



Maximum Capacity Means Nada at Popular Bars

By Jamie Goldberg and Matt Sarnecki
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The bar-goers appear unconcerned as they jostle for drinks and maneuver through a mass of dancing bodies at Blondie's Bar and No Grill. In a back room, a second bar provides momentary relief from the crowd. But it too is quickly filling up.

"Is it always this crowded?" a Mission Loc@l reporter asks the bartender.

"This isn't crowded," he says.

Well, it's more crowded than it should be. At 10:15 p.m. on a recent Saturday night, Mission Loc@l counted 146 people. A sign behind the entrance door, where a woman was accepting the \$5 cover charge from a seemingly endless line of patrons, read "Maximum Capacity 49."

A fire hazard? Yes. But don't expect the Fire Department to clamp down on such violations.

"It's not in our jurisdiction to police those [bars] with 49 or less," said Mindy Talmadge, the public information officer for the San Francisco Fire Department.

She's right. The Fire Department only regulates spaces that have applied to become a "place of public assembly" — a designation that, after an inspection and payment of a fee, allows a business to legally increase capacity beyond 49.

Of the four bar owners contacted for this article, two did not respond and two refused to speak on the record. Those owners said they can't apply for a public assembly permit because they have only one exit — but they also can't make a profit by allowing only 49 people inside at a time.

They have little to worry about in terms of fines from the city.

No one monitors bars with a stated maximum capacity of 49 on a regular basis. The Fire Department is the only city agency that monitors maximum capacity, and it only sends an inspector or a battalion chief to these bars if someone calls to complain. So bars regularly pack in as many people as come to the door.

About 40 percent of Mission bars — some 23 of roughly 59 venues — publicly list their maximum capacity at 49, and go unregulated. Another 20 don't post maximum capacity placards (a San Francisco Fire Code violation), but many of these, judging by their modest size, probably have designations of 49.

Of the popular drinking holes we visited on different Saturday nights, all had well over 49 patrons, and getting out in an emergency would have been difficult.

At 11:30 p.m., Casanova Lounge swarms with 109 patrons, and a human bottleneck at the bar slows anyone trying to get in or out. At 10:45 p.m., Amnesia is light on guests, but at a comedy performance two weeks prior, customers

packed into every square foot of available standing room. At 10:30 p.m., navigating through the crowd at the Latin American Club is a bit easier, but the bar is still double its maximum capacity.

“I guess I wouldn’t know what capacity looks like,” says Diana, standing in the back of the Latin American Club, far from the only exit.

Inside Blondie’s, Sasha and Kim laugh and shake their head when asked if everyone could make it out in a fire.

“Not if you’re in the back,” Sasha says.

That doesn’t seem to bother most bar-goers. Kim doesn’t think the bar should monitor capacity. “That’d be a mood-killer,” she says.

True, but should you expect to be able to get out in a fire?

“That’s why we have maximum occupancy,” says Talmadge from the Fire Department.

It’s designed, she said, to protect customers in case of a fire or emergency. In 2003, 21 people died in a stampede at the E2 nightclub in Chicago, and more than 100 patrons died in a 2003 fire at the Station nightclub in Rhode Island — incidents that led to maximum capacity crackdowns by fire departments in Chicago, Rhode Island, Wisconsin, Iowa and Florida, among others. But in San Francisco, regulation remains lax.

In Los Angeles, all bars are regulated regardless of size. LAFD Inspector Jim Fisher says local fire stations inspect bars with maximum occupancies of 49 at least every three years, and they generally visit each bar a second time, unannounced, so that the fire station is familiar with the layout in case of an emergency.

In San Francisco, any new small restaurant or bar can receive a maximum capacity designation of 49 without applying for a place of public assembly permit, according to Talmadge. Every bar needs to satisfy an initial safety inspection to open its doors, but there’s no follow-up inspection.

For a place of public assembly designation for any capacity above 49, the owner must pay for a permit and face yearly, unannounced inspections. But bars that choose to pass on the permit and illegally exceed the 49-person capacity are unregulated, according to Talmadge.

Still, SFFD Inspector Brett Ewart was surprised that illegal overcrowding was happening in the Mission.

“It sounds like there is a problem with people trying to get away with overloading the room,” Ewart said. “We’re going to have to check on this type of problem.”

Obtaining a public assembly permit would be impossible for many smaller bars in the Mission, because venues must have at least two exits to qualify for a legal maximum capacity over 49 — something that the Latin American Club, Casanova, Blondie’s and many other bars in the Mission don’t seem to have.

In addition, if a bar is small, applying for a public assembly permit could actually lower the permitted capacity below 49, according to Inspector Chin of the San Francisco Bureau of Fire Prevention. If a venue doesn’t apply for a permit, it is designated for a capacity of 49 without any calculations or inspections.

When a business does apply for the public assembly permit, formulas kick in. Maximum capacity is determined by an equation that takes into consideration the number of exits, square footage and seating, according to the San Francisco Fire Code.

Businesses with standing-room only are allowed one person per five square feet, but if they have only one exit, there's no exceeding a maximum capacity of 49 and no applying for a public assembly permit.

That leaves few options for bars with only one exit, so many just ignore the number.

Outside of a bar with a maximum capacity of 49, a bouncer says he doesn't let more than 49 people enter. He keeps an "accurate" total on a counter that he holds.

But inside, the bar is approaching double its maximum capacity.

"Sometimes you get a little bump and it's hard to tell when people come and go so quickly," says the bouncer, who declines to give his name for fear of being fired.

Another bouncer says he determines how many people to allow in "by feel."

The Fire Department does not mandate that bars have anyone minding the entrance, and it's clear that even if someone is, maximum capacity is not a top priority.

"Yes, it's obviously over capacity. I can see that," says one bouncer when pushed about the law.

"I don't know the rules. When they tell me to stop letting people in, I do," he adds, referring to the staff inside the bar.

If a complaint is filed and fire inspectors see that a bar is over capacity, the owner could receive a citation, and the venue could even be shut down in severe situations. But since customers don't seem to mind the congestion, there's little chance the Fire Department will get many complaints.

Outside Blondie's, a pair of girls from France take a cigarette break.

"You know, we are French. We don't care about our health. We smoke, we drink," says Diane, who declines to give her last name.

And inside the Latin American Club, Karl shrugs when asked if he ever thinks about his safety in overcrowded bars.

"It's willful ignorance," he says, taking another gulp of beer.