

San Francisco Arts Commission

March 17, 2016

Edwin M. Lee
Mayor

Tom DeCaigny
Director of Cultural Affairs

401 Van Ness Avenue, Suite 325
San Francisco, CA 94102

SFAC Galleries
401 Van Ness Avenue, Suite 126
San Francisco, CA 94102

Street Artists Licensing
401 Van Ness Avenue, Suite 124B
San Francisco, CA 94102

tel 415-252-2100
fax 415-934-1022
sfartscommission.org
facebook.com/sfartscommission
twitter.com/SFAC

Ms. Angela Calvillo
Clerk of the Board
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Subject: Resolution approving designation of four (4) selling spaces on Market Street, north side, Drumm to Spear streets, for street artists certified by Arts Commission; exempting spaces from Police Code Section 2405 relating to street artist display size, distance from entrances, distance from crosswalks, and distance between artists



City and County of San Francisco

Dear Ms. Calvillo:

On behalf of the Arts Commission and its licensed street artists, we are respectfully requesting that you please submit to the Board the enclosed resolution approving designation of four (4) street artist selling spaces on Market Street, north side, at Spear Street, and exempting the spaces from the regulations of Police Code Section 2405(c)(1), (c)(2), (c)(3), and (c)(4) which relate to street artist display size; exempting the spaces from Section 2405(c)(6) which relates to street artist distance from entrances; exempting two of the spaces from Section 2404(c)(9) which relates to street artist distance from crosswalks; and exempting the spaces from Section 2405(c)(11) which relates to distance between street artist booths.

On December 7, 2015, the full Arts Commission unanimously voted to request the Board of Supervisors for designation of the 4 spaces subject to their exemptions from the above Police Code section. Please see the attached map which shows the proposed spaces in relation to the existing street artist spaces on the same block of Market Street, Drumm to Steuart streets. Please also see the attached map

showing a closer view of the proposed spaces in relation to the sidewalk dimensions.

Ordinance No. 388-83 authorizes the Board of Supervisors in a resolution designating or re-designating spaces in a street artist area to exempt the area from one or more of the regulations of Police Code Section 2405(c) so long as the Board finds that the exemption will not be inconsistent with or interfere with the purposes of the regulation from which the area is exempted. (Since 1983, the Board has designated and re-designated various street artist spaces in over 40 resolutions.)

The reasons for requesting the exemptions for the proposed 4 spaces are as follows:

- 1) The extremely wide (48 1/2 feet) sidewalk can easily allow for an increased size of the artists' booths – 10 feet wide x 10 feet long x 7 feet tall – so long as the spaces are exempted from the regulations that prescribe booth size as 3 feet by 4 feet x 5 feet.
- 2) While Section 2405(c)(16) mandates that a street artist maintain a pedestrian passageway of at least 8 feet, the size of this 48 1/2-foot wide sidewalk, even with the increased size of the artists' booths, would still allow for a pedestrian passageway of 19 1/2 feet between the front of the booths and the adjacent Hyatt Regency Hotel (over two times the required passage width) and a pedestrian passageway of 19 feet from the rear of the booths to the sidewalk's curb (again, over two times the required passage width).
- 3) The increased size of the proposed 4 spaces would be in keeping with the same size as that of 16 of the existing spaces on the same sidewalk, as previously provided by Board of Supervisors Resolutions Nos. 050-13, 90-13, and 270-09.

- 4) Section 2405(c)(6) requires that a street artist not sell within 10 feet of the outer edge of an entrance as measured parallel to a building line and then at a 90-degree angle to the curb. One of the proposed 4 spaces would be situated opposite the entrance of a railed driveway descending to a side entrance of the Hyatt; the 1 space, therefore, would require exemption from the regulation. Nevertheless, this and the 3 other proposed spaces would be 19 ½ feet away from the hotel's railing (over two times the mandated size of pedestrian passageway).
- 5) Section 2405(c)(9) prohibits a street artist from selling within 5 feet of a crosswalk. While 2 of the proposed 4 spaces would be situated opposite a crosswalk, the 2 spaces would be 19 feet away from the crosswalk and maintaining a pedestrian passageway over twice the required size. Furthermore, opposite the crosswalk, also 19 feet away, are a tree and a lamp pole which do not hinder the flow of pedestrians emanating from or going to the crosswalk.
- 6) While Section 2405(c)(11) requires street artists to not have their booths within 5 feet of each other, we are requesting an exemption from this requirement in order to allow for the increased width size (as mentioned above) of the proposed 4 booths in keeping with the increased size provided by the Board for the existing 16 10 x 10 spaces

We would greatly appreciate your submitting the enclosed resolution to the Board for its referral to the Land Use Committee.

An electronic version of this legislation is also being sent to you.

If you have questions, please call me: 252-2583.

Sincerely,

Howard Lazar
Street Artists Program Director

March 24, 2016
Page 4

Attachments: (a) Original resolution draft and 3 copies
b) Map of proposed 4 spaces with existing spaces on
on Market Street, Spear to Steuart streets
c) Map in closeup of proposed 4 spaces

Cc: Arts Commissioners Barbara Sklar, Greg Chew, Simon Frankel,
Marcus Shelby, Janine Shiota – Street Artists Program
Committee
Director of Cultural Affairs Tom DeCaigny
Deputy Director Rebekah Krell
Street Artists Program Assistant Alyssa Licouris
Street Artists Clare Cade, Katie Carrin, Xiu Shi, Tad Sky, Maria
Sky