

1 [Transportation, Administrative Code - Temporary Street Use Permits and Closures]

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3 **Ordinance amending Division I of the Transportation Code to reorganize provisions**  
4 **governing the Interdepartmental Staff Committee on Traffic and Transportation**  
5 **(ISCOTT); authorize the Director of Transportation to approve temporary street use**  
6 **permits under certain circumstances; amending the Administrative Code to authorize**  
7 **the Director of Transportation to approve certain street closures proposed by**  
8 **Community Benefits Districts under the downtown entertainment event activation**  
9 **program; and affirming the Planning Department’s determination under the California**  
10 **Environmental Quality Act.**

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

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

19 Section 1. Environmental Findings.

20 (a) The Planning Department has determined that the actions contemplated in this  
21 ordinance comply with the California Environmental Quality Act (California Public Resources  
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
23 Supervisors in File No. 260449 and is incorporated herein by reference. The Board affirms  
24 this determination.  
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1 Section 2. Division I of the Transportation Code is hereby amended by revising  
2 Sections 6.1, 6.2, and 6.6 and by adding Section 6.18 to read as follows:

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4 **SEC. 6.1. INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND**  
5 **TRANSPORTATION (ISCOTT).**

6 (a) ISCOTT. There is hereby established a committee to be known as the  
7 Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT);

8 (b) Membership. ~~ISCOTT shall consist of the following departments and~~  
9 agencies or their designated representatives ~~from the following departments and agencies:~~

10 (1) Municipal Transportation Agency (MTA);

11 (2) Planning;

12 (3) Public Works;

13 (4) Police;

14 (5) Fire;

15 (6) Public Health; and

16 (7) Entertainment Commission.

17 (c) Chair. The Director of Transportation shall serve as Chair of ISCOTT.

18 (d) Recycling Plans. The Director of Administrative Services of the City and  
19 County of San Francisco or the Director's designee shall review recycling plans submitted  
20 pursuant to Section 6.5 and recommend any conditions to ISCOTT that should be imposed on  
21 any applicant.

22 (e) Consultation. In exercising its powers ISCOTT shall consult with any other City  
23 department or agency that could be affected by any temporary use or occupancy of a public  
24 street.

25 (f) Authority. ISCOTT shall have the authority to take all acts reasonably

1 necessary for it to carry out any duties imposed upon it by law.

2 (g) Public Hearing. *Except for applications reviewed under Section 6.18, B*efore acting  
3 on any application for temporary use or occupancy of public streets, street fair or an athletic  
4 event, ISCOTT shall conduct a public hearing at a publicly noticed time and place to be  
5 determined by ISCOTT.

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7 **SEC. 6.2. REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY**  
8 **OF PUBLIC STREETS; PROCEDURE.**

9 \* \* \* \*

10 (j) If the Director of Transportation denies the application after the appeal described in  
11 the preceding subsection (i), the applicant may then appeal the decision to the Board of  
12 Supervisors. Such appeal shall be made by filing the appeal with the Clerk of the Board, on a  
13 form provided by the Clerk, within five working days of the Director of Transportation’s  
14 disapproval. The Board may establish a fee to be imposed upon the filing of any such appeal.  
15 Upon receipt, the Clerk shall set a time and place for hearing such appeal by the Board of  
16 Supervisors, which hearing shall be at the Board’s next regular meeting, provided that all  
17 applicable public notice requirements are satisfied. The Board shall conduct the hearing  
18 according to the same standards of review as set forth in Section 6.2(e). Upon hearing the  
19 appeal, and after any further investigation that the Board may request, the Board may affirm,  
20 reverse or modify the Director of Transportation’s decision. The decision of the Board  
21 regarding the appeal shall be final. The Clerk of the Board shall transmit copies of any  
22 legislation approving a temporary street closing to the Director of Public Works, Chief of  
23 Police, the Fire Chief, the Superintendent of Emergency Hospital Service of the Department of  
24 Public Health, the Executive Director of the Entertainment Commission, and the Director of  
25 Transportation. For major events, the Clerk shall transmit copies of any legislation approving a

1 temporary street closing to the Director of EMSEO.

2 \* \* \* \*

3 (l) **Late Application.** Should the applicant file an application for a proposed  
4 temporary use or occupancy fewer than 30 days prior to the date of the proposed use or  
5 occupancy, and not far enough in advance of the proposed use or occupancy to allow  
6 ISCOTT to consider the application at a regularly scheduled meeting of ISCOTT, then the  
7 Director of Transportation shall have the responsibility and duty to consider and approve or  
8 disapprove the application after consulting with the members of ISCOTT. The Director of  
9 Transportation shall conduct a public hearing for which notice shall be posted at least 24  
10 hours in advance of the hearing at the Municipal Transportation Agency, the main library, and  
11 at the Office of the Clerk of the Board of Supervisors. At the hearing, the applicant and  
12 interested persons shall have an opportunity to present oral testimony and written materials in  
13 support of their position. The Director of Transportation shall conduct the hearing according to  
14 the same standards of review as set forth in Section 6.2(e) hereof. Notice of the Director of  
15 Transportation’s action of approval or disapproval shall be submitted to the Chief of Police,  
16 the Chief of the Fire Department, the Director of Public Health, the Director of Public Works,  
17 and the Executive Director of the Entertainment Commission, and shall be maintained as a  
18 matter of record. In the event the Director of Transportation disapproves the application, the  
19 applicant shall have the right to appeal the Director of Transportation’s decision to the Board  
20 of Supervisors in accordance with the same terms and conditions as set forth in Section  
21 6.2(ej).

22 **SEC. 6.6. TEMPORARY USE OF STREETS FOR STREET FAIRS.**

23 \* \* \* \*

24 (d) ~~Review of Application~~Review of Application.

25 (H) Upon receiving an application for permission for the temporary use of a

1 street for purposes of conducting a street fair, the Director of Transportation shall review the  
2 application to determine whether the information required in the application has been  
3 provided. If the Director of Transportation determines that the applicant has failed to provide  
4 the information required, the Director of Transportation shall, within five business days of  
5 receiving the application, notify the applicant of what additional information is required. If the  
6 applicant fails to provide the additional information required within five business days of  
7 notification by the Director of Transportation, the application shall be deemed to be untimely  
8 filed; provided, however, that upon good cause shown, the Director of Transportation may  
9 extend this five-day period. Except as provided in Section 6.18 Subsection (2) of this Section, the  
10 Director of Transportation shall transmit the completed application to ISCOTT.

11 ~~(2) If, upon reviewing the application, the Director of Transportation determines  
12 that the proposed street fair will be contained within one block in such a manner that no intersections  
13 will be closed, and that the proposed street fair will not require the rerouting of Municipal Railway  
14 vehicles, the Director of Transportation may grant the street fair permit without referring the  
15 application to ISCOTT; provided, however, that the Director of Transportation shall transmit copies of  
16 the applications to the constituent members of ISCOTT for informational purposes. The Director of  
17 Transportation will calculate the fee to be charged to the sponsor using the same schedule and in the  
18 same manner as prescribed in Subsection (f) of this Section. If such a street fair will include the sale of  
19 food or beverages, the appropriate permits shall be obtained from the Department of Public Health no  
20 later than 14 days prior to the date of the event. If such a street fair will include the use of propane or  
21 butane (liquefied petroleum gas), open flames, pyrotechnics and fireworks, or tent or membrane  
22 structure, the appropriate permits shall be obtained from the Fire Chief no later than 10 days prior to  
23 the date of the event.~~

24 (e) **Review by ISCOTT; ~~Recommendation~~Recommendation.** Except as provided in  
25 ~~Subsection (d)(2) of this~~ Section 6.18, no later than 60 days prior to the proposed date of the

1 street fair, ISCOTT shall review the application and shall recommend that the Director of  
2 Transportation grant, deny, or grant with conditions the application for a permit. The Director  
3 of Transportation may accept or reject the recommendation of ISCOTT, and may grant, deny  
4 or grant with conditions the application applica-tion for a permit. Upon granting permission to  
5 conduct a street fair, the Director of Transportation Transporta-tion shall cause all necessary  
6 permits to be issued to the sponsor of the street fair. If the Director of Transportation denies  
7 permission to conduct the street fair, the Director of Transportation shall state in writing the  
8 Director's his-or-her reasons for the denial.

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10 **SEC. 6.18 DIRECTOR OF TRANSPORTATION APPROVAL OF CERTAIN TEMPORARY**  
11 **STREET USE PERMITS.**

12 (a) Application. Notwithstanding any other provisions of this Article 6, the Director of  
13 Transportation ("Director") may grant a permit for the temporary use or occupancy of a public street  
14 under Section 6.2, or the temporary use of streets for street fairs under Section 6.6, including for events  
15 that qualify as major events as defined in Section 6.3, if upon review of the application the Director  
16 determines that the proposed use:

17 (1) Will be contained within 3 blocks;

18 (2) Will not close any intersections;

19 (3) Will not require the rerouting of any SFMTA revenue vehicles; and

20 (4) Is necessary for the safety and protection of persons who will use that portion of the  
21 street during the temporary street closure.

22 (b) Informing ISCOTT Members: The Director may grant a permit under subsection (a) of  
23 this Section 6.18 without referring the application to ISCOTT. The Director shall transmit copies of  
24 such applications to the members of ISCOTT for informational purposes.

25 (c) Fees. The Director shall calculate the fee to be charged to the applicant in the same

1 manner that fees are prescribed in Sections 6.2 and 6.6.

2 (d) **Public Notice.** The Director shall issue rules and regulations specifying a process for the  
3 applicant to post notice of an application and provide the public an opportunity to submit written  
4 public comment on the application.

5 (e) **Other Permits Required.**

6 (1) If a proposed use will include the sale of food or beverages, the applicant shall  
7 obtain the appropriate permits from the Department of Public Health no later than 14 days before the  
8 date of the event.

9 (2) If a proposed use will include the use of propane or butane (liquefied petroleum  
10 gas), open flames, pyrotechnics or fireworks, or a tent or membrane structure, the applicant shall  
11 obtain the appropriate permits from the Fire Chief no later than 10 days before the date of the event.

12 (f) **Application Timeline.** The permit applicant must submit their application under this  
13 Section 6.18 to the Director at least 30 calendar days before the date of the event. The Director may  
14 accept an emergency application for a proposed temporary use or occupancy scheduled to occur fewer  
15 than 30 calendar days after the application date if the Director determines that the applicant has  
16 demonstrated that an extraordinary emergency exists that requires the street closure.

17 (g) **Reconsideration and Appeal.** If the Director denies an application, the applicant may  
18 submit a request for reconsideration to ISCOTT within five working days of the Director's decision. If  
19 ISCOTT denies the request for reconsideration, the applicant may file an appeal with the Board of  
20 Supervisors within five working days of ISCOTT's decision under the procedures in subsection (j) of  
21 Section 6.2. If the Director denies an application for emergency consideration, the applicant may file  
22 an appeal directly to the Board of Supervisors within five working days of the Director's decision  
23 under the procedures in subsection (j) of Section 6.2.

24 (h) **Inapplicable.** This Section shall not apply to permits for Roadway Shared Spaces described  
25 under Section 6.16 or to permits for athletic events described in Sections 6.10 through 6.14.

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Section 3. The Administrative Code is hereby amended by revising Sections 94D to read as follows:

**SEC. 94D.2. POLICIES, OBJECTIVES, AND INTERAGENCY COORDINATION.**

\* \* \* \*

(c) San Francisco Municipal Transportation Agency. Any street closure proposed by the CBD Nonprofit must be reviewed and approved by the Interdepartmental Staff Committee on Traffic and Transportation (“ISCOTT”) consistent with Transportation Code, Division I, Article 6, *by the Director of Transportation under Transportation Code, Division I, Article 6, Section 6.18*, or by the San Francisco Municipal Transportation Agency (“SFMTA”) Board of Directors consistent with Transportation Code, Division II, Article 200.

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Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, 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 5. 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

