

## **LEGISLATIVE DIGEST**

[Public Works, Police Codes - Sidewalk Flower Stand Permits]

**Ordinance amending the Public Works Code to enhance and modify the sidewalk flower stand permit program by, among other things, 1) updating and clarifying the applicable fees, 2) authorizing Public Works to consult with the Office of Small Business to identify and evaluate eligible permit applicants, 3) updating permit application requirements, 4) supplementing permit conditions and restrictions, 5) establishing minimum operating hours of 35 hours per week, 6) requiring permittees to be present at sidewalk flower stands for at least 50% of the applicable hours of operation and to dedicate a minimum of 75% of the sidewalk flower stand for the sale or storage of certain eligible flowers and plants, 7) prohibiting the leasing or sub-leasing of sidewalk flower stands, and 8) prohibiting the sale, assignment, inheritance, or transfer of flower stand permits; amending the Police Code to authorize Public Works to impose, assess, and collect administrative penalties; and affirming the Planning Department's determination under the California Environmental Quality Act.**

### Existing Law

Currently, the Department of Public Works regulates Street Flower Market permits under Article 5 of the Public Works Code. Article 5 identifies nine "Street Flower Market" areas where a total of 16 sidewalk flower-vending stands have been installed on City sidewalks and are eligible to be operated by one permittee per stand.

### Amendments to Current Law

This ordinance would amend the Public Works Code to enhance and modify the sidewalk flower stand permit program by implementing the changes described below. The ordinance would:

- Clarify and update the applicable fees, which would consist of an initial permit application fee of \$1,299 and, thereafter, an annual permit renewal fee of \$1,299; these fees cover the administrative costs of the program. In addition, permittees would pay an annual right-of-way occupancy fee for the use of the sidewalk.
- Authorize Public Works to consult with the Office of Small Business, which will assist with the identification and evaluation of eligible permit applicants.
- Update permit application requirements.

- Supplement and update permit conditions and restrictions, including requiring permittees to be solely responsible for the costs of installing, repairing, modifying, and removing the permittee's sidewalk flower stand.
- Require a permittee to restore the sidewalk to a condition acceptable to the Director of Public Works, if a permittee were to remove a sidewalk flower stand.
- Establish minimum operating hours of 35 hours per week.
- Require permittees to be present at sidewalk flower stands for at least 50% of the applicable hours of operation and to dedicate a minimum of 75% of the sidewalk flower stand for the sale or storage of certain eligible flowers and plants.
- Prohibit the leasing or sub-leasing of sidewalk flower stands.
- Prohibit the sale, assignment, inheritance, or transfer of flower stand permits.
- Authorize the Department of Public Works to impose, assess, and collect administrative penalties for permit violations.
- Remove the designation of permit violations as misdemeanors.

#### Background Information

Once home to dozens of sidewalk flower stands, San Francisco now has four active sidewalk flower stands while twelve sidewalk flower stand locations within the nine Street Flower Market areas identified in Article 5 of the Public Works Code remain inactive and available for operation. This ordinance would amend the sidewalk flower stand permit program to better equip the Department of Public Works and the Office of Small Business to activate sidewalk flower stand locations that are currently underutilized.