

1 [Administrative, Public Works, and Transportation Codes - Places for People]

2

3 **Draft Ordinance 1) amending the Administrative Code to modify the Places for People**
4 **Program to clarify the roles and responsibilities of various departments regarding**
5 **activation and use of City property and the public right-of-way; streamline the**
6 **application process; specify minimum programmatic requirements such as public**
7 **access; temporarily waive permit application fees; and provide for the conversion of**
8 **existing Parklet and Shared Spaces permittees to the Places for People Program; 2)**
9 **amending the Public Works Code to create a Places for People Curbside permit fee;**
10 **provide for public notice and comment on permit applications, and hearings for**
11 **occupancy of longer-term street closures; and supplement enforcement actions by**
12 **Public Works; and 3) amending Division I, Article 6 of the Transportation Code to**
13 **authorize the Interdepartmental Staff Committee on Traffic and Transportation**
14 **(ISCOTT) to issue permits for the temporary occupancy of the Traffic Lane for**
15 **purposes of issuing permits for Roadway People Places as part of the Places for**
16 **People Program, subject to delegation of authority by the Municipal Transportation**
17 **Agency Board of Directors to temporarily close the Traffic Lane, and adding the**
18 **Planning Department as a member of ISCOTT; amending Division I, Article 7 to add**
19 **Section 7.2.55 to prohibit parking in a zone on any street, alley or portion of a street or**
20 **alley that is subject to a posted parking prohibition except for the purpose of loading or**
21 **unloading passengers or freight; making findings of consistency with the General Plan,**
22 **and the eight priority policies of Planning Code, Section 101.1; and affirming the**
23 **Planning Department’s determination under the California Environmental Quality Act.**

24 **NOTE: Unchanged Code text and uncodified text** are in plain Arial font.
25 **Additions to Codes** are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.

Board amendment deletions are in ~~strikethrough~~ Arial font.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms this determination.

(b) On _____, the Planning Department determined that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts this determination as its own. A copy of said determination is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

(c) On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus ("COVID-19"). On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency.

(d) On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19.

(e) On March 6, 2020, the City's Health Officer declared a local health emergency, and the Board of Supervisors concurred in that declaration on March 10, 2020. Since that time, the City's Health Officer had issued various health orders, including a Stay-Safer-At-Home order, requiring most people to remain in their homes subject to certain exceptions

1 including obtaining essential goods such as food and necessary supplies, and requiring the
2 closure of non-essential businesses. The Health Officer has amended the Stay-Safer-At-
3 Home Order to modify the interventions needed to limit the transmission of COVID-19.

4 (f) The Stay-Safer-At-Home order allowed restaurants and retail businesses to
5 conduct their operations outside, where the risk of transmission of COVID-19 is generally
6 lower. Due to the density of San Francisco, many restaurants and businesses do not have
7 significant amounts of outdoor space as part of their premises.

8 (g) On June 9, 2020, the Mayor issued the 18th Supplement to the Proclamation
9 declaring a local emergency to create a temporary program (“Shared Spaces”) for retail
10 businesses and restaurants to occupy the public sidewalk and parking lane fronting their
11 premises for retail businesses to display and sell goods and merchandise and offer services
12 and for restaurants to place tables and chairs to offer outdoor dining, subject to certain
13 conditions. The 18th Supplement found that authorizing the use of more outdoor spaces like
14 sidewalks, parking lanes, and other City property would allow restaurants and retail to spread
15 out their wares and services to safely comply with the physical distancing requirements in the
16 Health Officer’s orders and directives. The 18th Supplement also found that temporarily
17 allowing restaurants and retail businesses to use more outdoor spaces and take greater
18 advantage of the reopening authorizations while waiving City fees associated with such uses
19 would ease the economic burden on these businesses and allow some employees to return to
20 work, thus promoting the housing and health stability of these workers.

21 (h) The Mayor issued several subsequent Supplements to the Proclamation
22 declaring a local emergency in order to expand opportunities for businesses to conduct
23 operations in additional types of outdoor places. On July 28, 2020 the Mayor issued the 23rd
24 Supplement, which allowed for Shared Spaces in outdoor areas of privately-owned parcels
25 such as open lots, rear yards and courtyards. On August 26, 2020, the issued the 26th

1 Supplement, which allowed for recurring temporary street-closures. On September 25, 2020
2 the Mayor issued the 27th Supplement, which allowed for entertainment, arts & culture
3 activities to take places as accessory to commercial activities as permitted by public health
4 directives.

5 (i) The Shared Spaces Program adapts many proven, successful techniques for
6 safely activating the public realm in a community-focused manner. Pre-existing precedents
7 include the Parklet and Plaza Programs; Play Streets and Neighborhood Block Parties. Pre-
8 existing commercial permits such as sidewalk merchandising and sidewalk tables & chairs
9 were also streamlined for Shared Spaces.

10 (j) The Shared Spaces Program has impacted a diverse set of small-business
11 owners. Of respondents to a survey administered to Shared Spaces applicants (“Survey”),
12 over 50% are women-owned enterprises, 33% are immigrant-owned small businesses, and
13 another 33% identify as ‘minority owned’.

14 (k) The Shared Spaces Program is perceived by locally-owned businesses as
15 imperative to their survival during and beyond the pandemic. 84% of respondents to the
16 Survey said that the Shared Spaces Program allowed them to reopen under public health
17 directives. Another of 80% of respondents said the Program allowed them to avoid permanent
18 closure. 94% of respondents said they would operate an outdoor Shared Space even if
19 they’re allowed to operate indoors.

20 (l) On Tuesday, July 13, 2020, the Small Business Commission issued a resolution
21 to Mayor Breed, the Board of Supervisors, and City Departments that expressed its support of
22 the Program and posed a list of recommendations to aid in the expansion of the Program, with
23 a particular emphasis on need to ensure equity participation in the program.

24 (m) The Board of Supervisors have twice formally expressed their support of the
25 Program. On Tuesday, October 6, 2020, the Board of Supervisors passed a resolution in

1 support of Shared Spaces. On Tuesday, March 9, 2021, the Board of Supervisors passed an
2 urging resolution to make the Shared Spaces Program permanent.

3 (n) In addition to the positive economic impacts to small businesses, their owners,
4 employees, and families, the Shared Spaces Program delivers multiple other benefits to their
5 neighborhoods and to the City, including general civic, social, and psychological wellbeing.
6

7 Section 2. The Administrative Code is hereby amended by revising Sections 94A.1,
8 94A.2, 94A.3, 94A.4, 94A.5, 94A.6, 94A.7, 94A.8, 94A.9, 94A.10, 94A.11, to read as follows:

9 **SEC. 94A.1. THE PLACES FOR PEOPLE PROGRAM; ESTABLISHMENT AND**
10 **PURPOSE; CORE AGENCY JURISDICTION.**

11 (a) **Establishment and Purpose.** There is hereby created a San Francisco Places for
12 People Program (“Program” or “Places for People Program”). A People Place is intended to
13 be a temporary space on City-owned property, and in some cases also on ~~nearby~~ privately-
14 owned open spaces, where the public can gather and participate in various commercial or
15 non-commercial offerings and events. Under the Program, a public or private entity may
16 obtain City approval to create a People Place by occupying the location with reversible
17 physical treatments or improvements and/or activating the location with programming.

18 This Chapter 94A sets forth a streamlined process by which the Planning Department,
19 Department of Public Works, Municipal Transportation Agency, Department of Real Estate,
20 and Entertainment Commission (collectively, defined in Section 94A.2 as the “Core City
21 Agencies”), and their successor agencies or departments, if any, will coordinate the review
22 and approval of a request to occupy and activate such spaces and issue a permit to authorize
23 the use.

24 (b) **Core City Agency Jurisdiction Retained.** Each Core City Agency shall retain its
25 full authority under the City Charter and applicable Codes to authorize the use, impose

1 conditions on the “People Place Permit,” and enforce the Agency’s requirements. In particular,
2 this ~~Article 1-Chapter~~ 94A is not intended to (1) ~~to~~ be an alternative to the process for review
3 and approval of street closures and activities on public streets unrelated to the Places for
4 People Program by the Interdepartmental Staff Committee on Traffic and Transportation
5 (“ISCOTT”) or Municipal Transportation Agency Board contained in ~~Article 6~~ of the
6 Transportation Code or (2) ~~to~~ preclude the Director of Public Works from exercising the
7 authority to regulate activities on the public right-of-way under sections of the Public Works
8 Code that are unrelated to the Places for People Program. Consistent with the definition of a
9 People Place Permit in Section 94A.2, permits shall be issued by the designated Core City Agency.

10 ~~The procedures by which the Department of Public Works and Municipal Transportation~~
11 ~~Agency will review and approve a permit issued pursuant to this Chapter 94A are set forth in Section~~
12 ~~793et seq. of the Public Works Code (for Public Works) and Division II of the Transportation Code (for~~
13 ~~MTA). The Department of Real Estate procedures are set forth in Section 94A.8 of this Chapter. The~~
14 ~~Entertainment Commission’s jurisdiction over “Limited Live Performance Locales” is set forth in~~
15 ~~Section 1060 of the Police Code.~~

16 **SEC. 94A.2. DEFINITIONS.**

17 For purposes of this Chapter 94A, the following definitions shall apply:

18 “City Lot People Place” is a People Place occurring on property owned by the City.

19 “Core City Agencies” are the City departments and agencies participating in the
20 Places for People Program: the Planning Department (“Planning”), Department of Public
21 Works (“Public Works”), Municipal Transportation Agency (“MTA”), Department of Real Estate
22 (“Real Estate”), the Fire Department, and Entertainment Commission.

23 “Curbside People Place” is a People Place occurring in a portion of the curbside portion of a
24 city street. Curbside People Places include structures previously permitted by Public Works as a

1 Parklet, or a Shared Space during the COVID-19 pandemic. For purposes of the Places for People
2 Program, a Curbside People Place is further defined to include the following types:

3 (A) “Fixed **Commercial Parklet**” is a fixed encroachment placed in the curbside lane
4 that is used principally for commercial activity during specified business hours. During daylight hours
5 when the Curbside People Place is not being activated for commercial use, it is open to the public.
6 Pursuant to Section 94A.6, when the Fixed Commercial Parklet is being activated for commercial use,
7 the Steward must provide public seating, including but not limited to a public bench, which is
8 accessible to persons who are not patrons of the business.

9 (B) “Movable **Commercial Parklet**” is the use of the curbside lane principally for
10 commercial activity during specified business hours, where all structures and furniture are removed
11 from the right-of-way outside of the specified business hours. During daylight hours when the
12 Moveable Commercial Parklet is not being activated for commercial use, it is open to the public.
13 Pursuant to Section 94A.6, when the Moveable Commercial Parklet is being activated for commercial
14 use, the Steward must provide public seating, including but not limited to a public bench, which is
15 accessible to persons who are not patrons of the business.

16 (C) “**Public Parklet**” is the use of the curbside area that is fully accessible to the public
17 during daylight hours and is at no time used for commercial activities.

18 “**Integrated People Place**” is a People Place with activities occurring on a combination of
19 locations that are People Place Categories in close proximity to one another and operated by the same
20 Steward.

21 “**Longer-Term Closure**” has the same meaning as the term is defined in Division II of the
22 Transportation Code.

23 **“People Place”** is a publicly-accessible location approved under the Places for People
24 Program and located (a) on City-owned property, (b) on the sidewalk, ~~and/or~~ (c) in the
25 curbside lane or on all or any portion of the roadway between curbs, and/or (d) on private

1 property where the public can gather and participate in commercial or non-commercial
2 offerings and events. Such offerings and events may include, but are not limited to: retail,
3 cultural events, arts activities, and entertainment; food and drink; and general recreation. A
4 People Place is managed, fully or partially, by a Steward under a People Place Permit issued
5 under the Program and may involve the temporary and reversible installation and
6 maintenance of physical treatments, improvements, or elements.

7 **“People Place Categories”** ~~are~~ constitute the following types of People Places, as defined in
8 this Chapter 94A: (a) “City Lot People Place,” ~~which has activities occurring on property owned by~~
9 ~~the City;~~ (b) “Curbside People Place,” ~~which has activities occurring in a portion of the curbside~~
10 ~~lane of a roadway;~~ (c) “Roadway People Place,” ~~which has activities occurring in or on any portion~~
11 ~~of the roadway, except for activities occurring only in the curbside lane;~~ (d) “Sidewalk People
12 Place,” ~~which has activities occurring on a portion of sidewalk;~~ and (e) “Integrated People Place,”
13 ~~which is a single project with activities occurring on a combination of locations that are People Place~~
14 ~~Categories in close proximity to one another and operated by the same Steward.~~

15 **“People Place Permit”** is a permit issued under the Places for People Program
16 through its Core City Agencies that allows a Steward to create a People Place by temporarily
17 occupying and activating the location for a specified period of time. People Place permits shall
18 be issued by the Core City Agencies, as follows: Real Estate shall review and issue permits for City Lot
19 People Places pursuant to the procedures set forth in Section 94A.7 of this Chapter; Public Works shall
20 review and issue permits for Curbside and Sidewalk People Places pursuant to the procedures set forth
21 in Section 793 et seq. of the Public Works Code, provided that, the Director of Transportation or
22 designee has approved closure of the curbside portion of the street pursuant to procedures set forth in
23 Division II of the Transportation Code. Where the Roadway People Place proposal would result in a
24 Temporary Closure, ISCOTT shall review and issue permits for pursuant to the procedures set forth in
25 Division I of the Transportation Code. For Roadway People Place permits where the proposal would

1 result in a Longer-Term Closure, the MTA Board will evaluate the suitability of closing the street
2 pursuant to procedures set forth in Division II of the Transportation Code, and MTA shall review and
3 issue the Roadway People Place permit. The Entertainment Commission shall review and issue permits
4 pursuant to its jurisdiction as set forth in Section 1060 of the Police Code.

5 ~~“People Place Proposal” is a proposed concept for a People Place project submitted to the~~
6 ~~Places for People Program by a prospective Steward prior to the submittal of an application for a~~
7 ~~People Place Permit, for the purpose of initial evaluation and determination of suitability for further~~
8 ~~development by the Core City Agencies.~~

9 “Roadway People Place” is a People Place with activities occurring in or on the Traffic Lane,
10 and includes street closures previously approved as part of the Shared Spaces program during the
11 COVID-19 pandemic.

12 “Sidewalk People Place” is a People Place with activities occurring on a portion of sidewalk,
13 but does not include permits for tables and chairs in the sidewalk pursuant to Public Works Code
14 Article 5.2.

15 “Steward” is, for a City Lot People Place, (a) any person or educational, recreational,
16 or social agency, (b) any bona fide fraternal, charitable, religious, benevolent, or other
17 nonprofit organization which is exempt from taxation under the Internal Revenue Code as a
18 bona fide fraternal, charitable, religious, benevolent, or nonprofit organization, or (c) a public
19 agency with programs based in San Francisco. For ~~Curbside People Places,~~ Roadway People
20 Places, and Sidewalk People Places, a “Steward” may be any person or entity and is not
21 restricted to the organizations and entities described above.

22 “Temporary Closure” has the same meaning as the term is defined in Division II of the
23 Transportation Code.

24 **SEC. 94A.3. PLACES FOR PEOPLE PROGRAM FUNCTIONS.**

1 To achieve the purpose of the *Places for People Pp* program, the Core City Agencies shall
2 perform the functions set forth below consistent with each Agency's authority under the
3 Charter and other applicable City law. The specific roles of each participating Core City
4 Agency for each People Place Category are set forth in Section 94A.4.

5 (a) Coordinate principles and practices in People Places designated under the Places
6 for People Program with other public agencies operating similar public realm initiatives and
7 projects in the City.

8 (b) Be responsible for development and administration of Program implementation,
9 policies, and strategies.

10 (c) Sustain strategic partnerships with stakeholders of People Places, including
11 community organizations, nonprofit organizations, and businesses, in supporting and
12 enhancing People Places Citywide.

13 (d) Endeavor to keep barriers to participation in the Program as low as possible,
14 including but not limited to keeping administrative and permit fees modest.

15 (e) Explore efforts to cross-subsidize approved People Places by leveraging the
16 revenue generated in People Places that exceeds the cost of managing and operating the
17 People Place and directing a portion of the excess funds to support other People Places that
18 have a demonstrated funding need.

19 (f) Seek Stewards for People Places through a Steward identification process that
20 utilizes existing City partnership efforts where possible and builds strong relationships with
21 Stewards.

22 (g) Network communication and coordinate efforts of the various Stewards within the
23 Places for People Program.

24 (h) Identify opportunities to streamline permitting for active uses of People Places so
25 that barriers to event permitting are eliminated or minimized.

1 (i) Encourage People Place Stewards to maximize events and activities that are free to
2 the public.

3 (j) Collect People Place participation data and user feedback, and use established
4 criteria to evaluate Steward performance outcomes in various areas, including economic
5 impact, type of activities, and community engagement.

6 (k) Support development of long-term maintenance and activity partnerships for
7 People Places.

8 (l) Strive to ensure that People Places remain available to the public, while recognizing
9 that some small number of restricted access events or time-specific commercial use of Curbside
10 People Places by businesses in suitable locations may be helpful in supporting People Place
11 operations, and assisting in the City economic recovery from the COVID-19 pandemic.

12 (m) Support the City's goal of continuing to be a national and international leader in
13 public realm innovation.

14 (n) Support the City's values and commitments to Transit First, Vision Zero, Climate Action,
15 access for disabled persons, and application of Curb Management Strategy ensure balanced curbside
16 functionality

17 (o) Support San Francisco's economic recovery following the COVID-19 pandemic by creating
18 ways for the public to activate public spaces and safely engage in economic activities like dining and
19 retail outdoors.

20 **SEC. 94A.4. INTERAGENCY COORDINATION.**

21 In coordinating their activities under the ~~Places for People P~~program, the Core City
22 Agencies shall have the responsibilities set forth below.

23 (a) **Planning Department; General Coordination of Program Activities.** After a
24 prospective Steward submits an application for a People Place ~~Proposal to the Program pursuant~~
25

1 ~~to Section 94A.5~~, Planning will ~~coordinate~~ ensure review and approval of the application ~~proposed~~
2 ~~People Place project~~. Specifically, Planning will:

3 (1) Ensure that the application is routed ~~the People Place Proposal~~ to all Core City
4 Agencies with jurisdiction over the proposed People Place for review ~~an initial evaluation of the~~
5 ~~desirability of the Proposal~~.

6 (2) ~~Accept, along with the other Core City Agencies, a proposed People Place into the~~
7 ~~Program if, after completion of the review and evaluation required by Section 94A.5, each Core City~~
8 ~~Agency with jurisdiction over the proposed People Place has determined that the People Place~~
9 ~~Proposal is suitable for further development~~.

10 (4) ~~Review an application for a People Place Permit for completion and compliance~~
11 ~~with Program requirements prior to its submittal and, if found complete and in compliance, direct the~~
12 ~~prospective Steward to file the People Place Permit application with the appropriate Core City Agency~~
13 ~~or Agencies pursuant to Section 94A.6~~.

14 (5) Collaborate with the appropriate Core City Agency in the review and approval
15 of a People Place permit.

16 (3) At the request of a Core City Agency with jurisdiction over a proposed
17 People Place, develop with the prospective Steward a Stewardship Agreement pursuant to
18 Section 94A.56(de).

19 (4) Support the monitoring of the Steward's compliance with any terms and
20 conditions in the People Place Permit and associated Stewardship Agreement, report any
21 noncompliance known to the Planning Department to the applicable Core City Agency with
22 jurisdiction for enforcement.

23 (5) Coordinate Core City Agency outreach to prospective Stewards.

24 In performing the coordination role described in subsections (a)(1) - (5), Planning
25 shall, if necessary, obtain the recommendations of staff of the other Core City Agencies,

1 including, among others: Director of Public Works or his or her designee, the Director of
2 Transportation or his or her designee, the Director of the Real Estate Department, and/or the
3 Executive Director of the Entertainment Commission.

4 (b) **Director of Real Estate; City Lot People Places.** The Director of Real Estate will
5 administer People Places that are solely on a City-owned lot, pursuant to Section 94A.78.

6 (c) **Entertainment Commission; People Places with Entertainment Activities.** The
7 Entertainment Commission will review and consider any application for a People Place Permit
8 that proposes an activity or activities within the jurisdiction of the Entertainment Commission,
9 consistent with fitting the description of a Limited Live Performance Locale in Police Code, Section
10 1060~~(r)~~ but, as applied to a People Place, the proposed activity or activities may include ~~allows~~
11 the service of food and beverages for consumption on the premises. The Commission may
12 approve an application that satisfies all the applicable requirements for creation of a Limited
13 Live Performance Locale and authorize issuance of a People Place Permit subject to the
14 requirements stated in Police Code Section 1060.

15 (d) **Planning, MTA, and Public Works; People Places in the Public Right-of-Way.**

16 (1) **Curbside People Places.**

17 (A) Planning will review the overall concept of the application-People Place
18 Proposal, approve the Steward's proposed program of offerings and events that will activate
19 the People Place space, and participate in the design review of all proposed physical
20 treatments or improvements.

21 (B) MTA will approve or deny the proposed closure of the curbside lane
22 pursuant to Division II of the Transportation Code, including permit terms and conditions as
23 established by the Director of Transportation, and participate, as applicable, in design review of all
24 physical treatments or improvements proposed by a Steward, and, at the MTA's discretion,
25 implement any approved (i) restriping of travel and parking lanes, (ii) ground surface

1 treatments to delineate right-of-ways temporarily converted for the project, (iii) placement of
2 upright bollards and other traffic control devices, and (iv) other reversible site improvements
3 not included within subsection (d)(1)(C) below that are needed for the project. ~~MTA will carry~~
4 ~~out its role~~ Pursuant to the process set forth in Division II of the Transportation Code,
5 ~~including making the determination of the Director of Transportation or designee shall review and~~
6 ~~approve~~ any necessary street closure and circulation changes.

7 (C) Public Works will, pursuant to the process set forth in Section 793 et
8 seq. of the Public Works Code, (i) participate in the design review and approval of physical
9 treatments or improvements proposed by a Steward, (ii) participate in the review and approval
10 of the Steward's proposed program of events intended to activate the People Place space, (iii)
11 may consult with additional City agencies such as the Public Utilities Commission and the Fire
12 Department regarding the design and construction of any proposed structure, (iv) review and
13 approve the Stewardship Agreement, ~~and~~ (iv) provide approval for the People Place Permit
14 along with the other Core City Agencies with jurisdiction over the proposed People Place, and
15 (vi) issue the Curbside People Place permit. The Director of Public Works, consistent with the Section
16 793 et seq. of the Public Works Code, may issue regulations setting forth standard design and
17 operating requirements for any Curbside People Place. In addition, Public Works, in its sole
18 discretion, may install reversible site improvements (planters, furnishings, etc.) associated
19 with the project.

20 (D) The Core City Agencies shall review the proposed Curbside People Place
21 for potential conflicts with future City projects, such as streetscape initiatives (including streetscape
22 redesigns, paving projects, transit improvements), on-going maintenance needs, and planned
23 improvements. A Steward's rights to occupy the Curbside People Place shall be conditioned upon the
24 obligation to remove or modify the Curbside People Place at any time, as necessary for any City
25 project or maintenance work, which necessity shall be determined solely by the City Agency that issued

1 the People Place Permit. It shall be the Steward's obligation to remove or modify the Curbside People
2 Place at their own cost and return the right-of-way to a condition that the Director of Public Works
3 deems appropriate. If the proposed Curbside People Place would conflict with a future City project or
4 necessary maintenance work, Public Works may inform the Steward of any potential disruption, but the
5 failure to identify any future project or any potential conflict shall not give rise to any rights to occupy,
6 or otherwise not remove or modify the Steward's occupancy of the Curbside People Place.

7 **(2) Roadway People Places.**

8 (A) Planning will review the overall concept of the application-People Place
9 Proposal, approve the Steward's proposed program of offerings and events that will activate
10 the People Place space, and participate in the design review of all proposed physical
11 treatments or improvements. ~~Planning will also coordinate the collection of baseline pedestrian,~~
12 ~~bicycle, and vehicular data at the relevant location(s) (i) pre-occupancy, that is, before project~~
13 ~~implementation, (ii) during short-term temporary street closures, and (iii) post-occupancy, that is, for~~
14 ~~at least six months after project implementation, or a longer time period if warranted. Planning staff,~~
15 ~~inclusive of Environmental Planning, will consult with MTA staff as necessary on collection~~
16 ~~methodology.~~

17 (B) MTA will carry out its role in evaluating the application-People Place
18 Proposal pursuant to the process set forth in Division II of the Transportation Code, including making
19 the determination of any necessary street closure and circulation changes. In its discretion, the
20 MTA may consider ~~The MTA is urged to consider the following requirements in developing the Division~~
21 ~~II procedures:~~

22 (i) ~~Conduct the circulation analysis necessary for evaluating a~~
23 ~~temporary street closure and circulation changes (including full or partial width of street; full-time or~~
24 ~~part-time, over hours and days of the week).~~

1 ~~_____ (ii) Review and analyze, or oversee a contract for professional services~~
2 ~~to review and analyze, transit and vehicular circulation data from (i) baseline pre-occupancy and/or~~
3 ~~(ii) occupancy of short-term temporary trial(s), and issue a technical memorandum or “Preliminary~~
4 ~~Circulation Assessment,” including MTA’s conclusion as to approval of the proposed temporary street~~
5 ~~closure.~~

6 ~~_____ (iii) Develop procedures for participation in design review of physical~~
7 ~~treatments or improvements proposed by a Steward.~~

8 ~~_____ (iv) Review, consider, and authorize (when all requirements have been~~
9 ~~satisfied) any changes to pedestrian and vehicular circulation associated with the People Place project.~~

10 ~~_____ (v) Implementing~~ any approved restriping of travel and parking
11 lanes, ground surface treatments to delineate right-of-ways temporarily converted for the
12 project, placement of upright bollards and other traffic control devices, and other reversible
13 site improvements that are needed for the project.

14 ~~_____ (vi) Review and analyze, or oversee a contract for professional services~~
15 ~~to review and analyze, the pre-occupancy and post-occupancy transit and vehicular circulation data~~
16 ~~for projects that have been implemented.~~

17 ~~(C) If the MTA approves a temporary street closure~~

18 ~~(i) Where the portion of the public-right-of-way to be used for the~~
19 ~~Roadway People Place is proposed to be closed as a Temporary Closure, ISCOTT will, pursuant to~~
20 ~~the process set forth in Division I H of the Transportation Code, Public Works will, pursuant to~~
21 ~~the process set forth in Section 793 et seq. of the Public Works Code, (i) participate in the design~~
22 ~~review and approval of physical treatments or improvements proposed by a Steward, (ii)~~
23 ~~participate in the review and approval of the Steward’s proposed program of events intended~~
24 ~~to activate the People Place space, (iii) review and approve the Stewardship Agreement, and~~
25 ~~(iv) provide approval for the People Place Permit along with the other Core City Agencies with~~

1 jurisdiction over the proposed People Place, (v) review and approve any necessary street closure
2 and circulation changes, and (vi) issue the Roadway People Place permit.

3 (ii) Where the portion of the right-of-way proposed to be used for the
4 Roadway People Place is proposed to be closed as a Longer-Term Closure, the MTA Board shall
5 review and approve any necessary street closure and circulation changes pursuant to the process set
6 forth in Division II of the Transportation Code. Following any decision to close the street by the MTA
7 Board, MTA staff will (i) participate in the design review and approval of physical treatments or
8 improvements proposed by a Steward, (ii) participate in the review and approval of the Steward's
9 proposed program of events intended to activate the People Place space, (iii) review and approve the
10 Stewardship Agreement, (iv) provide approval for the People Place Permit along with the other Core
11 City Agencies with jurisdiction over the proposed People Place; and (v) issue the Roadway People
12 Place permit.

13 (C) For all Roadway People Places permit applications, Public Works will (i)
14 participate in the design review and approval of physical treatments or improvements proposed by a
15 Steward, (ii) participate in the review and approval of the Steward's proposed program of events
16 intended to activate the People Place space, (iii) review and approve the Stewardship Agreement, and
17 (iv) provide approval for the People Place Permit along with the other Core City Agencies with
18 jurisdiction over the proposed People Place. In addition, Public Works, in its sole discretion, may
19 install reversible site improvements (planters, furnishings, etc.) associated with the project.

20 **(3) Sidewalk People Places.**

21 (A) Planning will review the overall concept of the application People Place
22 Proposal, approve the Steward's planned program of offerings and events that will activate the
23 People Place space, and participate in the design review of all proposed physical treatments
24 or improvements.

1 (B) Public Works will, pursuant to the process set forth in Section 793_et
2 seq. of the Public Works Code, (i) participate in the design review and approval of physical
3 treatments or improvements proposed by a Steward, (ii) participate in the review and approval
4 of the Steward's proposed program of events intended to activate the People Place space, (iii)
5 review and approve the Stewardship Agreement, ~~and~~ (iv) provide approval for the People
6 Place Permit along with the other Core City Agencies with jurisdiction over the proposed
7 People Place, and issue the Sidewalk People Place permit. In addition, Public Works, in its sole
8 discretion, may install reversible site improvements (planters, furnishings, etc.) associated
9 with the project.

10 (e) **Integrated People Places**. Where a single application proposal involves activities
11 occurring in more than one People Place category, each Core City Agency shall:

12 (1) Participate in design review and proposal development for the People Place
13 project with respect to those proposed elements that are within such Agency's jurisdiction as
14 is specified in this Section 94A.4 for review of the individual People Place Categories;
15 provided, however, that the Director of one of the participating Core City Agencies may
16 authorize another participating Core City Agency to review the application People Place
17 Proposal and one or more of the design elements on its behalf.

18 (2) Implement the pertinent elements as specified in this Section 94A.4 for
19 review of the individual People Place Categories.

20 ~~SEC. 94A.5. PEOPLE PLACE PROPOSAL.~~

21 ~~(a) Initiation of the Process. A prospective Steward may submit a concept Proposal for a~~
22 ~~People Place project to the Places for People Program. To be considered, the proposal must include~~
23 ~~the following components:~~

24 ~~—— (1) Documentation of community outreach and support.~~

1 ~~——— (2) Documentary proof that all fronting property owners have been notified by the~~
2 ~~prospective Steward of the intent to submit a People Place Proposal. If the prospective Steward is not~~
3 ~~the fronting ground floor tenant, then documentary proof of notification to the fronting ground floor~~
4 ~~tenant(s) is also required.~~

5 ~~——— (3) A list and frequency schedule for routine maintenance tasks.~~

6 ~~——— (4) A prospective activities calendar describing the frequency and types of free public~~
7 ~~programming.~~

8 ~~——— (5) The number of restricted access events, if any, that will be held annually. In no~~
9 ~~event may the number of restricted access events allowed exceed eight single-day events per year.~~
10 ~~Scheduling of any approved restricted access events shall not be concentrated during a particular time~~
11 ~~or times a year but be spread throughout the calendar year. Consistent with Section 94A.7(b)(2) Public~~
12 ~~access to the People Place shall not be restricted except for restricted access events approved by the~~
13 ~~Places for People Program.~~

14 ~~——— (6) Photographs of existing conditions on the site.~~

15 ~~——— (7) A conceptual site plan depicting how the space will be configured, including the~~
16 ~~introduction and placement of any temporary physical elements.~~

17 ~~————— (A) City Lot People Places. If the space will be configured to accommodate~~
18 ~~different types of programs, the Proposal must include a series of site plans depicting proposed~~
19 ~~configurations.~~

20 ~~————— (B) Curbside People Places. If the Steward is proposing multiple Curbside~~
21 ~~People Places that will be operated together under the same exact terms and time(s) of a single~~
22 ~~Curbside People Place Permit, the proposal must include a series of site plans depicting the proposed~~
23 ~~extent of each installation.~~

1 ~~————— (C) Integrated People Places. If the space will be configured to accommodate~~
2 ~~different types of programs, the Proposal must include a series of site plans depicting proposed~~
3 ~~configurations.~~

4 ~~————— (D) Roadway People Places. If the space will be configured to accommodate~~
5 ~~different types of programs, the Proposal must include a series of site plans depicting proposed~~
6 ~~configurations.~~

7 ~~————— (E) Sidewalk People Places. If the Steward is proposing multiple Sidewalk~~
8 ~~People Places that will be operated together under the same exact terms and time(s) of a single~~
9 ~~Sidewalk People Place Permit, the proposal should include a series of site plans depicting the proposed~~
10 ~~extent of each installation.~~

11 ~~(b) Initial Review and Evaluation of the Proposal. After submittal, the People Place Proposal~~
12 ~~will be reviewed by Planning for completeness and compliance with Program requirements. If the~~
13 ~~People Place Proposal is determined to be complete and in compliance with Program requirements,~~
14 ~~Planning will route the Proposal to all Core City Agencies with jurisdiction over the proposed People~~
15 ~~Place for an initial evaluation of the desirability of the Proposal. If approved by all the required Core~~
16 ~~City Agencies, the Proposal will be accepted into the Program and further developed by the Core City~~
17 ~~Agencies as appropriate.~~

18 ~~(a) Public Funds; Solicitation and Evaluation of Proposals.~~

19 ~~(1) If public funds are being offered for a portion of the implementation or operation of a~~
20 ~~People Place or Places, the People for Places Program shall issue an invitation for prospective~~
21 ~~Stewards to submit a competitive People Place Proposal for the project. The Program may solicit~~
22 ~~Proposals (A) on an ongoing basis (year-round), or (B) for set intervals on a recurring cycle (for~~
23 ~~example, for two weeks at the end of each quarter), or (C) for a set interval on a one-time basis~~
24 ~~depending on the People Place Category or other appropriate factors.~~

1 ~~(2) All Proposals that are submitted in compliance with the requirements and within the~~
2 ~~submission deadline shall be evaluated by Planning and the Core City Agency or Agencies with~~
3 ~~jurisdiction over the People Place Category. After completion of the evaluation, Planning and the Core~~
4 ~~City Agency or Agencies may in their discretion determine that none of the Proposals submitted are~~
5 ~~acceptable.~~

6 **SEC. 94A.65. PEOPLE PLACE PERMIT – APPLICATION, ISSUANCE, MODIFICATION,**
7 **AND REVOCATION; STEWARDSHIP AGREEMENT.**

8 (a) ~~Submission of Permit~~ **General Application Requirements.** *A prospective Steward may*
9 *submit an application for a People Place Permit consistent with the requirements of this Section 94A.5.*
10 *After Planning has reviewed the application for completeness and compliance with Program*
11 *requirements, Planning will circulate the application to the Core City Agencies with jurisdiction over*
12 *the proposed People Place.*

13 *Each proposed People Place application must include the following components:*

14 (1) A narrative description of the proposed People Place, including the planned
15 activation of the space.

16 (2) Documentation of community outreach and support.

17 (3) For all Sidewalk and Curbside People Place permits, documentation showing that
18 all fronting property owners have been notified by the prospective Steward of the intent to submit an
19 application for a People Place. If the prospective Steward is not the fronting ground-floor tenant of the
20 proposed area to be used as a Sidewalk or Curbside People Place, then documentary proof of consent
21 from the fronting ground-floor tenant(s) is also required. In cases where there is no ground-floor
22 tenant fronting the proposed areas to be used as a People Place, documentary proof of consent from
23 the fronting property owner is required.

24 (4) A list and frequency schedule for routine maintenance tasks.

1 (5) For Roadway People Places, a prospective activities calendar describing the
2 frequency and types of free public programming, if applicable.

3 (6) A description of any limitations on public use, including:

4 (A) The number of restricted access events, if any, that will be held annually. In
5 no event may the number of restricted access events allowed exceed eight single-day events per year.
6 Scheduling of any approved restricted access events shall not be concentrated during a particular time
7 or times a year but be spread throughout the calendar year.

8 (B) If the Steward intends to use a Curbside People Place for the exclusive
9 benefit of a business, a description of the proposed hours of use, and proposed activities. In no event
10 may the exclusive use of the Curbside People Place exceed the hours of operation of the associated
11 business or businesses.

12 (7) Photographs of existing conditions on the site.

13 (8) A site plan depicting how the space will be configured, including the introduction
14 and placement of any temporary physical elements, and the placement of nearby ground fixtures. The
15 site plan shall also include at-grade roadway markings such as color curbs, lane striping, parking stall
16 marking, and at-grade utility access panels, storm drains, manhole covers, and other utility access
17 points. Additional site plan considerations may be articulated in regulations issued by the appropriate
18 City Departments.

19 **(b) Permit Application Requirements for Specific Types of People Places.** In addition to
20 the general permit requirements set forth in subsection (a), ~~the following additional permit~~
21 application requirements for specific People Place Categories ~~shall apply~~ are set forth as follows:

22 (1) for City Lot People Places, in Section 94A.78 of this Chapter 94A;

23 (2) for Sidewalk People Places, in Public Works Code Section 793 et seq.;

24 (3) for Curbside People Places, in Public Works Code Section 793 et seq. for
25 permit issuance, and Division II of the Transportation Code for roadway closure.

1 (4) for Roadway People Places, in ~~Public Works Code Section 793 et seq. and~~
2 Divisions I and II of the Transportation Code for permit issuance and roadway closure.

3 (c) **People Place Permit – Issuance; Conditions of Approval; Limited Duration.**

4 (1) **Issuance.** Issuance of a ~~People Place P~~permit authorizes the Steward to
5 create a People Place by occupying the location with reversible physical treatments or
6 improvements and/or activating the location with programming. For the Core City Agencies, a
7 People Place Permit shall incorporate the requirements of and substitute for a permit that
8 would otherwise be required under other sections of the Municipal Code. ~~Copies of approved~~
9 ~~and issued People Place Permits for People Places on City-Owned Lots shall be maintained by Real~~
10 ~~Estate. Copies of approved and issued People Place Permits for People Places in the public right of~~
11 ~~way shall be maintained by Public Works.~~

12 (2) **Conditions of Approval; Liability Insurance and Indemnity Provisions.**

13 The People Place Permit sets forth the permit terms, conditions of approval, operational
14 requirements, and duration of the permit, People Place and is approved by all the Core City
15 Agencies with jurisdiction over the People Place. In addition to any conditions that a Core City
16 Agency is authorized to impose on a People Place Permit pursuant to the provisions of this
17 Chapter 94A, a participating Core City Agency with jurisdiction over the People Place shall
18 impose any condition that it would have been required to impose on a permit separately
19 issued under the Code that regulates its activities; provided, however, that Public Works, with
20 the approval of the City’s Risk Manager, is authorized to modify standard liability insurance
21 and indemnification requirements for Sidewalk and Curbside People Place projects. For People
22 Place projects developed in whole or in part, or installed in whole or in part, by a City Agency,
23 the Core City Agency that issues the permit~~Public Works~~, with the approval of the City’s Risk
24 Manager, may limit the Steward’s required liability insurance and indemnification requirements
25 to the non-physical aspects of the People Place.

1 (3) **Limited Duration.** A People Place Permit is intended to be temporary and
2 has a limited duration. The standard term for a Curbside People Place, ~~a Roadway People~~
3 ~~Place,~~ or a Sidewalk People Place Permit shall be for no longer than one ~~two~~ years, after which
4 it may be renewed or extended upon review and approval by the Core City Agencies with
5 jurisdiction over the People Place. Any extension of a parking lane closure for a Curbside People
6 Place beyond the initial two years must follow the requirements of Division II of the Transportation
7 Code. The maximum initial term for a Roadway People Place shall be two years, after which it may be
8 renewed or extended upon review and approval by the Core City Agencies with jurisdiction over the
9 People Place, subject to any necessary street closure by the MTA Board. The standard term of a
10 City Lot People Place Permit shall be no longer than five years, which may be extended by
11 the Director of Real Estate pursuant to the provisions of Section 94A.78(d).

12 (d) ~~Permit Cover Sheet. The approval of the People Place Permit shall be memorialized by a~~
13 ~~Permit Cover Sheet that is attached to the Permit. The Permit Cover Sheet must be signed by a person~~
14 ~~designated by the Director of each Core City Agency with jurisdiction over the proposed People Place.~~
15 ~~A Core City Agency with jurisdiction over the proposed People Place may, at its own discretion,~~
16 ~~request that a person designated by the Director of another Core City Agency involved in the review of~~
17 ~~the People Place Permit also sign the Permit Cover Sheet.~~

18 (e) **Stewardship Agreement.** At the request of a Core City Agency with jurisdiction
19 over the People Place Category, the Program and Steward will jointly develop a People Place
20 Stewardship Agreement for approval by all the Core City Agencies with jurisdiction over the
21 People Place. The Stewardship Agreement will impose conditions and operational
22 requirements on the People Place that are in addition to those set forth in the People Place
23 Permit. A copy of the Stewardship Agreement, approved by the applicable Core City
24 Agencies, shall be attached to the People Place Permit, and its provisions shall be considered
25

1 permit requirements equivalent to those set forth in the People Place Permit and enforceable
2 pursuant to Section 94A.910.

3 **(ef) Coordination of Additional Permits Required from Other City Agencies.**

4 Certain activities may require additional permits or approvals from another City agency, board,
5 commission, or department that is not a Core City Agency. In such cases, the Core City
6 Agencies shall coordinate regarding all other permits or approvals that may be necessary for
7 or related to activities at the People Place. In no event shall a People Place permit be issued prior
8 to the San Francisco Fire Department, Department of Building Inspection, or any other City agency
9 completing all required approvals or inspections. ~~If additional permits or approvals are required from~~
10 ~~other City agencies, boards, commissions, or departments, they may be granted by the signature of an~~
11 ~~authorized representative of the entity on the Permit Cover Sheet described in subsection (d) above.~~

12 **(fg) Coordination of Additional Permits Required from Other Governmental**

13 **Authorities.** Certain activities in the public right-of-way may require additional review and
14 approvals from Federal or State authorities, or other County agencies, boards, commissions,
15 or departments. In such cases, the Core City Agencies shall coordinate, to the extent feasible,
16 regarding all other review or approvals that may be necessary for or related to the activities at
17 the People Place.

18 **(gh) Modification of a People Place Permit; Withdrawal of Approval.**

19 **(1) Permit Modification.** People Place Permits on public space are revocable
20 at will. Therefore, each Core City Agency that has approved issuance of a People Place
21 Permit may at any time modify those portions of the Permit that are within its jurisdiction,
22 including any conditions. If a Core City Agency makes a determination to modify the People
23 Place Permit or any conditions that it has imposed, or to impose additional conditions, the
24 Agency shall notify Planning and -the other Core City Agencies with jurisdiction over the
25 People Place.

1 Upon notification of a modification of the Permit, Planning and any Core City
2 Agency that approved issuance of the People Place Permit shall determine if other portions of
3 the Permit also need to be modified, or if the entire People Place Permit needs to be revoked
4 pursuant to subsection (h) below. A new People Place Permit is required to be issued if
5 Planning and the other participating Core City Agencies determine that the proposed
6 modifications are major. Minor modifications to a People Place Permit may be made without
7 the issuance of a new Permit. The Core City Agency ~~ies that issued with jurisdiction over the~~
8 People Place Permit will notify the Steward of any permit modifications or if revocation of the
9 entire Permit pursuant to subsection (h) below is required.

10 (2) **Withdrawal of Approval.** A Core City Agency may at any time withdraw its
11 approval of the People Place Permit. If a Core City Agency makes a determination to
12 withdraw its approval of the People Place Permit, any activities requiring its approval shall be
13 severed from the People Place Permit. ~~The~~ Agency shall notify Planning and the Core City
14 Agencies that approved issuance of the People Place Permit of its decision to sever from the
15 permit those portions that are within the Agency's jurisdiction. Upon receipt of a notification of
16 severance, Planning and any Core City Agencies that approved issuance of the Permit shall
17 determine if the severance requires revocation of the permit in its entirety pursuant to
18 subsection (h) below, or whether the permit can be modified. If the remaining Core City
19 Agencies determine that the severance does not require revocation but requires a major
20 modification of the permit, a new People Place Permit must be issued.

21 The Core City Agency that issued ~~or Agencies with jurisdiction over the~~ People
22 Place Permit will send the Steward written notification of the severance and any resulting
23 modification or revocation of the People Place Permit.

24 (h) **Permit Revocation.** A People Place Permit issued pursuant to this Chapter 94A
25 may be revoked at any time by the Core City Agencies that approved issuance of the Permit

1 or, if revocation is required by a modification or withdrawal of approval by a Core City Agency
2 pursuant to subsection (g~~h~~)(1) or (g~~h~~)(2) above, by the remaining Core City Agencies that
3 approved issuance of the Permit. The revocation process may be initiated by:

4 (1) a request for revocation from one or more of the Core City Agencies that
5 approved issuance of the People Place Permit;

6 (2) notification of a permit modification by a Core City Agency pursuant to
7 subsection (g~~h~~)(1) above; or

8 (3) notification of withdrawal of approval by a Core City Agency pursuant to
9 subsection (g~~h~~)(2) above.

10 If the People Place Permit is revoked, the Core City Agencies ~~that issued with~~
11 ~~jurisdiction over~~ the People Place Permit shall send the Steward written notification of the
12 revocation.

13 **SEC. 94A.76. OPERATIONAL REQUIREMENTS.**

14 (a) **Applicability of Requirements.** The Operational Requirements set forth in
15 subsection (b) below shall apply to all People Places except as follows:

16 (1) The applicability of the Operational Requirements to a People Place within
17 the jurisdiction of the MTA requires the MTA's approval.

18 (2) One or more of the Operational Requirements may not be warranted or
19 appropriate for a particular People Place or event occurring at a People Place, due to special
20 circumstances. In such situations, the Director of Real Estate (for a City Lot People Place), ~~or~~
21 the Director of Public Works (for a Curbside or Sidewalk People Place ~~on a portion of the public~~
22 ~~right of way within the jurisdiction of Public Works~~), or the Director of MTA (for a Roadway People
23 Place) may grant a non-material exception or other minor amendment to the Good Neighbor
24 Policies set forth in subsection (b)(8) or to waive or modify one or more of the other
25 Operational Requirements if the Director finds, in his or her sole discretion, that the

1 Requirement is not warranted or appropriate for a particular People Place or event and that
2 the public interest would be served by granting the waiver or exception. Additional regulations
3 for a City Lot People Place may be adopted by the Director of Real Estate pursuant to the
4 Director's authority under Section 94A.78(~~78~~); additional regulations for Curbside or Sidewalk ~~at~~
5 People Places ~~on the public right of way~~ may be adopted by the Director of Public Works
6 pursuant to the Director's authority under Section 793.3(a) of the Public Works Code; and
7 additional regulations for Roadway People Places as may be adopted by the Director of MTA.

8 (b) **Operational Requirements.**

9 (1) **Public Accessibility.** Unless authorized as a restricted access event or by
10 the specific terms of a Curbside People Place Permit, all People Places shall remain accessible to
11 the public during daylight hours. Fixed Commercial Parklets and Moveable Commercial Parklets
12 shall provide alternate public seating, including but not limited to a public bench, which is accessible
13 to persons who are not patrons of the business for any period when the Curbside People Place is being
14 activated for commercial use by the business. This alternate public seating shall be included in the
15 Curbside People Place permit. The Director of Public Works is authorized to issue regulations that are
16 consistent with this section regarding use of a Curbside People Place. In no event shall any exclusive
17 uses provided for in this subsection (b)(1) be construed as being inconsistent with the limitations on the
18 Steward's use pursuant to Section 94A.4(d)(1)(D).

19 (2) **Peddling and Vending Merchandise.** No person shall bring, or cause to be
20 brought, for the purposes of sale or barter, or have for sale, or sell in exchange, or offer for
21 sale or exchange any goods, wares, or merchandise in the People Place unless the City has
22 issued any required permit or other authorization. Notwithstanding the previous sentence, the
23 sale or distribution of newspapers, periodicals, or other printed or otherwise expressive
24 material is allowed subject to the applicable requirements of the Public Works Code.

1 (3) **Performance of Labor.** No person, other than authorized City personnel,
2 shall perform any labor on or upon a City Lot People Place, including, but not limited to, taking
3 up or replacing soil, turf, ground, pavement, structures, trees, shrubs, plants, grass, flowers,
4 or similar activities without prior permission from (A) the Director of Real Estate for City Lot
5 People Places, and (B) the Director of Public Works for Sidewalk, Curbside, or Roadway
6 People Places. Such permission shall be specified in the People Place Permit.

7 (4) **Camping Prohibited.** The provisions of Park Code Section 3.12 concerning
8 camping shall apply to all People Places. The Director of Real Estate shall administer those
9 provisions for City Lot People Places, and Public Works shall administer them for Sidewalk,
10 Curbside, or Roadway People Places.

11 (5) **No Unpermitted Structures Allowed.** There shall be no stationing or
12 erecting of any structure on a People Place without prior permission from (A) the Director of
13 Real Estate for City Lot People Places, (B) the Director of Public Works for Sidewalk,
14 Curbside, or Roadway People Places, and/or (C) Director of Transportation for any People
15 Place within the MTA's jurisdiction. Such permission shall be specified in the People Place
16 Permit.

17 (6) **Smoking Prohibited.** Pursuant to Article 19I of the Health Code, smoking is
18 prohibited on any unenclosed area of property in the City that is under the jurisdiction of any
19 City department if the property is a park, square, garden, sport or playing field, pier, or other
20 property used for recreational purposes or as a farmers' market. Given the use of the subject
21 areas as an outdoor public People Place, this prohibition on smoking shall apply to all People
22 Places.

23 (7) **Other Restrictions.**

24 (A) No skateboarding, bicycle riding, or pets off leash is allowed without
25 prior permission from (i) the Director of Real Estate for City Lot People Places, ~~or~~ (ii) the

1 Director of Public Works for Sidewalk, and Curbside, ~~or Roadway~~ People Places, or (iii) the
2 Director of Transportation for Roadway People Places. Such permission shall be specified in the
3 People Place Permit.

4 (B) No littering, feeding of wildlife, or defacing of public property is
5 allowed.

6 (C) No alcohol may be consumed without prior permission from all
7 required City and State authorities, ~~as well as from (i) the Director of Real Estate for City Lot~~
8 ~~People Places, or (ii) the Director of Public Works for Sidewalk, Curbside, or Roadway People Places.~~
9 Such intent must be described in the application so that the Core City Agencies may consider the
10 request as part of the application.

11 (D) General Advertising, as defined in Article 6 of the Planning Code, is
12 prohibited.

13 (8) **Good Neighbor Policies.** Stewards of all People Place Categories shall
14 manage the People Place in accordance with the following good neighbor policies during the
15 times of use set forth in the People Place Permit:

16 (A) The safety and cleanliness of the People Place and its adjacent area
17 within 100-foot radius shall be maintained;

18 (B) Proper and adequate storage and disposal of debris and garbage
19 shall be provided;

20 (C) Noise and odors, unless otherwise permitted, shall be contained
21 within the immediate area of the People Place so as not to be a nuisance or annoyance to
22 neighbors;

23 (D) Notices shall be prominently displayed during events that urge
24 patrons to leave the People Place premises and neighborhood in a quiet, peaceful, and
25

1 orderly fashion and to not litter or block driveways in the neighborhood. Such notices shall be
2 removed after each event; and,

3 (E) The Steward or its employees or volunteers shall walk a 100-foot
4 radius from the People Place within 30 minutes after programmed events have concluded or
5 concluding its hours of operation, and shall pick up and dispose of any discarded trash left by
6 patrons.

7 (9) **Additional Operational Requirements.**

8 (A) Because People Places are intended to be publicly accessible open
9 spaces, private dining and table service shall not be permitted in Sidewalk People Places,
10 Curbside People Places, or Roadway People Places unless expressly authorized in the People
11 Place Permit. Any approved use of a Sidewalk, Curbside, or Roadway People Place for private dining
12 and table service is limited to the normal hours of the business' operation.~~in the course of day-to-day~~
13 ~~operations.~~ Any business that uses a People Place exclusively for private dining and table service must
14 provide public seating consistent with 94A.6(b)(1) during the hours of commercial use.

15 (B) Regulations or operational requirements required by the MTA pursuant to
16 Article 1200, Division II of the Transportation Code shall be imposed as a condition of
17 approval of a People Place Permit.

18 (C) Additional operational requirements tailored to a People Place in specific
19 locations, including but not limited to hours of operation, may be imposed as a condition of
20 approval of a People Place Permit.

21 **SEC. 94A.87. SPECIAL PROCESS FOR PEOPLE PLACES ON CITY LOTS.**

22 All People Places that are solely on a City-owned lot shall be administered by the
23 Director of Real Estate, who will coordinate with and may request assistance from Planning.

24 (a) ~~Proposal Submittal and Review.~~

1 ~~—— (1) A concept Proposal for a City Lot People Place shall be submitted to the People~~
2 ~~Place Program for an initial review and evaluation by the Program coordinators at Planning and Real~~
3 ~~Estate. After an initial review and evaluation, the Program coordinators at Planning and Real Estate~~
4 ~~may recommend the Proposal to the Director of Real Estate for acceptance and administration.~~

5 ~~—— (2) Upon acceptance of the Proposal by the Director of Real Estate and at the Director's~~
6 ~~request, Program coordinators at Planning and Real Estate shall work with the prospective Steward to~~
7 ~~refine the proposed design, activities program, and management plan for the proposed People Place.~~

8 ~~—— (3) Upon final development of the proposed design, activities program, and management~~
9 ~~plan, the prospective Steward may submit an application for a City Lot People Place Permit to the~~
10 ~~Director of Real Estate.~~

11 **(b) Permit Application and Issuance; Public Notice.** A prospective Steward may submit
12 an application for a City Lot People Place Permit to the Director of Real Estate, and the Program
13 coordinators at Planning and Real Estate shall work with the prospective Steward to refine the
14 proposed design, activities program, and management plan for the proposed City Lot People Place.

15 The Director of Real Estate may elect to authorize the People Place under the provisions of
16 Chapter 23 of this Code. If the Director elects to authorize the People Place under the
17 provisions of this Chapter 94A-, the Director shall use the following procedure:

18 (1) An application for a City Lot People Places Permit shall include the
19 following:

- 20 (A) Documentation of community outreach and support.
- 21 (B) A list of and frequency schedule for routine maintenance tasks.
- 22 (C) A prospective activities calendar describing the frequency and types
23 of free public programming.
- 24 (D) The number of restricted access events, if any, that will be held
25 annually. In no event may the number of restricted access events allowed exceed eight

1 single-day events per year. Scheduling of any approved restricted access events shall not be
2 concentrated during a particular time or times a year but be spread throughout the calendar
3 year. Public access to the People Place shall not be restricted except for approved restricted
4 access events.

5 (E) Photographs of existing conditions on the site.

6 (F) A conceptual site plan depicting how the space will be configured,
7 including the introduction and placement of any temporary physical elements. If the space will
8 be configured to accommodate different types of programs, the application Proposal shall
9 include a series of site plans depicting proposed configurations.

10 (2) Upon submission of an application for a City Lot People Place Permit, the
11 Director of Real Estate shall post the People Place site with a Notice of Application for a
12 period of 7-10 calendar days. In addition, the Director shall post the Application for 7-10
13 calendar days on the websites of Real Estate and the Places for People Program. The
14 Director may take such other actions as the Director deems advisable to notify the public
15 about the application Proposal.

16 (3) If there are entertainment-related activities proposed for the City Lot People
17 Place that fall within the purview of the Entertainment Commission, the public notice may
18 include a notice of public hearing by the Entertainment Commission.

19 (4) The Director of Real Estate shall accept written public comments on the
20 application Proposal for at least 7-10 calendar days after the first day of the posting of notice of
21 the application Proposal, and a City Lot People Place Permit shall not be issued before the end
22 of the public comment period.

23 (5) The Director of Real Estate may, in his or her discretion, hold a public
24 hearing concerning the ~~Proposal and~~ application for a People Place Permit. If a public hearing
25 is held, notice of the hearing shall be given by posting a Notice of Public Hearing at the

1 proposed People Place site for at least ~~7~~10-calendar days before the hearing. At the
2 Director's discretion, the public hearing notice may be combined with the Notice of
3 Application.

4 (6) After approval of the Permit application by the Director of Real Estate, ~~and at~~
5 ~~the request of the Director, Planning~~ Real Estate shall issue the City Lot People Place Permit.

6 (be) **Permit Conditions; Grant of Exceptions.**

7 (1) **Conditions.** The conditions for operation, use, and maintenance of a City
8 Lot People Place shall be specified in either a City Lot People Place Permit or a Lease issued
9 pursuant to Chapter 23 of this Code. These conditions shall include, but are not limited to:

10 (A) design specifications for any temporary physical treatments or
11 improvements being introduced at the site;

12 (B) scope of permissible activities and uses; daily, weekly, and/or
13 monthly time periods authorized for such permissible activities and uses;

14 (C) the minimum number of programmed events by day, week, month,
15 quarter, or year;

16 (D) the permissible number of annual restricted access events, if any;

17 (E) the Steward's liability for and indemnification of the City with respect
18 to the People Place and the Steward's required liability insurance, which is required for
19 activities on publicly owned space, all as approved by the City Risk Manager or any successor
20 agency;

21 (F) an authorized signage program;

22 (G) the delineation of maintenance responsibilities between the City and
23 the Steward;

24 (H) the expiration date of the People Place Permit;

1 (I) remedies for violating the permit, including but not limited to
2 revocation; and

3 (J) adherence to the Good Neighbor Policies in Section 94A.67(b)(8).

4 (2) **Exceptions; Public Notice.** Upon written request from a Steward, the
5 Director of Real Estate may grant a non-material exception or other minor amendment to the
6 conditions imposed on a City Lot People Place Permit if the Director determines that the
7 exception or minor amendment is reasonably within the purposes of the Places for People
8 Program and, in consultation with the City Attorney's Office, further determines that such
9 exception or amendment does not materially increase the City's costs or obligations or
10 decrease the benefit the City receives under the Steward's City Lot People Place Permit.

11 Any exceptions or minor amendments of the Permit conditions that the Director
12 has granted pursuant to this subsection (~~be~~)(2) shall be in writing and retained in a file
13 available for public review. In addition, at the Steward's request, the Director's letter granting
14 the exception(s) and/or minor amendments, and any other written communications relevant to
15 the Director's determination shall be posted on the websites of Real Estate and the Places for
16 People Program.

17 (~~cd~~) **Duration of Permit.** Should the Director of Real Estate elect to issue a City Lot
18 People Place Permit pursuant to this Chapter 94A instead of a Lease under Chapter 23 of this
19 Code, the standard term of a City Lot People Place Permit shall be no longer than five years.
20 However, in special circumstances or in cases where the Steward has installed significant
21 improvements as part of the Permit, the Director of Real Estate has the discretion to extend
22 the term of the Permit beyond five years.

23 (~~de~~) **Calendar of Events.** In addition to the requirements of Section 94A.78(~~be~~), the
24 City Lot People Place Permit shall require the Steward to submit a monthly calendar of
25

1 activities and events to the local District Police station, the Director of Real Estate, and the
2 Places for People Program by seven days prior to the start of each month.

3 ~~(e)~~ **Grant of Exceptions to Standard Operational Requirements.**

4 (1) **Good Neighbor Policies.** Upon written request from a Steward, the
5 Director of Real Estate may grant a non-material exception or other minor amendment to the
6 Good Neighbor Policies in Section 94A.~~67~~(d)(8) if the Director finds, in his or her sole
7 discretion, that one or more aspects of a Good Neighbor Policy are unwarranted or not
8 appropriate for a particular City Lot People Place or event due to special circumstances and
9 that the public interest would be served by granting an exception.

10 (2) **Other Operational Requirements.** Upon written request from a Steward,
11 the Director of Real Estate is authorized to waive or modify one or more of the other
12 Operational Requirements in Section 94A.~~67~~ if the Director finds, in his or her sole discretion,
13 that the Requirement is unwarranted or not appropriate for a particular City Lot People Place
14 or event due to special circumstances and that the public interest would be served by granting
15 an exception.

16 (3) **Public Record.** Any exceptions, minor amendments, or waivers granted by
17 the Director pursuant to this subsection (f) shall be in writing and retained in a file available for
18 public review.

19 ~~(f)~~ **Director's Regulations.** The Director of Real Estate may adopt such regulations
20 governing City Lot People Places as he or she deems necessary or appropriate for the proper
21 management and use of City Lot People Places. The Director may, in his or her discretion,
22 post signage with the Regulations on a City Lot People Place site.

23
24 **SEC. 94A.~~98~~. APPEAL OF PERMIT DECISIONS.**

1 (a) **Right of Appeal.** Any person may appeal the decision to grant or deny an
2 application for any People Place Permit, or to revoke or suspend an existing Permit, as
3 follows:

4 (1) Permits issued by Public Works: Any appeal of a decision by Public Works or
5 Planning shall be heard by ~~to~~ the Board of Appeals pursuant to the provisions of Charter Section
6 4.106 and Section 8 et seq. of the Business & Tax Regulations Code; ~~provided, however, that~~
7 ~~any portion of the People Place Permit that has been approved by the MTA pursuant to its Charter~~
8 ~~authority may be heard and decided by the Board of Appeals only upon authorization by the MTA~~
9 ~~Board of Directors. In the absence of such authorization, those portions of the People Place Permit~~
10 ~~that fall within the MTA's Charter authority shall be severed from the appeal and heard pursuant to the~~
11 ~~process that applies to appeals of MTA approvals.~~ With respect to an appeal to the Board of
12 Appeals, it shall be filed in writing with the Clerk of the Board of Appeals within 15 days of the
13 date of issuance, denial, revocation, or suspension of the People Place Permit.

14 (2) Permits issued by ISCOTT: Any appeal of a decision by ISCOTT shall be subject to
15 the requirements of Division I of the Transportation Code.

16 (3) Permits issued by MTA: Any appeal of a decision by MTA shall be subject to the
17 requirements of Division II of the Transportation Code.

18 (b) **Permit Renewal.** For purposes of an appeal to the Board of Appeals, the renewal
19 of an existing People Place Permit is considered to be a new permit and may be appealed in
20 accordance with the provisions of subsection (a) above. Pursuant to Section 8 ~~(e)(9)(E)(i)(5)~~
21 of the Business and Tax Regulations Code, any activities on the site would be suspended during
22 the pendency of the appeal; however, the Core City Agency or Agencies with jurisdiction over
23 the site may, in their discretion, authorize any authorized physical treatments or improvements
24 to the site to remain pending a decision by the Board of Appeals.

25 **SEC. 94A.109. ENFORCEMENT OF REQUIREMENTS.**

1 (a) **Complaints from the Public.** The 311 Customer Relationship Management
2 System is designated to receive complaints from the public and to maintain an interagency
3 complaint log. The 311 System shall route individual public complaints to the department(s) or
4 agency(ies) with jurisdiction in order for those departments or agencies to verify complaints
5 regarding the People Place Program or a particular People Place and take any necessary
6 enforcement actions.

7 (b) **Enforcement of People Place Permit Requirements.**

8 (1) Each Core City Agency shall enforce the requirements of the People Place
9 Permit that are within its jurisdiction. The Core City Agency that issues the permit shall be the
10 primary point of contact for any enforcement action. Enforcement may be exercised either by (A)
11 using the procedures of Section 94A.56 to modify conditions of the issued permit, or to
12 withdraw approval of the permit by severance or revocation, or (B) using the enforcement
13 provisions of the Code that regulates its activities: the Public Works Code for Public Works;
14 the Transportation Code for the MTA; the Planning Code for private property; and the Police
15 Code for the Entertainment Commission. Enforcement by the Director of Real Estate is set
16 forth in subsection (b)(2) below.

17 (2) The Director of Real Estate shall establish administrative procedures and
18 methods for verifying, addressing, and responding to any complaints concerning a City Lot
19 People Place. If the Director receives a verified complaint concerning violations of the terms
20 and conditions of a Steward’s City Lot People Place Permit, the Director may conduct a public
21 hearing on the Steward’s conduct. Based on the information presented at the hearing, the
22 Director or his or her designee may revoke, suspend, modify, or condition the People Place
23 Permit or take any other action the Director deems appropriate under the terms of the People
24 Place Permit to address the Steward’s conduct.

1 If any person occupies a City Lot People Place in violation of the applicable
2 requirements and regulations, the Director of Real Estate or his or her designee shall order
3 the violator to either correct the violation or vacate the People Place site. If the violation is not
4 corrected as ordered, the violator shall be subject to enforcement pursuant to the Police
5 Code.

6 **SEC. 94A.~~11~~10. FEES.**

7 (a) **People Place Permit Fee.** Pursuant to Section 94A.~~56~~(c)(1), a People Place
8 Permit substitutes for a permit that would otherwise be required by the Municipal Code.
9 *Notwithstanding any other provision of the Municipal Code including Public Works Code Section*
10 *2.1.3, any permit fees assessed as part of this Program may be adjusted each year, without further*
11 *action by the Board of Supervisors, only to reflect changes in the relevant Consumer Price Index, as*
12 *determined by the Controller.*

13 (1) The fees for a Curbside or Sidewalk People Place Permits ~~in the public right-of-~~
14 ~~way shall be one-half the fees that Public Works is~~ are authorized by Article 2.1 of the Public
15 Works Code to charge for a permit granting permission to occupy a portion of the public right-
16 of-way that is equivalent in scope to the People Place Permit. These fees shall be paid to
17 Public Works pursuant to Section 793.2(b) of the Public Works Code. Any fees collected for
18 Curbside People Places shall be split between Public Works and MTA.

19 (2) *The fees for a Roadway People Place Permit shall be authorized by Transportation*
20 *Code.*

21 _____
22 (b) ~~Other Fees. Nothing in this Section 94A.11 or in Chapter 94A is intended to preclude a~~
23 ~~Core City Agency, or other City department or agency, from charging the fees authorized to be charged~~
24 ~~for any additional permits required or for services performed in implementing the People Place~~
25 ~~Proposal, including but not limited to fees related to time and material costs of ongoing enforcement~~

1 ~~and inspection, provided, however, that due to the public nature of the improvements, no ongoing~~
2 ~~occupancy assessment fee shall be charged. Any other fee charged by a Core City Agency, or other City~~
3 ~~department or agency, in connection with a People Place Permit shall be one-half the fee that the~~
4 ~~agency or department is authorized to charge for such permit.~~

5 (c) **Condition of Approval.** Payment of all fees due shall be a condition of any permit,
6 license, or other approval to establish and/or operate a People Place.

7 (d) **Increased Renewal Fees Based On Additional Enforcement Activities.** When there have
8 been three or more verified complaints in the prior year regarding Steward's compliance with the
9 terms of the permit, the Core City Agency that issued the permit is authorized to develop and charge an
10 additional fee to any Steward seeking renewal of their permit. The fee shall be based on the additional
11 time and materials spent by City staff in enforcing the terms of the permit.

12 **SEC. 94A.11. TRANSITION OF SHARED SPACES AND PARKLETS INTO PLACES FOR**
13 **PEOPLE.**

14 (a) **Conversion of Permits Issued Under the Shared Spaces Program.** Any structure permitted
15 as a Shared Space under the terms of the Mayor's February 25, 2020 Proclamation Declaring the
16 Existence of a Local Emergency and the 18th Supplement to that Proclamation, may continue to occupy
17 the right-of-way pursuant to the terms of the applicable permit. At any time prior to the expiration of
18 the Shared Spaces permit, the Shared Spaces permittee may apply to convert their Shared Spaces
19 permit into a People Place Permit. Conversion of a Shared Spaces into a People Place Permit shall
20 follow the process set forth in Section 94A.11, and any Shared Space permit that is converted to a
21 People Place Permit must comply with all of the terms of this Chapter 94A, including any approvals for
22 the closure of the curbside or roadway. The Shared Spaces permit shall be converted upon the issuance
23 of a People Place Permit. The terms of this Chapter 94A shall prevail over any aspect of the Shared
24 Spaces program.

1 Upon the expiration of any Shared Space permit issued pursuant to the Mayor's February 25,
2 2020 Proclamation Declaring the Existence of a Local Emergency, the permittee shall restore the
3 public right-of-way to the Public Works Director's satisfaction. In the event the Mayor's authorization
4 of the Shared Spaces program expires before the Shared Spaces permittee has converted the Shared
5 Spaces permit into a People Place Permit, if the proposed Steward has successfully submitted a
6 complete application for a People Place Permit prior to the expiration of Mayor's authorization, the
7 Steward shall be permitted to continue occupying the potential People Place pending a final
8 determination by the Core City Agencies on the proposed conversion of the Shared Spaces Permit into
9 a People Place Permit, provided that the Steward diligently pursues such determination. If the Shared
10 Spaces permit is not converted into a People Place Permit, then the Shared Spaces permittee shall
11 remove all structures and restore the public right-of-way to the Public Works Director's satisfaction.

12 **(b) Conversion of Permits Issued Under the Parklets Program.** Any curbside structure
13 currently permitted by Public Works pursuant to Public Works Director's Order No. 183392 and
14 Public Works Code section 810B or Public Works Code section 793 may continue to occupy the right-
15 of-way pursuant to the terms of the applicable permit, provided, however, that upon the expiration of
16 the Parklet permit, Public Works shall not approve any extensions of the permit. At any time prior to
17 the expiration of the Parklet permit, the Parklet permittee may apply to convert their Parklet permit
18 into a Curbside People Place Permit. Conversion of a Parklet permit into a Curbside People Place
19 Permit shall follow the process set forth in Section 94A.11, and any Parklet permit that is converted to
20 a Curbside People Place Permit must comply with all of the terms of this Chapter 94A, including any
21 approvals for the closure of the curbside. The Parklet permit shall be converted upon the issuance of a
22 People Place Permit. The terms of this Chapter 94A shall prevail over any aspect of the Parklet
23 program.

24 In the event the Parklet permit expires before the permittee has converted the Parklet permit
25 into a Curbside People Place Permit, if the proposed Steward has successfully submitted a complete

1 application for a People Place Permit prior to the expiration of the Parklet Permit, the Steward shall
2 be permitted to continue occupying the potential People Place pending a final determination by the
3 Core City Agencies on the proposed conversion of the permit, provided that the permittee diligently
4 pursues such determination. If the Parklet permit is not converted into a People Place Permit, then the
5 Parklet permittee shall remove all structures and restore the public right-of-way to the Public Works
6 Director's satisfaction.

7 (c) **Temporary Fee Waiver and Deferral.** In order to encourage economic activities to be
8 conducted in a safe manner during and after the COVID-19 pandemic, notwithstanding the fees set
9 forth in Section 94A.10, assessment of People Place Permit and license fees are waived until June 30,
10 2021. Fees will be assessed starting July 1, 2021, but collection of the Places for People fees shall be
11 deferred until. June 30, 2022.

12 Unless reenacted, this Section 94A.11 shall expire by operation of law on January 1, 2023.
13 Upon the expiration of this section, the City Attorney is authorized to take steps to remove this Section
14 94A.11 from the Administrative Code.

15
16 Section 3. The Public Works Code is hereby amended by revising Sections 2.1.1, 793,
17 793.1, 793.2, 793.3, 793.4, and 793.5, to read as follows:

18 **SEC. 2.1.1. FEES.**

19 Notwithstanding the permit fee provisions listed elsewhere in this Code, the permit fee
20 and assessment schedule for the permit categories and uses specifically listed below shall be:

21 * * * *

22 (s) **Curbside Parklet Fee.** Permits for the types of Curbside People Places issued pursuant to
23 Administrative Code Chapter 94A and Public Works Code Section 793 et seq. are as below, with one
24 half of this fee allocated to the San Francisco Municipal Transportation Authority.

1 (i) “Public Parklet” (A) Initial Application Fee of \$1,000 for the first parking space
2 and \$250 for each additional parking space; (B) an annual renewal fee of [] per parking space;

3 (ii) “Movable Commercial Parklet” (A) Initial Application Fee of \$3,000 for the
4 first parking space and \$1,000 for each additional parking space; (B) an annual renewal fee of [] per
5 parking space;

6 (iii) “Fixed Commercial Parklet” (A) Initial Application Fee of \$6,000 for the first
7 parking space and \$1,500 for each additional parking space; (B) an annual renewal fee of [] per
8 parking space.

9 * * * *

10 **SEC. 2.1.3. ADDITIONAL FEES.**

11 In instances where ~~where~~ the actual costs of the administration or processing of any
12 application, approval, or permit is ~~is~~ in excess of or will exceed the fee amount established
13 pursuant to section 2.1.1, the Director, in his or her discretion, may require an applicant or
14 permittee to pay a sum in excess of the subject fee amounts. This additional sum shall be
15 sufficient to recover actual costs that the Department incurs and shall be charged on a time
16 and materials basis. The Director also may charge for any time and materials costs that other
17 agencies, boards, commissions, or departments of the City incur in connection with the
18 processing or administration of a particular application, approval, or permit. Whenever
19 additional fees are or will be charged, the Director, upon request of the applicant or permittee,
20 shall provide in writing the basis for the additional fees or an estimate of the additional fees to
21 be charged.

22 **SEC. 793. THE PLACES FOR PEOPLE PROGRAM – PEOPLE PLACES IN THE PUBLIC**
23 **RIGHT-OF-WAY.**

24 Places for People is a Program established in Chapter 94A of the Administrative Code.
25 Under the Program, a public or private entity may obtain City approval to create a People

1 Place space and provide activities, for a limited period of time, on City-owned property and in
2 some cases nearby privately-owned spaces where the public can gather and participate in
3 commercial or non-commercial offerings and events. The space created is a “People Place”
4 that is managed by the permittee, defined as a “Steward.”

5 The Places for People Program is a joint effort by the Planning Department, Public
6 Works, the Municipal Transportation Agency, the Department of Real Estate, and the
7 Entertainment Commission (defined in Section 94A.2 of the Administrative Code as the “Core
8 City Agencies”) to coordinate their review and approval of a People Place and streamline the
9 permit process. The Program responsibilities of the Core City Agencies in the coordination
10 process are set forth in Section 94A.4 of the Administrative Code.

11 **SEC. 793.1. PURPOSE AND SCOPE; DEFINITIONS.**

12 (a) **Purpose and Scope.** The general procedure by which the Core City Agencies
13 participating in the Places for People Program coordinate their evaluation *and of a proposed*
14 *People Place concept proposal,* review of an application for a People Place Permit, and approve
15 and issue a People Place Permit is set forth in Sections 94A.5 *and 94A.6* of the Administrative
16 Code. Sections 793.2 through 793.6 of this Code establish the procedure for Public Works’
17 review and approval of a People Place in the public right-of-way. This procedure shall apply to
18 any prospective “Curbside People Place,” *“Roadway People Place,”* and “Sidewalk People
19 Place” in the Places for People Program.

20 (b) **Definitions.** *The terms defined in As provided in* Section 94A.2 of the Administrative
21 Code *shall have the same meaning for purposes of Section 793 et seq., including:*

22 —“*Longer-Term Closure; People Place;*” *is a publicly-accessible location approved under*
23 *the Places for People Program and located (a) on City-owned property, (b) on the sidewalk, and/or (c)*
24 *in the curbside lane or on all or any portion of the roadway between curbs where the public can gather*
25 *and participate in commercial or non-commercial offerings and events. Such offerings and events may*

1 ~~include, but are not limited to: cultural events, arts activities, and entertainment; food and drink; and~~
2 ~~general recreation. A People Place is managed, fully or partially, by a Steward under a People Place~~
3 ~~Permit issued under the Program and may involve the temporary and reversible installation of physical~~
4 ~~treatments, improvements or elements.~~

5 ~~——“**People Place Categories**, and the definitions of those categories: City Lot People~~
6 ~~Place, Curbside People Place, Roadway People Place, and Sidewalk People Place;” are: (a) “City~~
7 ~~Lot People Place,” which has activities occurring on property owned by the City; (b) “Curbside~~
8 ~~People Place,” which has activities occurring in a portion of the curbside lane of a roadway; (c)~~
9 ~~“Roadway People Place,” which has activities occurring in or on any portion of the roadway, except~~
10 ~~for activities occurring only in the curbside lane; (d) “Sidewalk People Place,” which has activities~~
11 ~~occurring on a portion of sidewalk, and (e) “Integrated People Place,” which is a single project with~~
12 ~~activities occurring on a combination of locations that are People Place categories in close proximity~~
13 ~~to one another and operated by the same Steward.~~

14 ~~——“**People Place Permit;**” is a permit issued under the Places for People Program~~
15 ~~through its Core City Agencies that allows a Steward to create a People Place by temporarily~~
16 ~~occupying and activating the location for a specified period of time.~~

17 ~~“**Steward; and Temporary Closure**” is, for Curbside People Places, Roadway People~~
18 ~~Places, and Sidewalk People Places, any person or entity who has been issued a People Place Permit~~
19 ~~that authorizes the permittee, acting as a Steward, to manage and activate a People Place under the~~
20 ~~Places for People Program. * * * *~~

21 ~~For purposes of Sections 793.2 through 793.6, a Sidewalk People Place, a Roadway People~~
22 ~~Place, and a Curbside People Place shall be referred to collectively as People Places in the Public~~
23 ~~Right-of-Way.~~

24 **SEC. 793.2. PERMIT APPROVAL PROCESS APPLICABLE TO ALL CURBSIDE AND**
25 **SIDEWALK PEOPLE PLACES ~~IN THE PUBLIC RIGHT-OF-WAY.~~**

1 (a) ~~Initiation of the Process. Any prospective Steward wishing to establish a People Place in~~
2 ~~the Public Right of Way may initiate the process by submitting a concept proposal to the Places for~~
3 ~~People Program pursuant to Section 94A.5 of the Administrative Code (“People Place Proposal”). If~~
4 ~~the People Place Proposal is accepted into the Program, the Core City Agencies shall work with~~
5 ~~prospective Steward to develop the concept proposal, after which the prospective Steward may submit~~
6 ~~an application for a People Place Permit to the People Place Program pursuant to the process set forth~~
7 ~~in Administrative Code Section 94A.6. The application shall include the components specified in~~
8 ~~Administrative Code Section 94A.6(a). The Planning Department will review the People Place Permit~~
9 ~~application for completeness and compliance with Program requirements, and if found compliant will~~
10 ~~direct the prospective Steward to submit the application to Public Works.~~

11 (b) **Public Works Application Review Procedure; Payment of Permit Fees.** The
12 prospective Steward may submit the application for a Curbside or Sidewalk People Place
13 Permit to Public Works for its review and approval. Public Works shall review the application
14 consistent with the interagency coordination process described in Administrative Code Section 94A.4.
15 Payment of the permit fees is required by Administrative Code Section 94A.~~1011~~ at the time of
16 submittal.

17 (be) **Public Notice and Opportunity to Comment.** Upon submission of ~~the~~ an
18 application for a Sidewalk People Place Permit application, or a Curbside People Place where the
19 proposal would result in Temporary Closure, the prospective Steward shall post the site(s) with
20 one or more Notices of Application provided by Public Works for a period of 7-10 calendar
21 days. The Notice(s) shall be posted in a location acceptable to Public Works. The prospective
22 Steward shall submit to Public Works photographic evidence that the Notice(s) were posted
23 appropriately. The prospective Steward shall remove the Notice of Application the day after
24 expiration of the 7-10-day notice period. Public Works shall accept public comments on the
25

1 Notice of Application for ~~7-10~~ calendar days from the first day the Notice was posted at the
2 site(s).

3 For Roadway People Places where the proposal would result in a Temporary Closure, the
4 public notice shall proceed in accordance with the applicable process set forth in Transportation Code,
5 Division I, Article 6.

6 For Roadway People Places and Curbside People Places where the proposal would result in
7 a Longer-Term Closure, the public notice shall ~~also include notice of any public hearing by the~~
8 ~~Municipal Transportation Agency Board~~, proceed in accordance with the applicable process set
9 forth in Transportation Code, Division II.

10 The Notice may include notice of public hearing by the Entertainment Commission if
11 proposed activities fall within the purview of the Entertainment Commission described in
12 Administrative Code Section 94A.4(c).

13 (~~cd~~) **Public Hearing.** The Director of Public Works may ~~wish to~~ hold a public hearing
14 concerning the Sidewalk People Place Permit application that would extend the occupancy beyond
15 24 consecutive months. If the Director determines that a public hearing will be held, the
16 prospective Steward shall post on the site(s) a Notice of Public Hearing provided by Public
17 Works for a period of ~~7-10~~ calendar days prior to the date of the scheduled hearing. The
18 Notice of Public Hearing posting shall be removed by the applicant the day after the expiration
19 of the ~~7-10~~-day period. Unless otherwise outlined in this Section 793.2, the Notice of Public
20 Hearing posting shall comply with Article 5.6 of the Public Works Code.

21 (~~de~~) **Permit Issuance and Conditions of Approval;** ~~Grant of Exceptions.~~

22 (1) ~~After approval by~~ Public Works shall issue any Curbside or Sidewalk ~~a~~ People
23 Place Permit consistent with this Section 793 et seq., and Administrative Code Chapter 94A-is issued.
24 The conditions of approval required or authorized by Administrative Code Section 94A.~~56~~(c) or
25 other applicable sections of Administrative Code Chapter 94A shall be imposed on the People

1 Place Permit and enforced pursuant to Administrative Code Section 94A.910, including the
2 obligation to remove or modify a Curbside People Place at any time, as necessary for any City project
3 or maintenance work at the Steward's own cost consistent with Administrative Code Section
4 94A.4(d)(1)(D). The Director of Public Works or designee may choose to apply additional
5 conditions on the People Place Permit that are pertinent to Public Works jurisdiction.

6 (2) All Sidewalk and Curbside People Place permits shall be conditioned upon the
7 obligation to remove or modify the People Place at any time, as necessary for any City project or
8 maintenance work, which necessity shall be determined solely by the City Agency that issued the
9 People Place Permit. In the event of an emergency, the City Agency may provide 24-hours notice, but
10 it shall be the Steward's obligation to remove or modify the Sidewalk or Curbside People Place at their
11 own cost and return the right-of-way to a condition that the Director of Public Works deems
12 appropriate. In no event shall the City be liable for reimbursing the Steward for the costs of or
13 restoring the People Place installation.

14 ~~———— (2) Upon written request from a Steward, the Director of Public Works may grant a~~
15 ~~non-material or other minor amendment to the conditions imposed on a People Place in the Public~~
16 ~~Right-of-Way if the Director determines that the exception or minor amendment is reasonably within~~
17 ~~the purposes of the Places for People Program and, in consultation with the City Attorney's Office,~~
18 ~~further determines that such exception or amendment does not materially increase the City's costs or~~
19 ~~obligations or decrease the benefit the City receives under the Steward's People Place Permit.~~

20 ~~———— Any exceptions or minor amendments of the Permit conditions that the Director has~~
21 ~~granted pursuant to this subsection (e)(2) shall be in writing and retained in a file available for public~~
22 ~~review. In addition, at the Steward's request, the Director's letter granting the exception(s) and/or~~
23 ~~minor amendments, and any other written communications relevant to the Director's determination~~
24 ~~shall be posted on the websites of Real Estate and the Places for People Program.~~

25 **SEC. 793.3. OPERATIONAL REQUIREMENTS; EXCEPTIONS.**

1 (a) **Requirements.** Except as specified in subsection (b) below, all Curbside and
2 Sidewalk People Places Permits in the Public Right of Way shall conform to the Operational
3 Requirements set forth in Administrative Code Section 94A.67. In addition to the Operational
4 requirements set forth in Administrative Code Section 94A.6, the Director of Public Works may
5 also adopt such additional regulations as he or she deems appropriate and necessary for the
6 proper management and use of a Curbside or Sidewalk People Place in the Public Right of Way.
7 The additional regulations may include: maintenance requirements; minimum required clearances
8 from street corners, sidewalk bulb-outs, or protected bollards; appropriate clearances for paths of
9 travel; applicable standards from the Americans with Disabilities Act; and appropriate clearances for
10 stormwater and other hydrological concerns.

11 (b) **Grant of Exceptions** ~~to Standard Operational Requirements.~~

12 (1) **Operational Requirements.** Upon written request from a Steward, the Director of
13 Public Works may grant a non-material or other minor amendment to the conditions imposed on a
14 Curbside or Sidewalk People Place, if the Director determines that the exception or minor amendment
15 is reasonably within the purposes of the Places for People Program and, in consultation with the City
16 Attorney's Office, further determines that such exception or amendment does not materially increase
17 the City's costs or obligations or decrease the benefit the City receives under the Steward's People
18 Place Permit.

19 (2) **Good Neighbor Policies.** Upon written request from a Steward, the
20 Director of Public Works may grant a non-material exception or other minor amendment to the
21 Good Neighbor Policies set forth in Administrative Code Section 94A.67(b)(8) if the Director
22 finds, in his or her sole discretion, that a Good Neighbor Policy is unwarranted or not
23 appropriate for a particular People Place or event on the public right-of-way under the
24 jurisdiction of Public Works due to unique circumstances and that the public interest would
25 best be served by granting an exception. ~~The Director of Public Works shall issue such exceptions~~

1 *in writing, retain the granted exceptions in a file available for public review, and shall post such*
2 *correspondence on the Department's and Places for People Program's website.*

3 *(2) Other Operational Requirements. Upon written request from a Steward, the*
4 *Director of Public Works is authorized to waive or modify one or more of the other Operational*
5 *Requirements established in Administrative Code Section 94A.7 if the Director finds, in his or her sole*
6 *discretion, that is unwarranted or not appropriate for a particular People Place or event on the public*
7 *right of way under the jurisdiction of Public Works.*

8 (3) **Public Record.** Any exceptions, minor amendments, or waivers granted by
9 the Director pursuant to this subsection (b) shall be in writing and retained in a file available
10 for public review.

11 **SEC. 793.4. GRANT OF EXCEPTIONS TO PERMIT TERMS.**

12 *Upon written request from a Steward, the Director of Public Works may grant a non-material*
13 *exception or other minor amendment to the conditions imposed on a permit for a People Place in the*
14 *Public Right of Way if the Director determines that the exception or minor amendment is reasonably*
15 *within the purposes of the Places for People Program and, in consultation with the City Attorney's*
16 *Office, further determines that such exception or amendment does not materially increase the City's*
17 *costs or obligations or decrease the benefit the City receives under the Steward's People Place Permit.*

18 *Any exceptions or minor amendments of the Permit conditions that the Director has*
19 *granted pursuant to this Section shall be in writing and retained in a file available for public review. In*
20 *addition, the Steward's request, the Director's letter granting the exception(s) and/or minor*
21 *amendments, and any other written communications relevant to the Director's determination shall be*
22 *posted on the websites of Real Estate and the Places for People Program.*

23 **SEC. 793.5. VIOLATION OF PERMIT CONDITIONS, OPERATIONAL**
24 **REQUIREMENTS, OR ADMINISTRATIVE REGULATIONS; ENFORCEMENT ACTIONS**
25 **AND PENALTIES.**

1 (a) **Enforcement Actions; Penalties.** If any person has occupied a People Place in
2 ~~the Public Right-of-Way in~~ violation of any Permit conditions, operating requirements, and
3 regulations applicable to the People Place, the Director of Public Works, or a designee or
4 agent acting on the Director's behalf, may take any action authorized by this Code that is
5 considered necessary to abate or correct the violation. The Director is expressly authorized to:

6 (1) Modify the People Place Permit, withdraw the Director's approval of the
7 Permit, or request revocation of the Permit by the Core City Agencies pursuant to Section
8 94A.56(i) of this Chapter;

9 (2) Issue a criminal citation pursuant to the provisions of Section 792(e)(1)(A) of
10 this Code that is applicable to Street Plazas;

11 (3) Issue an administrative citation and assess the administrative penalties
12 authorized by Section 792(e)(1)(B) of this Code for Street Plazas;

13 (4) Call upon other City officials to assist in the enforcement of this Article 15,
14 including but not limited to the Chief of Police and the City Attorney; and

15 (5) Seize, remove, or demolish any structures or furniture placed in public sidewalk or
16 roadway areas without a validly issued permit. Before any structure or furniture is seized, the Steward
17 shall be notified and given 10 business days in which to remedy a violation leading to the permit being
18 rescinded. If the Steward does not remedy the violation or apply for People Place Permit within the
19 time prescribed, the City may seize, remove, or demolish the structure or furniture.

20 Notwithstanding any other provision of this Section 793.4, if, following notice to the Steward,
21 any structure or furniture is placed in public sidewalk or roadway areas in such a place or manner as
22 to pose an immediate and serious danger to persons or property, the City may seize such structure and
23 furniture without prior notice to the Steward if it is impractical to remedy the danger by moving the
24 structure or furniture to another point on the sidewalk or public right-of-way. The Steward shall be
25 notified promptly of such seizure and shall have the right to request an informal hearing before a

1 designated City official within 10 business days after such notification to determine whether the seizure
2 was proper. Any furniture seized pursuant to this Section shall be retained by the City and may be
3 recovered as provided herein.

4 Seized café tables and chairs shall be retained by the City and may be recovered by the
5 responsible party for a period of at least 10 business days following seizure. As a condition of
6 recovering any café tables and chairs properly seized pursuant to this Section or receiving a
7 subsequent Places for People Permit, the Steward shall pay an impound fee covering the actual cost to
8 the City of transporting and storing such café tables and chairs.

9 If the City Engineer determines that it is practicable to do so, Public Works shall retain any
10 seized structures. As a condition of recovering any seized structure properly seized pursuant to this
11 Section or receiving a subsequent Places for People Permit, the Steward shall pay an impound fee
12 covering the actual cost to the City of transporting and storing such café tables and chairs.

13 If the City Engineer determines that it is not practicable to do so, Public Works may demolish
14 any unpermitted structure placed in the right-of-way. Where a Steward is responsible for an
15 unpermitted structure that requires demolition, the Steward shall not be eligible for a subsequent
16 People Place Permit until the Steward has paid the fee covering the actual costs to the City of
17 demolishing and disposing of the structure(s). Such recoverable costs may include those incurred by
18 Public Works and any other City department, including the City Attorney's Office, for time and
19 materials spent enforcing the requirements of the permit.

20 Failure to provide any notice to a Steward pursuant to this section shall not give rise to any
21 claims or cause of action against the City.

22 (6) Take any other enforcement action authorized by this Code that is
23 applicable to occupancy of the public right-of-way.
24
25

1 (b) **Rules and Regulations; Director's Orders.** The Director may adopt such orders,
2 rules, policies, procedures, regulations, rules, or standards as the Director considers
3 appropriate in order to:

4 (1) process, verify, and respond to complaints from the public concerning a
5 Curbside or Sidewalk People Place ~~in the Public Right of Way~~ that is routed from the 311
6 Customer Relationship Management~~s~~ System, as described in Administrative Code Section
7 94A.~~910~~(a);

8 (2) abate a violation of the terms and conditions of a Sidewalk, or Curbside, ~~or~~
9 ~~Roadway~~ People Place Permit or other requirements of Administrative Code Chapter 94A that
10 are within the jurisdiction of the Director; and

11 (3) identify specific violations that would be subject to the criminal citation
12 penalty authorized in subsection (a)(2) above.

13 (c) **Public Hearing.** In taking any of the above actions, the Director of Public Works
14 may hold a public hearing on the Steward's conduct. If a public hearing is held, the Director
15 shall follow either the notice and hearing procedures for Street Encroachment Permits set
16 forth in Section 786 *et seq.* of this Code or a codified notice and hearing procedure that is
17 more applicable to a Places for People ~~for Places~~ Permit.

18
19 Section 3. The Transportation Code is hereby amended by revising Sections 6.1, 6.2,
20 6.7, and 6.11, and adding new Section 6.16, to read as follows:

21 **ARTICLE 6: TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS**
22 **SEC. 6.1. INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND**
23 **TRANSPORTATION (ISCOTT).**

24 There is hereby established a committee to be known as the Interdepartmental Staff
25 Committee on Traffic and Transportation (ISCOTT), consisting of the department or their

1 designated representatives from the following departments and agencies: Municipal
2 Transportation Agency, Planning, Public Works, Police, Fire, Public Health, and Entertainment
3 Commission. The Director of Transportation shall serve as Chair of ISCOTT. The Director of
4 Administrative Services of the City and County of San Francisco or his or her designee shall
5 review recycling plans submitted pursuant to Section 6.5 and recommend any conditions to
6 ISCOTT that should be imposed on any applicant. In exercising its powers ISCOTT shall
7 consult with any other City department or agency that could be affected by any temporary use
8 or occupancy of a public street. ISCOTT shall have the authority to take all acts reasonably
9 necessary for it to carry out any duties imposed upon it by law. Before acting on any
10 application for temporary use or occupancy of public streets, street fair or an athletic event,
11 ISCOTT shall conduct a public hearing at a publicly noticed time and place to be determined
12 by ISCOTT.

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

15 (a) Any person seeking permission for the temporary use or occupancy of a
16 public street within the City shall file an application with, and on a form provided by, the
17 SFMTA, and shall pay the filing fee established by the SFMTA Board of Directors.

18 (b) An application shall not be accepted or approved for a proposed
19 temporary use or occupancy scheduled to occur fewer than 30 calendar days after the
20 application is submitted to the Municipal Transportation Agency, except as follows in this
21 paragraph:

22 (1) An application for a proposed temporary use or occupancy
23 scheduled to occur fewer than 30 calendar days after the application date may be filed for
24 emergency consideration. The Director of Transportation shall consider the request if the
25 applicant has demonstrated that an extraordinary emergency exists that requires the closing

1 of a street, and provided that there is adequate time available for the Municipal Transportation
2 Agency to conduct the required public hearing and post notice of the scheduled hearing at
3 least 72 hours in advance of the hearing.

4 (2) The Mayor's Film and Video Arts Commission (the "Film
5 Commission"), or other successor commission or division of the Mayor's office, may file with
6 the Director of Transportation an application on behalf of a film or other video production
7 company (which company shall be responsible for the payment of all applicable fees) for a
8 proposed temporary use or occupancy scheduled to occur fewer than 30 calendar days after
9 the application date, provided that there is adequate time available for the Director of
10 Transportation to conduct the required public hearing and post notice of the scheduled
11 hearing at least 72 hours in advance of the hearing. The Film Commission (or the film
12 company on whose behalf the application was made) shall (A) notify residents, merchants and
13 other occupants of the public street(s) to be closed of the dates proposed for street closure,
14 and (B) notify any and all affected City departments, including the Police Department and the
15 Department of Public Works.

16 (c) The completed application shall include, when applicable, maps and/or
17 drawings which identify the streets that would be affected, describe the scope and design of
18 the event, including illustrations of the location of staging, food booths, seating, and a diagram
19 of an emergency access plan. In addition, the Director of Transportation may request such
20 additional information as is necessary to allow ISCOTT to make an informed evaluation of the
21 proposed temporary use or street occupancy. In the case of "major events," as defined in
22 Section 6.3, applicants shall submit an emergency medical services plan.

23 (d) Applicants shall be responsible for posting notice of the public hearing at
24 least seven calendar days prior to the hearing at which the application will be reviewed by
25 ISCOTT. Such notice shall include a description of the streets that would be affected and shall

1 be posted in the area of the proposed temporary use or street occupancy according to rules
2 and regulations prescribed by the Director of Transportation. The applicant shall submit a
3 declaration under penalty of perjury to the Director of Transportation attesting that the
4 required public notices have been posted.

5 (e) ISCOTT Review and Approval Process. In reviewing an application,
6 ISCOTT shall consider the impact of the temporary use or occupancy of public streets on the
7 traffic, security, health, and safety of the public; determine the traffic, security, health, and
8 safety requirements of the proposed temporary use or occupancy; and evaluate the measures
9 proposed by the applicant to satisfy those requirements. For major events, ISCOTT shall
10 forward the applicant's proposed emergency medical services plan to the Director of
11 Emergency Medical Services and Emergency Operations Section (EMSEO). ISCOTT shall
12 consider the recommendations of EMSEO regarding the proposed emergency medical
13 services plan. It shall be the duty of ISCOTT to also consider the following:

14 (1) Demonstrated ability of the applicant to comply with requirements
15 necessary to protect the safety, health, and welfare of the public, including compliance with
16 the requirements of San Francisco Health Code Article 19L, "Prohibiting Smoking at Certain
17 Outdoor Events," unless those requirements are waived pursuant to Section 1621.5(e) of the
18 Police Code.

19 (2) Duration of the temporary use or street occupancy and the City's
20 ability to accommodate such use or occupancy with the necessary resources.

21 (3) Overextension of the City's resources because of previously
22 approved temporary use or occupancy of public streets or other activities that could cause
23 scheduling conflicts during the same period.

24 (4) The availability of an appropriate emergency access plan.
25

1 (5) The number of major events (as defined in Section 6.3 below)
2 scheduled during the period for which the applicant seeks a permit, the nature and location of
3 the major events, and the demand these major events will have on the City's resources,
4 including its police, emergency and sanitation personnel. In considering the major events for
5 which applications have been filed and/or approved. ISCOTT should give priority based on the
6 chronological order in which the applications are received, and applicants denied permission
7 on the basis that there are too many major events already approved or pending for approval
8 shall be offered alternative dates by ISCOTT. Notwithstanding this provision, ISCOTT may, in
9 its discretion, grant preference to recurring events traditionally or historically associated with a
10 particular day or dates, provided that applications, once approved, cannot be revoked
11 because of the subsequent filing of an application for a permit for an event traditionally or
12 historically associated with a particular day or dates.

13 (6) If the application is related to a filming project to be conducted by
14 the applicant, ISCOTT shall notify the Film Commission (or other successor commission or
15 division of the Mayor's office) and shall consider such conditions and criteria as the Film
16 Commission shall attach to the application.

17 (f) ISCOTT may impose additional requirements or conditions it deems
18 necessary to protect the public interest by ensuring traffic management, security of property
19 and health and safety of citizens. At the time ISCOTT reviews the application, it shall also
20 determine the necessity of and the total estimated actual costs incurred by the Municipal
21 Transportation Agency *for any adjustments to transit operations required to implement the street*
22 *closure to run motor coaches to accommodate the rerouting of electrically powered transit vehicles*
23 *because of restrictions that are imposed by the temporary street closing. The applicant shall pay a fee*
24 *to the SFMTA based on the number of electrically powered vehicle hours per line affected. For*
25 *purposes of this provision, "vehicle hour" shall mean the number of hours each coach on a line is in*

1 ~~operation during the day of the street closing. If the application is approved, ISCOTT shall transmit to~~
2 ~~the applicant an invoice for the fee. If the application is approved, ISCOTT shall transmit to the~~
3 ~~applicant an invoice reflecting the cost for making any adjustments to transit operations.~~ The
4 applicant shall make full payment of the fee no later than five days prior to the date of the
5 street closing, or in accordance with a schedule agreed to by the Director of Transportation.
6 ISCOTT shall not disapprove any application for a temporary use or occupancy of public
7 streets because of the applicant's political, religious, or cultural orientation.

8 (g) ISCOTT shall take action to approve or disapprove an application within
9 30 days of receipt of a complete application. Notice of ISCOTT's action of approval or
10 disapproval shall be submitted to the Chief of Police; the Fire Chief; the Director of Public
11 Health; the Director of Public Works; and the Executive Director of the Entertainment
12 Commission, and be maintained as a matter of record. For major events, notice of ISCOTT's
13 action of approval or disapproval shall also be submitted to the Director of EMSEO.

14 (h) Appeals Process. Should the application be disapproved by ISCOTT, the
15 applicant may first appeal the decision to the Director of Transportation if the application was
16 filed at least 30 days prior to the date of the proposed temporary use or occupancy. Such
17 appeal shall be made by filing the appeal with the Director of Transportation on a form
18 provided by the Municipal Transportation Agency within five working days of disapproval.
19 Upon receipt, the Director of Transportation shall set a time and place for hearing such
20 appeal. In considering the appeal the Director of Transportation shall conduct a public hearing
21 for which notice shall be posted at least 72 hours in advance of the hearing at the Municipal
22 Transportation Agency, at the main library, and at the Office of the Clerk of the Board of
23 Supervisors.

24 (i) At the appeal hearing, the appellant and members of ISCOTT shall have
25 an opportunity to present oral testimony and written materials in support of their positions. The

1 Director of Transportation shall consider the same criteria as set forth in Section 6.2(e). Upon
2 hearing the appeal, and after any further investigation by the Director of Transportation, the
3 Director of Transportation may affirm, reverse, or modify the ISCOTT decision. Notice of the
4 Director of Transportation's action of approval or disapproval shall be submitted to the Chief of
5 Police, the Fire Chief, the Director of Public Health, the Director of Public Works, and the
6 Executive Director of the Entertainment Commission and shall be maintained as a matter of
7 record.

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

25

1 (k) Any permission for the temporary use of occupancy of a public street
2 authorized pursuant to these provisions shall be subject to the conditions set forth in Sections
3 6.7 and 6.8.

4 (l) Late Application. Should the applicant file an application for a proposed
5 temporary use or occupancy fewer than 30 days prior to the date of the proposed use or
6 occupancy, and not far enough in advance of the proposed use or occupancy to allow
7 ISCOTT to consider the application at a regularly scheduled meeting of ISCOTT, then the
8 Director of Transportation shall have the responsibility and duty to consider and approve or
9 disapprove the application after consulting with the members of ISCOTT. The Director of
10 Transportation shall conduct a public hearing for which notice shall be posted at least 24
11 hours in advance of the hearing at the Municipal Transportation Agency, the main library, and
12 at the Office of the Clerk of The Board of Supervisors. At the hearing, the applicant and
13 interested persons shall have an opportunity to present oral testimony and written materials in
14 support of their position. The Director of Transportation shall conduct the hearing according to
15 the same standards of review as set forth in Section 6.2(e) hereof. Notice of the Director of
16 Transportation's action of approval or disapproval shall be submitted to the Chief of Police,
17 the Chief of the Fire Department, the Director of Public Health, the Director of Public Works,
18 and the Executive Director of the Entertainment Commission, and shall be maintained as a
19 matter of record. In the event the Director of Transportation disapproves the application, the
20 applicant shall have the right to appeal the Director of Transportation's decision to the Board
21 of Supervisors in accordance with the same terms and conditions as set forth in Section
22 6.2(e).

23 * * * *

24 **SEC. 6.7. CONDITIONS.**

1 Any permission for the temporary use or occupancy of a public street authorized by the
2 City shall be subject to the following conditions:

3 (a) The temporary use or occupancy of a public street shall not unnecessarily
4 obstruct or bar public access onto said street. Sidewalks shall remain open at all times for
5 pedestrian use unless closure of the sidewalk is provided for by resolution of the Board of
6 Supervisors explaining the reason for such closure.

7 (b) No object of any nature shall be placed or maintained within 15 feet of
8 any fire hydrant or within five feet of any fire alarm box or police call box.

9 (c) No object of any nature shall be placed or maintained within any
10 intersection or pedestrian crosswalk, nor shall any vehicle be permitted to be Parked in such
11 areas.

12 (d) A continuous passageway in the roadway for the use of emergency vehicles
13 shall be maintained as determined by the San Francisco Fire Department ~~at least 14 feet in width shall~~
14 ~~be maintained at all times during the period of such use or occupancy for the use of emergency~~
15 ~~vehicles.~~

16 (e) No object of any nature shall be fastened to or erected over the surface of
17 the street or sidewalk, and no object shall be affixed to any pole or standard upon any street
18 or sidewalk, without prior written consent of the Director of Public Works.

19 (f) Painting upon any street or sidewalk surface shall be permitted only if a
20 washable paint is used.

21 (g) Adequate illumination of area shall be maintained at all times such
22 illumination is appropriate.

23 (h) Official traffic-control devices and traffic signal controllers shall not be
24 covered or blocked at any time during the period of such use or occupancy.

1 (i) Street barricades determined by the ~~Police Department as being necessary to~~
2 ~~protect the public's safety shall be delivered by the Police Department or the department's~~
3 ~~designee;Municipal Transportation Agency~~ shall be maintained in said locations at all times
4 during the period of such use or occupancy by the permittee; and shall be ~~collected by the~~
5 ~~Police Department or the department's designee~~ removed promptly by the permittee upon termination
6 of the period of said use or occupancy.

7 (j) All manhole covers and valve box covers shall be kept clear of any fixed
8 object.

9 (k) All streets and sidewalks within the area for which such permission is
10 granted shall be kept clean and free from dirt and debris at all times during the period of such
11 temporary use or occupancy, and all materials and equipment used in connection with said
12 temporary use and occupancy shall be removed from the area within 24 hours of the
13 termination of the period of such use or occupancy. The Director of Public Works shall report
14 any violations of this subsection to the Board of Supervisors.

15 (l) Applicants for permission to hold a street fair on a predominantly
16 commercial street shall comply with the following requirements for insurance coverage. For
17 purposes of this Subsection, a "predominantly commercial street" shall mean a street block on
18 which at least 50 percent of front footage of private property on the ground floor of the street is
19 used for commercial purposes. A street block shall be measured from street intersection to
20 street intersection, but shall not include any alley intersection.

21 (1) Applicants shall maintain in force, during the full term of the permit,
22 insurance as follows:

23 (A) General Liability Insurance with limits not less than
24 \$500,000 each occurrence Combined Single Limit Bodily Injury and Property Damage,
25

1 including Contractual Liability, Personal Injury, Broadform Property Damage, Products and
2 Completed Operations Coverages;

3 (B) If any vehicles will be operated by the applicant in
4 connection with street fair activities under the permit, Automobile Liability Insurance with limits
5 not less than \$500,000 each occurrence Combined Single Limit Bodily Injury and Property
6 Damage, including owned, non-owned and hired auto coverages, as applicable; and

7 (C) If the applicant has employees, Workers' Compensation
8 with Employers' Liability limits not less than \$500,000 each accident.

9 (2) General Liability and Automobile Liability Insurance policies shall
10 be endorsed to provide the following:

11 (A) Name as additional insureds the City and County of San
12 Francisco, its officers, agents and employees;

13 (B) That such policies are primary insurance to any other
14 insurance available to the Additional Insureds with respect to any claims arising out of
15 activities under the permit, and that insurance applies separately to each insured against
16 whom claim is made or suit is brought.

17 (3) Certificates of insurance, in format and with insurers satisfactory to
18 the City evidencing all applicable coverages shall be furnished to the City not less than 10
19 working days prior to the date of the event and before commencing any operations under the
20 permit, with complete copies of policies to be furnished to the City upon request.

21 (4) The insurance requirement of this Subsection shall be waived by
22 the Board of Supervisors if the applicant certifies in writing that (A) the purpose of the street
23 fair is First Amendment expression and that (B) the cost of obtaining insurance is so
24 financially burdensome that it would constitute an unreasonable prior restraint on the right of
25

1 First Amendment expression, or that it has been impossible for the applicant to obtain
2 insurance coverage.

3 (m) Signs shall be posted pursuant to San Francisco Health Code Sections
4 265 through 265.3 wherever alcohol is offered for sale.

5 (n) All applicants shall comply with the requirements of San Francisco Health
6 Code Article 19L, "Prohibiting Smoking at Certain Outdoor Events."

7 (o) Such further conditions as may be imposed by the Department of Public
8 Works after inspection of the area involved.

9 * * * *

10 **SEC. 6.16. TEMPORARY STREET CLOSURES FOR ROADWAY PEOPLE PLACE**
11 **ACTIVITIES.**

12 (a) **Definitions.** *For the purposes of this Section, the following definitions shall apply:*

13 (1) **"Roadway People Place Activities"** *means permitted activities that are*
14 *authorized under the Places for People Program set forth in Administrative Code Chapter 94A which*
15 *occur in the Traffic Lane and generally do not exceed ten consecutive hours per day over four*
16 *consecutive days per week over a total period of time of not more than two years.*

17 (2) **"Traffic Lane"** *means the portion of the Street that has been dedicated for the*
18 *movement of motor vehicles exclusive of transit platforms and traffic islands.*

19 (b) **ISCOTT is authorized to issue permits for the Temporary Closure, as defined in Division**
20 **II, and occupancy of the Traffic Lane of a Street, including Roadway People Places permits pursuant to**
21 **the Places for People Program as set forth in Administrative Code Chapter 94A, under the jurisdiction**
22 **of the Municipal Transportation Agency, provided that the Municipal Transportation Board of**
23 **Directors authorizes ISCOTT to issue such permits. Any permit issued by ISCOTT shall be limited to a**

1 period of one-year or less. ISCOTT may renew any such permit for up to one additional year for a
2 maximum period of two consecutive years for the Temporary Closure.

3 (c) Any person seeking permission for the temporary use or occupancy of the Traffic Lane
4 shall file an application and follow all of the procedures set forth in Section 6.2, except for subsection
5 (b)(2) and (e)(6), and Section 6.5.

6 (d) Notwithstanding any other provision of Section 6.2, ISCOTT shall review an application
7 for a Roadway People Place permit and shall issue any approval within thirty days of receipt of the
8 application.

9 (e) In determining whether to issue a permit, ISCOTT shall follow the procedures set forth
10 in Sections 6.2 and 6.7 and all of the requirements and conditions set forth in those sections shall apply
11 notwithstanding Section 6.8. If ISCOTT decides not to temporarily close the Traffic Lane, neither
12 Public Works nor any other City agency shall have the authority to issue a permit for occupancy of the
13 Traffic Lane.

14 (f) Upon the expiration of any Roadway People Places permit under the Places for People
15 Program, ISCOTT's approval to temporarily close the Traffic Lane shall immediately expire and the
16 closed portion of the Street shall be reopened immediately. Upon revocation of any Roadway People
17 Place permit, the closed portion of the Street shall be reopened after fourteen days notice has been
18 given by the City, or sooner if the Director determines that the closure is resulting in an immediate
19 threat to the public health, safety, or welfare. If the closed portion of the Street is not reopened within
20 the time set by the Director, the Roadway People Places permittee shall be subject to fines and
21 administrative penalties as provided under Administrative Code Chapter 94A.

22
23 Section 4. Article 7 of the San Francisco Transportation Code is hereby amended by
24 adding Section 7.2.55, to read as follows:

25 **SEC. 7.2. INFRACTIONS.**

1 In addition to public offenses created by the Vehicle Code, the actions listed in this
2 Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be
3 an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as
4 necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with
5 respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant;
6 or (e) with respect to any other Public Property, except with the permission of, and subject to
7 such conditions and regulations as are imposed by the agency that owns the property that are
8 available for public inspection at the agency's offices.

9 * * * *

10 **SEC. 7.2.55. NO PARKING ZONES.**

11 *To Park in a zone on any street, alley or portion of a street or alley that is subject to a posted*
12 *Parking prohibition except for the purpose of loading or unloading passengers or freight.*

13
14 Section 5. Effective Date. This ordinance shall become effective 30 days after
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
17 of Supervisors overrides the Mayor's veto of the ordinance.

18
19 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
23 additions, and Board amendment deletions in accordance with the "Note" that appears under
24 the official title of the ordinance.

1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3 By: _____
4 ATTORNEY'S NAME
5 Deputy City Attorney

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