

**San Francisco  
Arts Commission**

Edwin M. Lee  
Mayor

Tom DeCaigny  
Director of  
Cultural Affairs

Programs:  
Civic Art Collection  
Civic Design Review  
Community Arts & Education  
Cultural Equity Grants  
Public Art  
SFAC Galleries  
Street Artist Licensing

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City and County of  
San Francisco

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 5 selling spaces on Market Street, north side, at Spear Street, for Saturday use by street artists certified by Arts Commission; exempting spaces from Police Code Section 2405 relating to street artist display size, distance from entrances, and distance between displays

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 five (5) 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 1405(c)(6) which relates to street artist distance from entrances; and exempting the spaces from Section 2405(c)(11) which relates to distance between street artist booths.

On February 4, 2013, the full Arts Commission unanimously voted to request the Board of Supervisors for designation of the 5 spaces subject to their exemptions from the above Police Code section. Please see the enclosed map which shows the proposed spaces.

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 5 spaces are as follows:

- 1) The extremely wide (46 feet) sidewalk can easily allow for an increased size of the artists' booths – 8 feet wide x 10 feet long x 7 feet tall – so long as the spaces are exempted from 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 sidewalk, even with the increased size of the artists' booths, would still allow for a pedestrian passageway of 31 feet, or nearly 4 times the required passage width.
- 3) The increased size of the proposed 5 spaces would be in keeping with the same size as that of 15 existing spaces on the same sidewalk, as previously provided by Board of Supervisors Resolutions No. 142-12 and No. 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. While the proposed 5 spaces would be situated opposite a public entrance and a service entrance of the Hyatt Regency hotel, they would be a distance of 31 feet opposite and away from the hotel's doors thereby permitting, as stated above, nearly 4 times the mandated size of a pedestrian passageway between the building the artists' booths.

Furthermore, the enclosed resolution specifies that the proposed 5 spaces not be occupied by artists when the hotel hosts a major event. (The hotel's General Manager has

agreed to alert the Arts Commission's Street Artists Program in advance of any such event.)

- 5) 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 5 booths in keeping with the increased size provided by the Board for the existing 15 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

Attachments: (a) Original resolution draft and 3 copies  
(b) Map of spaces on Market Street at Spear to Street  
(includes existing spaces "B-11" and "B-12")

Cc: Arts Commissioners Greg Chew, John Calloway, Amy Chuang,  
Jessica Silverman – Street Artists Program Committee  
Director of Cultural Affairs Tom DeCaigny  
Deputy Director Rebekah Krell  
Street Artists Program Assistant Alyssa Licouris  
Mr. David Lewin, General Manager, Hyatt Regency  
Mr. John Tunui, Street Artist Market Manager, Justin Herman  
Plaza  
Mr. Tad Sky, Street Artist and former Market Manager

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# HYATT HOTEL



4 Ballroom  
glass doors

Doors

Doors

Service Entry: roll  
down/up doors

Metal  
doors

31'

46'

Existing Permanent Spaces

Proposed New Spaces



8'



Pole

10'

Newsracks

Newsracks

**Size of Existing Spaces:**

B-11 & B-12 = 8' x 10'

**Size of Proposed Spaces:**

B13 = 8' x 9'

B14 & B15 = 8' x 10'

B16 = 8' x 7'

B17 = 8' x 10'

Market Street

1/8" = 1' 0"  
HL/AL  
1/22/13