramento, has several areas that require attention:

**Definition of Entertainment:** The ordinance presents an all-encompassing definition of "Entertainment" or an "entertainment establishment," spanning a wide spectrum of activities intended for public engagement, ranging from live performances to interactive displays. While the intent to cover a broad range of activities is clear, this comprehensive definition introduces contradictions within the framework. The sheer breadth of the definition raises questions about the need for consistent regulations across such a diverse array of activities, some of which may pose minimal or even negligible threats to public safety. Furthermore, this broad definition fails to differentiate between small-scale, innocuous events and larger, potentially impactful ones, resulting in an undue burden on organizers of events with minimal public impact. A more balanced and targeted definition could better address public safety concerns while promoting a thriving entertainment landscape.

**Exemptions from the Permit Requirement:** The ordinance lists exemptions from the permit requirement, notably for establishments with a maximum occupancy of forty-nine (49) persons or fewer. This exemption contradicts the expansive definition of "Entertainment Establishment," which includes businesses operating alone or as part of another business, inviting the public for various forms of engagement. The contradiction is evident as the exemption's occupancy limit of 49 persons seems incongruent with the broader scope of activities covered under "Entertainment Establishment." The Sacramento code's exemption 5.108.040 for entertainment permits does appear to encompass a wide range of activities and contains several clauses that could lead to ambiguity and potential conflicts. Here are some of the broader, potentially ambiguous, and contradictory aspects:

- **Broad Exemptions:** Several exemptions are wide-ranging, which might allow for multiple interpretations. For instance, the inclusion of 'Street performers such as musicians, singers or mimes' (J) or 'Entertainment consisting of the spoken word, including plays' (P) can be interpreted in many ways.
- **Specificity Leading to Ambiguity:** Some of the exemptions have conditions attached to them, which, though specific, can lead to gray areas. For instance, in (B), only individuals 18 years or older who are bona fide students or members of the sponsoring organization can attend a dance. This can raise questions like: How is a "bona fide" student or member defined?



- **Lack of Clear Guidelines for Business Improvement Districts:** The exemption for 'Entertainment sponsored by a city authorized business improvement district' (D) lacks clarity. While there are conditions listed, the term "sponsored by" isn't defined. Without clarity on what constitutes "sponsorship," there's potential for various interpretations. What activities or support qualify as "sponsorship"? Does the business improvement district need to be directly involved in the event, or is mere financial support enough to qualify?
- **Potential Overlaps:** Some of the exemptions seem to overlap with others, which might lead to confusion. For instance, 'Entertainment sponsored by any nonprofit public benefit organization' (B) and 'Entertainment conducted or sponsored by any religious organization... that is exempt from taxation pursuant to United States Internal Revenue Code Section 501(c)(3)' (L) could potentially cover some of the same events.
- **Contradictions in Definitions:** There are certain exemptions that could be conflicting or confusing in definition. For example, 'Entertainment limited to... an establishment that does not permit dancing or karaoke' (E) might be seen in conflict with 'Dance lessons... provided that dances... that occur before or after the lessons or recitals are not exempt' (O).
- **Potential Loopholes:** There's a potential for entities to use these broad exemptions to their advantage. For example, a for-profit business could potentially partner with a nonprofit or a religious organization for an event and argue that they are exempt from the permit requirement.
- **Exceptions Within Exemptions:** Several of the exemptions come with their own set of exceptions. For example, 'Entertainment lawfully conducted at any of the following regulated businesses' (U) includes many sub-points that explain when those businesses are not exempt. This can complicate matters and make it hard to determine at a glance whether a particular activity is exempt or not. While the goal of this exemption section appears to be inclusivity and consideration for a wide range of entertainment types and events, its breadth and the intricacies within its clauses can potentially lead to ambiguity, overlap, and contradictions. This makes the code challenging for both businesses and staff to interpret and apply consistently.
- **Ambiguity in Terms:** Some terms are not clearly defined. What constitutes 'ambient or incidental music' (R) as opposed to regular music? How is 'the normal and customary fitness services provided by an athletic club or fitness center' (V) defined?

**Need for Business-Friendly Fee Structure:** The fee structure outlined in the ordinance for the entertainment permit program requires applicants to pay the entire fee upfront which is nonrefundable. Most cities separate out an application fee from the permit fee. The entertainment permit program fees encompass various categories, including new permit fees, renewal permit fees, special event permit fees, and inspection fees. The approval process can take up to nine months or more on some permits, so having to pay the full fee upfront places an unfair burden on the applicant.

**Disorderly Conduct within Fifty Feet:** The ordinance places responsibility on designated individuals to control patron conduct and prevent disorderly behavior within fifty (50) feet of the establishment, measured in a straight line from the property line. This stipulation, while intended to maintain order, presents a potential challenge for establishments located near one another. Such establishments could be held accountable for disorderly conduct occurring outside their premises but within the prescribed distance, raising questions about fair attribution of responsibility.



## SOUND ORDINANCE ISSUES

To improve the ordinance's clarity and consistency, addressing the following issues by providing clear definitions, specific criteria, and a transparent rationale for the regulations would be beneficial, especially if our goal is to create more opportunity for live performance.

- **Undefined "Sound Booth" and "Reasonable Location":** The ordinance mentions that sound levels should be measured at the "sound booth" or another "reasonable location" within 150 feet of the source of amplified sound at outdoor activities. However, it doesn't provide specific definitions or criteria for what constitutes a "sound booth" or a "reasonable location." This lack of clarity could lead to varying interpretations of whether any structure or enclosure that produces sound measurements can be considered a "sound booth," and what factors should determine the reasonableness of a measurement location.
- **Contradiction in Time Limits:** Section E sets specific time limits for amplified sound associated with outdoor activities. However, section B provides more detailed and nuanced time limits for different days (Sunday through Thursday vs. Friday, Saturday, and specified holidays). This inconsistency in time limits between sections B and E could lead to confusion about which limits should be followed.
- **Variance Procedure Ambiguity:** Section H introduces the concept of a variance procedure to raise sound limits or modify time restrictions based on facility characteristics. However, the criteria, process, and specific conditions for granting variances are not defined. This lack of clarity could lead to inconsistent decisions when evaluating variance requests.
- **Imposing Equivalent Limits:** Section D introduces the idea that imposing a volume limit of 96 dBA leq measured at the sound booth or a reasonable location within 150 feet of the source of amplified sound is generally equivalent to the existing limits that measure sound levels offsite. This equivalency is stated without providing concrete evidence or analysis, potentially leading to disputes about the accuracy of this claim.
- **Use of "Substantially Likely" and "Likely":** Section D uses phrases like "substantially likely" and "likely" in relation to violations. However, these terms are not clearly defined, and their subjective nature might lead to inconsistent interpretation and enforcement.
- **Lack of Guidelines for Sound Level Monitoring:** While the ordinance mentions placing a sound level monitor at a reasonable location, it doesn't provide specifics about the technical requirements, calibration procedures, and qualifications for such monitoring devices. This lack of guidance could affect the reliability and accuracy of sound level measurements.
- **Inadequate Explanation for Restrictions:** Section E introduces restrictions on sound levels and time limits to protect public health, safety, welfare, and peace. However, it doesn't provide a clear connection between these restrictions and the specific reasons behind the selected dBA limits or timeframes.

**Amplified Sound:** In addition to these complexities, Chapter 12 of the city code, which governs amplified sound for special events, festivals, and concerts, adds another layer of confusion and potential conflicts. Chapter 12 restrictions include limits on the hours during which amplified sound can be used, as well as maximum allowable noise levels measured at different distances from the source. For instance, the code specifies that amplified sound should not be used before nine a.m. and after ten p.m. on certain days, but these hours vary for different days and holidays. Furthermore, there are different noise level limits based on the distance from the source or the nearest residential property. This additional complexity in Chapter 12 adds to the challenges faced by event organizers, residents, and enforcement agencies in understanding and complying with the noise regulations. The varying restrictions based on different factors and the interaction between Chapter 12 and the previously discussed ordinance language can create a web of regulations that may be difficult to navigate and enforce effectively.

In Section A(2) of Chapter 12 of the city code, there are three distinct measurements specified for amplified sound during special events:

1. **Amplified sound shall not exceed a noise level of ninety-eight (98) dBA at a distance of one hundred fifty (150) feet from a noise source.** This measurement sets a maximum allowable noise level of 98 decibels when measured at a distance of 150 feet from the source of the amplified sound. It provides a specific threshold for sound intensity within a certain proximity of the event.
2. **Amplified sound shall not exceed a noise level of eighty (80) dBA when measured from the nearest residential property.** This measurement restricts the noise level from amplified sound to 80 decibels when measured from the nearest residential property. It aims to protect the peace and quiet of residential areas during special events.
3. **Amplified sound shall not exceed twenty-four (24) dBA above ambient noise levels, whichever noise level is lower.** This measurement is unique in that it takes into account the existing ambient noise levels. It limits amplified sound to be no more than 24 decibels above the ambient noise level, ensuring that events do not disrupt the existing environmental soundscape.

Each of these measurements provides a specific criteria for evaluating and controlling amplified sound during special events. However, the complexity arises from the need to consider all three criteria simultaneously, and compliance must meet all of these conditions: not exceeding 98 dBA at 150 feet from the source, not exceeding 80 dBA when measured from the nearest residential property, and not exceeding 24 dBA above the existing ambient noise levels, with the strictest condition prevailing. This complexity and mostly conflicting requirements can make it challenging for event organizers, residents, and enforcement agencies to determine compliance and enforce these regulations effectively.



## LACK OF DEDICATED RESOURCES IN SACRAMENTO'S PERMIT REVIEW PROCESS

Over the last year, a notable concern has emerged regarding the dearth of dedicated resources within Sacramento's permit review structure. While it's evident that city organizations need to allocate staff across various responsibilities, the current setup presents several challenges.

- **Prolonged Permit Approval Times:** Without adequate personnel specifically devoted to permit review, applications end up in lengthy queues, leading to delays that can be costly for applicants.
- **Inconsistencies in Review:** The absence of specialized personnel can lead to inconsistencies in how permits are reviewed, causing confusion and potential discrepancies in how policies are applied.
- **Limited Expertise:** Tackling complex permit issues, such as those involving environmental concerns or historical preservation, requires specialized knowledge. Without dedicated experts, the quality of reviews might be compromised.
- **Overburdened Staff:** When staff members juggle permit review alongside other duties, they can become overwhelmed. This can lead to mistakes, oversights, or simply a slower process.
- **Reduced Accountability:** Without clear delineations of responsibility and dedicated roles, it becomes challenging to pinpoint areas of inefficiency or to hold individuals accountable for delays or errors.

## GOVERNANCE CHALLENGES OF THE ADMINISTRATIVE PERMITTING PROCESS

There are two core themes to the governance issues: a need for dedicated ownership of the permit process, as well as a need to separate the administration of permits from enforcement of permits.

**Dedicated Ownership of Permit Administration Needed:** As we move forward with regulatory reform for the arts and the creative community in Sacramento, the role of governance cannot be understated. Central to this effort is the urgent need for a single department to take ownership of and drive the crucial work of administering permit processes across all types of events that require permitting. This oversight needs to be consolidated for ease of use by all the businesses and people trying to obtain permits. Sacramento's arts community is diverse and active at all hours, and to truly cater to their needs and foster growth, governance structures must be clear, single point of entry, accountable, and innovative.

Unfortunately, the current fragmented approach has been a major stumbling block. When there isn't a designated department taking responsibility, the city's default response to regulatory challenges tends to deflect rather than confront: rather than addressing inherent policy weaknesses, the inclination has been to discredit the applicant, hastily labeling them as a bad actor. This approach is not only counterproductive but also obscures the genuine issue: it's the policy, city structure, and process that is flawed and confusing, not the individuals navigating it.

For meaningful and lasting change, we must understand that the problem lies in outdated or misaligned regulations and processes. Shielding such regulations under the guise of tradition or bureaucracy only serves to stifle the innovation and creativity in Sacramento that the city aims to foster. If we're serious about nurturing our arts and creative community, we need a holistic, transformative approach. This isn't just about revising regulations; it's about reimagining an ecosystem where the arts can thrive, grounded by a dedicated department with a fresh perspective, unequivocally committed to its success.

**Separate Administration of Permits from Enforcement:** While we need a dedicated owner of permit administration, it needs to be a separate agency than those who will be responsible for enforcing the regulations around permits. Generally, agencies like the police, public safety, or code enforcement are responsible for regulating and enforcing permits. Separating the agencies responsible for regulating and enforcement from the permitting process for entertainment licenses can lead to a more balanced and effective regulatory environment, benefiting both the entertainment industry and the general public.



# Recommendations

## for the Regulatory Landscape in Sacramento

- Recommendations for Fundamental Challenges, Entertainment License Policy, Sound Ordinance, and Governance of the Administrative Permitting Process
- Recommendations for Resourcing Permitting Review

## RECOMMENDATIONS

### FOR FUNDAMENTAL CHALLENGES, ENTERTAINMENT LICENSE POLICY, SOUND ORDINANCE, AND GOVERNANCE OF THE ADMINISTRATIVE PERMITTING PROCESS

Implementing these recommendations makes better use of existing resources, simplifies administrative procedures, and improves the experience for event organizers and stakeholders.

**1 Create the Entertainment Services Division:** Merge the Special Events Office and Film Office within the existing Convention and Cultural Services Department. Realigning administrative permitting processes to establish a single point of entry can lead to significant improvements in operational efficiency and customer satisfaction. However, its success depends on careful planning, inter-departmental collaboration, and the adoption of the right technology.

- Background: Special events and cultural services often share overlapping responsibilities and resources. Cities like San Diego, Seattle, Pittsburgh, and Chicago have successfully integrated these functions into a single department.
- Benefits:
  - Efficient use of staff resources that could provide crucial support services for special and temporary events.
  - Streamlined permitting process for organizers and stakeholders.
  - Enhanced customer service by providing a one-stop-shop for event planning and execution.



**CASE STUDY:**  
**CONSOLIDATION  
OF SPECIAL  
EVENT AND FILM  
PERMITTING IN  
CITIES**

**2 Single Point of Entry for Event Permits:** All events, including temporary events—whether located on private property, public spaces, or streets—should be routed through this newly formed Entertainment Services.

- Simplifies the “events” permitting process for the public.
- Reduces administrative burden on various departments.
- Ensures standardized and equitable treatment of all events.

**3 Adopt a Tiered Licensing Approach:** A tiered system can simplify the licensing process by categorizing business establishments into different tiers. This enables authorities to streamline the permit application and review processes, as well as the inspection and compliance procedures, making it more efficient for both businesses and regulatory bodies. By differentiating tiers, the permit system can address noise and other neighborhood concerns more effectively. Stricter regulations on noise control and venue capacity can be imposed on higher-tier establishments to ensure that nearby residents are not unduly affected.



## CASE STUDY: CONSOLIDATION OF SPECIAL EVENT AND FILM PERMITTING IN CITIES

City governments worldwide are continuously seeking ways to optimize resources, reduce bureaucratic redundancy, and enhance the quality of service they offer to residents, businesses, and visitors. One emerging best practice is the consolidation of special events and film permits into a single department or office. This approach leverages staff knowledge about entertainment-related activities, offering a streamlined point of entry for applicants. This study will examine various cities that have adopted this shared resource approach.

The film, music, and events sectors contribute significantly to a city's economic health, cultural vibrancy, and global profile. To foster growth in these sectors and ensure smooth operations, cities have begun integrating various related departments. This integrated approach reduces administrative burdens, speeds up processing times, and helps stakeholders navigate city regulations more efficiently.

### Highlighted City Approaches

- **Seattle:** Combining music and film office roles with the nighttime economy manager positions, Seattle provides a holistic approach to handling permits and inquiries related to entertainment and nightlife.
- **Chicago** - Department of Cultural Affairs and Special Events: Serving as a hub for both cultural programming and special event permitting, this department centralizes resources related to the city's dynamic arts, culture, and event scenes.
- **Austin** - Austin Center for Events: A collaboration of city departments designed to streamline special event permitting on public and private property. It is anchored by teams from Transportation, Parks, Music, Police, Fire, EMS, ARR and Development Services
- **San Diego** - Film and Special Events: By combining film and special event permitting, San Diego ensures that the myriad of activities occurring within its boundaries have a unified oversight.
- **Boston** - Tourism, Sports, and Entertainment: This integrated approach captures the interconnected nature of these sectors and ensures that events, film shoots, and other activities can proceed with minimal bureaucratic interference.
- **Nashville** - Office of Film and Special Events: Recognizing the city's stature as a music and entertainment capital, Nashville centralizes its film and event resources to better cater to these industries.
- **Pittsburgh** - Office of Film & Event Management: This office oversees both filming and special events, ensuring a streamlined permitting process and efficient use of city resources.
- **Asheville, NC** - The Department of Community & Regional Entertainment: With a focus on community engagement and regional entertainment, Asheville provides a consolidated platform for organizers and creators.

### Benefits of the Consolidated Approach

- Efficiency: Combining departments means fewer bureaucratic hoops, resulting in faster permit processing times.
- Expertise: Centralized departments gather experts in events, film, and entertainment, leading to more informed decision-making.
- Single Point of Contact: Applicants can navigate the process more easily, with clear guidance from knowledgeable staff.
- Economic Growth: By creating a welcoming and streamlined administrative process, cities can attract more events, film projects, and cultural activities.

The trend of consolidating film, events, and entertainment-related permits within cities showcases a proactive approach to optimizing resources and boosting the economic and cultural vitality of urban areas. As more cities adopt this integrated approach, they stand to benefit from reduced administrative overhead, increased efficiency, and a more vibrant and active urban environment.



## RECOMMENDATIONS

**4 New Policy Should Define Bad Actors:** Regulatory policies are in place to protect consumers, public health, safety, and the environment. Separating good and bad actors by specifically defining the behaviors and actions of bad actors ensures that regulations effectively target those engaging in harmful practices, while not burdening or impeding those who are acting responsibly. The process of distinguishing between good and bad actors should be fair, transparent, and based on evidence.

**5 New Categories for Entertainment Licenses:** Introduce a new "Limited Entertainment License" category to be led and managed by the Office of Nighttime Economy. The current Entertainment License categorization may not cover all types of nighttime activities effectively.

- Allows for more nuanced and appropriate licensing, fitting the unique needs and constraints of smaller or less conventional venues.
- Increases clarity for businesses regarding licensing requirements.



**CASE STUDY:**  
**SAN FRANCISCO'S**  
**LIMITED LIVE**  
**PERFORMANCE**  
**(LLP) PERMIT**

**6 Clear and Concise Guidelines:** Developing comprehensive yet user-friendly guidelines specific to entertainment and special events can assist organizers in understanding the permit requirements. These guidelines should provide step-by-step instructions, checklists, and timelines, enabling event planners to navigate the process effectively.

*Staff's review criteria should be transparent and codified in city code. Transparency means providing the context for the decisions staff makes on the conditions placed on a permit. Criteria on conditions should also consider the anticipated economic impact of those conditions.*

### **7 Update Existing Entertainment License (Current 2-year term)**

- Separate existing cost with an application fee and permit fee so the applicant does not have to pay the entire amount before receiving permit.
- Review Process needs to focus more on safety and security measures, such as crowd control, emergency exits, fire safety protocols, health and sanitation, sound/noise management, cumulative impact of license holders in the vicinity on traffic and public right-of-way.
- Re-think the external inspections for every type of permit and utilize best practices from other California cities.
- Better description of process and communication from staff (online process could help)
- Time certain process. Applicants should receive an answer on an Entertainment License within 60 days from when they complete the application.
- Transparent Security Requirements: A detailed list of security requirements and what criteria is used to require 1/100 patrons to 1/75 patrons. Provide more details on utilizing California Guard Card approved staff or uniformed officers.





## CASE STUDY:

# SAN FRANCISCO'S LIMITED LIVE PERFORMANCE (LLP) PERMIT

In San Francisco, the Limited Live Performance (LLP) permit was introduced to support businesses that wish to offer live performances without undergoing the extensive requirements of traditional entertainment permits. The streamlined approach is especially beneficial for businesses that seek to enhance their ambiance with live performances without becoming a full-fledged entertainment venue. To date, there are 178 active LLP permits in San Francisco, underscoring the success and demand for this initiative.

### Key Features of the LLP Permit:

- **Tiered Timing:** Businesses can host live performances until either 10:00 PM or 11:00 PM.
- **Reduced Inspections:** Unlike the extensive inspections for Place of Entertainment (POE) or Extended Hours Premises (EHP) permits, the LLP permit waives building inspections, simplifying the process.
- **Proof of Health and/or Assembly:** Businesses are required to show proof of an active health or assembly permit, if applicable.
- **Review Process:** All LLP applications undergo a review and sign-off from the Planning Department and San Francisco Police Department (SFPD).

### Comparing LLP with Other Permits:

- Place of Entertainment and Extended Hours Permits: Require inspections and sign-offs from the Departments of Public Health, Fire, and Building Inspection (DBI) for plumbing, electrical, and building. POE permits have a set sound limit.
- Sound Tests for LLP: Although the LLP often comes with a set sound limit, there's a flexibility offered. The sound limit, especially for outdoor events, is determined based on the closest nearby sensitive receptor, typically residences, ensuring the ambient sound levels aren't exceeded at these points.

### Application Requirements for LLP:

- California Alcohol and Beverage Control License: If applicable, conditions must be listed out.
- San Francisco Business License: Issued by the Treasurer & Tax Collector.
- San Francisco Department of Public Health Permit: Required for fixed place food and/or beverage sales.
- San Francisco Fire Department Occupancy Certificate: Needed if occupancy exceeds 49 persons.
- Layout of Premises: A detailed layout depicting where the entertainment will be held both inside and outside. The total performance area shouldn't exceed 200 square feet.
- Public Notice: The permit mandates a notice be posted for 30 days to inform the general public of the application. This involves signing an affidavit of posting and ensuring the notice remains conspicuously displayed for 30 days leading up to the hearing date.

### Best Practices:

- **Clear Documentation:** Ensure all necessary documentation is updated and at hand before starting the application process.
- **Understand Sound Limitations:** Before organizing any performance, it's pivotal to understand and adhere to sound limits, especially if the venue is close to residential areas.
- **Community Engagement:** Keeping the community informed and taking feedback can help in ensuring a smooth permit process and reduce potential complaints.
- **Regularly Review Permit Conditions:** As businesses evolve, it's important to regularly review the permit conditions to ensure compliance.

San Francisco's LLP permit is an innovative approach to support the local entertainment scene while balancing community considerations. Its streamlined process encourages businesses to diversify their offerings, benefiting both entrepreneurs and the audience.

## RECOMMENDATIONS

**8 Move the Special Entertainment Permit to Special Events:** There are many issues with this permit, and we will start with the price. Current cost for this permit is \$1,331.00 In comparison to San Francisco's \$510.00 and \$367.00 for San Diego. This category is another opportunity to create a tiered system based on event type and size, with the appropriate checklist for each. Some tiers would not need onsite inspections.

- Opportunity to create tiers with different application deadlines to be more in line with industry and other cities.
- Application deadlines in other California cities to 60 to 30 to 14 days prior to depending on location, and if it has current assembly use zoning.
- Should NOT be the same review process as an Entertainment License.
- Update current application with more relevant questions regarding the proposed entertainment and needed plans.

**9 Proposed New Tier: Local Live Performance License:** Can serve as a more cost-effective license for locations who wish to present live performance at their business on an ongoing basis. There are currently 19 existing land uses identified in City code where some type of live performance could typically be anticipated as an accessory use.

- Performances must end by 10:00pm or 11:00pm daily.
- Performance area cannot occupy more than 200 square feet.
- Entertainment is a secondary use for the business (restaurant, etc.)
- You can provide entertainment either indoor or outdoor (dependent on zoning and permitted use or previous conditions from another agency)
- Condensed review process that does not require external inspections.



**10 Reduce Cost and Bifurcate Permit Fees:** An aspect that could be further examined is the feasibility of bifurcating the permit fee itself into distinct components. The introduction of an application fee separate from the overall permit fee could offer applicants the advantage of not having to remit the entire amount upfront. By structuring the fees in this manner, applicants could initiate the application process without the immediate financial burden of the entire permit fee. This alteration could potentially render the process more accessible, encouraging a wider range of individuals and entities to engage in the entertainment permit program.

**11 Removal of Automatic Non-Profit Exemption:** The permit process should provide important regulatory oversight for every event, venue, and other activations, and non-profits should not be exempt from this permit process which ensures public health and safety. The intent of this exemption is to alleviate administrative and financial burden on public charities. Going forward there are several solutions (grants, waiving fees, etc.) that can provide that relief without dropping the permitting process essential to public safety.





## TIERED PERMIT SYSTEM CRITERIA

### Potential criteria and considerations for a tiered permit system:

#### **Zoning and Land Use:**

- Certain zones may be appropriate for entertainment venues while others are not.
- Residential zones might have stricter limitations on noise, time, or type of event to minimize disturbance.
- Industrial or commercial zones might allow for larger or louder events.

#### **Size and Capacity:**

- Small events (like a neighborhood block party) may require a basic permit.
- Larger events (like a city-wide concert) may need a higher tier permit due to greater impacts on traffic, noise, and security.

#### **Duration:**

- A one-day event might have different requirements than a week-long festival.
- Longer events might need additional sanitation, security, and logistical arrangements.

#### **Impacts on City Resources:**

- If an event requires city police for security, traffic management, or other public resources, it might fall under a specific tier.
- The city may need to consider additional sanitation or waste management needs for larger events.

#### **Location:**

- Events in public parks or beaches might have environmental concerns.
- Street festivals might disrupt traffic and business operations, requiring more planning and mitigation measures.

#### **Accumulative Impact of Other Permitted Locations:**

- If there are multiple events in a city on the same day, it can strain public resources.
- Authorities may want to avoid granting permits to large events happening simultaneously to minimize disruption and ensure public safety.

#### **Safety Concerns:**

- Events with a history of safety issues might be placed in a higher tier, requiring more security and precautionary measures.
- This also includes fire safety regulations, especially if the event involves fireworks, open flames, or other potential hazards.

#### **Alcohol and Food Sales:**

- Events that sell or serve alcohol may require additional permits or regulations.
- Food vendors may need health and safety inspections.

#### **Noise Levels:**

- Events that are expected to generate significant noise might be limited to certain areas or times.
- Authorities might require noise mitigation measures for events near residential areas.

#### **Traffic and Transportation:**

- Large events might require traffic rerouting, additional parking spaces, or shuttle services.
- The permit might stipulate conditions for providing or coordinating these logistics.

#### **Historical or Cultural Significance:**

- Some events, like parades or festivals, may have cultural or historical significance to the community. Such events might have unique criteria or allowances.

#### **Frequency of the Event:**

- Annual events might have a different process compared to one-time events.
- Recurring events might be given priority or might face more scrutiny based on past performance.

A tiered permit system allows for flexibility and ensures that all events, regardless of size or type, meet a certain standard of planning and safety. It can also help the City of Sacramento to allocate resources effectively and ensure that the impact on the community is positive.



## RECOMMENDATIONS

**12 Move to Online Permitting:** Online permitting reduces the administrative burden on both applicants and city staff. Applicants can fill out forms, attach required documents, and pay fees online, saving time and resources. City staff can process applications more efficiently, reducing paperwork and manual data entry. This streamlines the permitting process, leading to more efficient reviews and reduced costs for all parties involved, and both applicant and staff can see where the application is in the process.

**13 Separate Administration of Permits from Enforcement:** Separating the agencies responsible for regulation and enforcement from the permitting process for entertainment licenses and special events is often considered a best practice for several reasons:

- Fairness and impartiality: Permitting processes should be fair, transparent, and impartial, providing equal opportunities for all applicants. By separating the licensing function from enforcement, there is a better chance of maintaining objectivity and minimizing the potential for bias or favoritism. This helps ensure that licenses are granted based on merit and compliance with regulations, rather than other factors.
- Streamlined and Efficient Process: Having separate agencies handling permitting and enforcement allows each agency to focus on its core responsibilities. This can lead to a more efficient and streamlined process for both obtaining licenses and ensuring compliance.
- Specialization and Expertise: Permitting agencies can be specialized and possess expertise in understanding the unique needs and challenges of the entertainment industry. They can provide valuable insights and guidance to applicants, leading to better compliance with regulations while also fostering innovation and creativity in the sector.
- Administrative Burden: Enforcing regulations is already a demanding task for these agencies. Adding the responsibility of managing the permitting process can create an administrative burden, leading to delays, inefficiencies, and potential backlog in enforcement activities. It is more efficient to have separate entities dedicated to licensing and enforcement, ensuring a smoother process for all stakeholders.
- Transparent and Accountable: When different agencies oversee permitting and enforcement, there is a higher need and likelihood of transparency and accountability to stay coordinated and accountable to each other, which improves transparency for applicants as well.
- Better Focus on Regulating and Enforcement: Agencies solely responsible for enforcement can concentrate on monitoring compliance, conducting inspections, and addressing any violations more effectively, dedicating resources and attention to these crucial tasks.
- Allocating Resources Efficiently: Regulatory agencies have limited resources and must prioritize their efforts. By focusing on bad actors, regulators can allocate their resources more efficiently. Instead of wasting time and resources on businesses or individuals who are compliant and pose no risk, they can concentrate on investigating and taking action against those who are not adhering to regulations.

## RECOMMENDATIONS

**14 Incomplete Applications:** Update code to state that incomplete applications will not be processed, so the City will not approve or deny incomplete applications.

**15 Address Amplified Sound Concurrent with Regulatory Reform:** As Sacramento continues its trajectory of urban growth and cultural dynamism, amplified sound and noise related to entertainment and special events become central topics that need immediate attention. Addressing this issue proactively, rather than retroactively, offers numerous benefits and ensures a harmonious coexistence of increased vibrancy with the city's inhabitants. It's evident that the city's noise regulations, particularly when it comes to amplified sound and special events, could benefit from a comprehensive review and clarification to ensure that they are clear, consistent, and practical for all stakeholders involved.

**16 Proactive Approach to Growing Entertainment Scene:** Sacramento's push for more live performances and events signals the city's commitment to enhancing its cultural and entertainment offerings. However, with the increase in such events, there will inevitably be an uptick in noise levels and potential sound-related disturbances. Addressing sound regulations now ensures that the city is prepared, rather than scrambling to react when challenges arise.

- Phased Approach Ensures Effectiveness: Updating sound and noise ordinances in phases allows for:
  - A gradual adjustment for stakeholders, reducing shock and resistance.
  - An opportunity to collect feedback after each phase, making necessary adjustments for more effective final regulations.
  - Adequate time for public education and awareness campaigns.
- Enhanced Management Tools for City Departments: Providing city departments with a well-defined framework and the tools to manage sound impact means:
  - More efficient enforcement of regulations.
  - A streamlined process for granting permissions for events, ensuring that organizers are well-aware of sound guidelines.
  - Reduction in complaints and disturbances reported by residents, leading to fewer conflicts and a more harmonious environment.
- Avoiding Pitfalls of Rapid Cultural Growth: It's essential for Sacramento to avoid becoming a victim of its own success. By not addressing sound issues, the city risks:
  - Alienating residents who might feel that their peace is being compromised for the sake of entertainment.
  - Deterring performers and event organizers who might face backlash due to unclear sound regulations.
  - Potentially inhibiting the growth of the city's cultural scene due to unresolved sound-related challenges.



## RECOMMENDATIONS

### FOR RESOURCING PERMITTING REVIEW

The permit review process in Sacramento urgently requires dedicated resources to ensure that it is efficient, consistent, and meets the needs of the community. This will involve not only allocating more staff to this critical area but also ensuring they have the tools and training needed to excel in their roles.

- **Resource Allocation for Permit Review:** City organizations should evaluate their current structure and consider dedicating more staff specifically to the permit review process.
- **Specialized Training:** Provide training sessions for staff to enhance their expertise in niche areas of permit review, ensuring that complex applications are handled appropriately.
- **Streamline the Process:** Implement a more streamlined permit review process, perhaps using digital platforms or automation where feasible, to reduce manual workload.
- **Feedback Mechanism:** Establish a system for applicants to provide feedback on their experience with the permit review process. This feedback can be invaluable in identifying bottlenecks or areas needing improvement.
- **Periodic Review:** Conduct periodic reviews of the permit process to ensure it remains efficient and effective, adjusting resources as necessary.



# Next Steps

## Next Steps to Move Forward:

- **Coordinate with Key Stakeholders:** Reach out to the Sacramento Arts, Culture, and Creative Economy Commission Members and the California Capitol Venue Coalition to plan Policy Feedback Sessions.
- **Geographic Focus:** Ensure that these Policy Feedback Sessions are held in each of the eight districts that make up the city.
- **Agenda Setting:** Prepare a structured agenda for the sessions that includes discussions on proposed policy recommendations, specific needs and desires of each district, and the concept of community sound management.
- **Community Outreach:** Actively invite community members and other interested parties to participate in the sessions, ensuring diverse and comprehensive input.
- **Communicate Objectives:** Clearly articulate the dual goals of increasing opportunities for local artists while maintaining community sound management to mitigate noise concerns.
- **Collect Feedback:** Actively listen and collect data on the needs and preferences of each district during these sessions.
- **Synthesize and Report:** After all sessions are concluded, compile the feedback into a summary report to inform policy recommendations.
- **Follow-Up:** Schedule follow-up meetings or communications with both the Sacramento Arts, Culture, and Creative Economy Commission and the California Capitol Venue Coalition to review the feedback and discuss next steps in policy creation or modification.