

File No. 140061

Committee Item No. 3

Board Item No. 12

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date May 12, 2014

Board of Supervisors Meeting Date 5.20.14

### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
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Completed by: Andrea Ausberry Date May 9, 2014

Completed by: AA Date 5/14/14

1 [Administrative Code – Plaza Program]

2  
3 Ordinance amending the Administrative, Code, by adding Chapter 94, Sections 94.1  
4 through 94.7, to establish a Plaza Program that coordinates City activities in some City-  
5 owned plazas on public property and public right-of-way; to create a process to identify  
6 stewards to activate plazas under the jurisdiction of the ~~Division of City's Real Estate~~  
7 Division and regulate such plazas; establishing administrative fees for the Plaza  
8 Program; and affirming the Planning Department's determination under the California  
9 Environmental Quality Act.

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

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

18 Section 1. Findings.

19 (a) Through innovative approaches to transforming the public realm, San Francisco  
20 has demonstrated nationally-recognized and innovative leadership with new and unique types  
21 of public spaces. With these successes, there is now a need for a systemic program to  
22 manage some City-owned urban plazas that benefit San Franciscans.

23 (b) This Board of Supervisors intends for various City, private, nonprofit, and  
24 neighborhood groups to collaborate their efforts to provide long-term activation and/or  
25 maintenance to some plazas.

1 (c) The City currently lacks dedicated coordination of activities in City-owned plazas  
2 that fall outside of traditional San Francisco Recreation and Parks Department jurisdiction and  
3 functions. There is no City staff dedicated to coordinating the Citywide, cross-departmental  
4 efforts to maintain and/or activate these spaces, and, as a result, there can be a lack of  
5 cohesion and policy-level coordination of the various City efforts to foster innovative  
6 approaches and partnerships for these public spaces.

7 (d) Various City programs and initiatives have demonstrated success in encouraging  
8 public realm engagement between the City and local stakeholders, including, but not limited  
9 to, the Planning Department's Pavement to Parks Program, Recreation and Parks  
10 Department partnership opportunities, the Department of Public Works Street Parks Program,  
11 development-enabled new open spaces (Planning Department), Octavia Boulevard Interim  
12 Use Projects (Mayor's Office of Economic and Workforce Development, "OEWD"), Living  
13 Innovation Zones (Mayor's Office of Civic Innovation), and Invest in Neighborhoods (OEWD).

14 (e) Other national and international cities have adopted similar approaches that fall  
15 outside traditional recreation and parks department jurisdiction and functions and also utilize  
16 community-supported open space partnerships. These include, but are not limited to, the New  
17 York City Department of Transportation Plaza Program, the Philadelphia University City  
18 District "Porch" at 30th Street Station, the Latham Square Project in Oakland, and the Paris  
19 Plage in Paris, France.

20 (f) OEWD convened over 20 meetings of interdepartmental working groups and  
21 multiple meetings with relevant stakeholders to: (1) identify various existing and related City  
22 public realm partnership efforts and (2) identify opportunities for coordination.

23 (g) ~~An outgrowth of this effort was the creation of the Plaza Program Strategy, which~~  
24 ~~further describes implementation guidelines and processes. A copy of this Strategy is on file~~  
25 ~~with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated~~

1 ~~herein by reference.~~ This effort also led to the establishment of the following goals related to  
2 the Plaza Program created by this legislation:

3 (1) Continue to strengthen San Francisco's vibrant communities by lowering City  
4 barriers to community and economic development-enhancing partnerships for City-owned  
5 open space;

6 (2) Improve the City's ability to provide more safe, clean, and active City-owned open  
7 space than are currently possible with existing City resources;

8 (3) Adopt innovative approaches to activate and manage Plazas in the urban public  
9 realm and share these approaches nationally;

10 (4) Work toward operational and fiscal sustainability of the Plazas as revenues  
11 generated in a Plaza could support Plaza activation, maintenance, and operations costs and,  
12 in cases of excess revenues, cross-fund other Plazas;

13 (5) Dedicate a staff person assigned to coordinating the Citywide, cross-departmental  
14 efforts to maintain and/or activate these spaces;

15 (6) Establish an Interagency Plaza Program Working Group (the "Plaza Working  
16 Group") to advise the Plaza Program Coordinator, the Directors of Department of Public  
17 Works ("DPW") and Real Estate Division ("RED"), as well as the Board of Supervisors, on  
18 Plaza Program actions, steward selection criteria, evaluation, and processes;

19 (7) Develop by April 1<sup>st</sup> 2014, standardized agreements and administrative processes,  
20 including documents that describe and establish management protocols for Plaza Program  
21 partner obligations, liabilities, and requirements; and,

22 (8) Facilitate the addition of at least three Plazas to the program by December 31,  
23 2014.

1 (h) Although capital improvements may occur, the main objective of the Plaza Program  
2 is not to build new plazas, but to capture long-term, sustainable approaches for Plazas and  
3 their associated stakeholders as these viable opportunities emerge from existing City efforts.

4 (i) Plazas that will be included in the Plaza Program will generally meet the following  
5 criteria:

6 (1) Public property under the jurisdiction of a City Department other than the  
7 Recreation and Parks Department;

8 (2) Public spaces that are generally permanent in nature;

9 (3) Pedestrian plazas that are generally over 2,000 square feet, but are not primarily  
10 an active recreational facility or urban agriculture;

11 (4) Public property, including open space areas, that have a demonstrable need for:  
12 (a) an operations and maintenance solution and/or (b) activation;

13 (5) Areas that have a location with high potential for natural activation (e.g., near an  
14 existing commercial corridor, high pedestrian and/or bicycle traffic, active local community,  
15 etc.) and where there is viable potential that activation could support Plaza maintenance,  
16 operations, and/or additional activation funding needs for the Plaza, if that is the main funding  
17 strategy;

18 (6) Locations where there is an existing community interest in activating that specific  
19 public open space;

20 (7) Projects with at least one identified potential partner that has demonstrated  
21 capacity to take on stewardship of the space for the length of the lease, license, or permit  
22 term; and,

23 (8) Sites with potential to leverage related City efforts.

24 (j) This Ordinance is accompanied by companion legislation to support administration  
25 of the Plaza Program. This related legislation includes amendments to the Planning Code,

1 Police Code, and Public Works Code, copies of which are on file with the Clerk of the Board of  
2 Supervisors in File Nos. 140062, 140063 and 140064, respectively, and are incorporated  
3 herein by reference.

4 (k) The Planning Department has determined that the actions contemplated in this  
5 ordinance comply with the California Environmental Quality Act (California Public Resources  
6 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination.  
7 Said determination is on file with the Clerk of the Board of Supervisors in File No. 140061 and  
8 is incorporated herein by reference.

9  
10 Section 2. The Administrative Code is hereby amended by adding Chapter 94,  
11 Sections 94.1 to 94.7, to read as follows:

12 **CHAPTER 94: THE SAN FRANCISCO PLAZA PROGRAM**

13 **SEC. 94.1. DEFINITIONS.**

14 "Plaza" is City-owned land not under the jurisdiction of the Recreation and Parks  
15 Department: (a) where the public may gather and participate in commercial or non-commercial  
16 offerings, including, but not limited to, arts activities; entertainment; food, drink, and/or other  
17 refreshment; retail sales; sports; and general recreation, (b) that is managed fully or partially by a  
18 Steward or permittee, and (c) that the Board of Supervisors has approved as a Plaza under the Plaza  
19 Program adoption process defined herein.

20 "City Plaza" is a Plaza, as defined in this Section, that is not located on public right-of-way. In  
21 addition, City Plazas shall be zoned P (Public) with an Open Space (OS) height and bulk  
22 designation under the Planning Code unless the Board of Supervisors makes specific findings  
23 that an Open Space designation is not feasible for a particular City Plaza.

1 "Street Plaza" is a Plaza, as defined in this Section, that is located on public right-of-way and  
2 subject to the permitting jurisdiction of the Department of Public Works ("DPW").

3 "Steward" is: (a) any educational, recreational or social agency, or any bona fide fraternal,  
4 charitable, or religious or benevolent or any other nonprofit organization or any public agency which  
5 organization or agency is exempt from taxation under the Internal Revenue laws of the United States as  
6 a bona fide fraternal, charitable, religious, benevolent, or nonprofit organization or a public agency  
7 with programs based in San Francisco, and (b) an organization or agency with a strong, demonstrated  
8 connection to the neighborhood in which the Plaza is located, and (c) selected through the Plaza  
9 Program to activate and/or maintain a City Plaza under a Real Estate Division ("RED") license  
10 that the Board of Supervisors has approved.

11 **SEC. 94.2. PLAZA PROGRAM.**

12 (a) Establishment. There is hereby created a Plaza Program for the City and County of San  
13 Francisco. The Plaza Program shall be a joint effort of the Office of Economic and Workforce  
14 Development ("OEWD"), Real Estate Division ("RED"), and DPW, and any successor agency(ies)  
15 or department(s).

16 (b) Functions. The Plaza Program shall:

17 (1) Coordinate principles and practices in Plazas designated under the Plaza Program with  
18 other public agencies operating similar public realm initiatives and projects in the City.

19 (2) Be responsible for development and administration of program implementation, policies,  
20 and strategies.

21 (3) Sustain strategic partnerships with community organizations, nonprofit organizations, and  
22 businesses that have a stake in approved Plazas and, more broadly, in supporting and enhancing these  
23 Plazas City-wide.

24 (4) Establish financial sustainability opportunities to support the Plaza Program through the  
25 adoption of administrative fees.

1 (5) Explore efforts to cross-subsidize approved program Plazas by leveraging revenue  
2 generated in Plazas that exceeds the cost of managing and operating that Plaza and directing a portion  
3 of these excess funds to support other Plazas that have a demonstrated funding need.

4 (6) Seek Stewards for Plazas through a Steward identification process that utilizes existing City  
5 partnership efforts where possible and builds strong relationships with Stewards.

6 (7) Network communication and coordinate efforts of the various Stewards within the Plaza  
7 Program.

8 (8) Identify opportunities to streamline permitting for active uses of Plazas so that barriers to  
9 event permitting can be minimized.

10 (9) Encourage Plaza Stewards and permittees to maximize events and activities that are fee  
11 free to the public.

12 (10) Place jurisdiction of Plazas in either DPW or RED and consider recommendations of the  
13 Director of DPW and/or RED for Plaza inclusion in the Plaza Program under the respective  
14 jurisdiction of each department.

15 (11) Present proposed Plazas, with DPW or RED Director recommendations concerning  
16 Plazas to be placed within the respective proper jurisdictional of each department for the Plaza,  
17 to the Board of Supervisors for approval along with any necessary permits and authorizations  
18 including, but not limited to, Street Encroachment Permits, Street Vacation Ordinances, or licenses, or  
19 leases.

20 (12) Collect Plaza participation data and user feedback, and use established criteria to  
21 evaluate Steward performance outcomes in various areas, including economic, activation, and  
22 community engagement.

23 (13) Support development of long-term maintenance and activation partnerships as successful  
24 Plazas emerge through various City and private efforts. Some Plazas also may have parallel capital  
25 improvement processes which should be planned collaboratively with the Plaza Program. However,



1 the affected City Departments should implement these capital funding efforts independently or in  
2 association with the Steward or permittee.

3 (14) Strive to ensure that Plazas remain accessible to the public, to the maximum extent  
4 feasible, with a recognition that some small number of restricted access events may be helpful in  
5 supporting Plaza operations.

6 (15) Support the City goal of continuing to be a national and international leader in public  
7 realm innovation.

8 (c) Report. The Plaza Program will prepare an impact analysis report after the first two years  
9 of Plaza Program establishment and every five years thereafter. Said report(s) shall be submitted to  
10 the Board of Supervisors and available to the general public.

11 **SEC. 94.3. REGULATIONS FOR CITY PLAZAS.**

12 (a) All City Plazas shall be administered by the Director of RED pursuant to the requirements,  
13 rules, and regulations set forth herein or in regulations that the Director of RED adopts.

14 (b) Steward Identification Process. The Plaza Program shall issue requests for proposals  
15 ("RFP") to identify a Steward for each City Plaza. The Plaza Program shall accept the RFP  
16 submittals by a specified deadline and the RFP submittals shall include all required information and  
17 documents to be deemed responsive.

18 (c) Upon issuance of any RFP, the Director of RED shall post the Plaza site with a notice of  
19 issuance of the RFP, mail notice of the request to property owners and tenants within a 300 foot  
20 radius of the exterior boundaries of the Plaza, and place a similar request on the Department's  
21 website, and take other actions the Director deems advisable to notify the public about the  
22 RFP. The Director of RED also shall mail notice to all neighborhood organizations requesting  
23 such notice, including those on the Planning Department's neighborhood notification system.  
24 The Director of RED shall make reasonable efforts to keep the Plaza site notice visible and legible until  
25 the deadline for submitting the RFP.

1 (1) Operational Requirements. Among other information required for submission as part of  
2 the RFP, the applicant shall specify the number of restricted access events, if any, that will be held  
3 annually, which number shall not exceed eight (8) such single day events. Scheduling of any  
4 approved restricted access events shall be spread throughout the calendar year. Public  
5 access will not be restricted beyond any approved restricted access events as described in  
6 this Subsection.

7 (2) The Director shall provide the same public notice as specified above in Section (c)  
8 to announce a local public forum to review the awarded proposal.

9 (d) The following operational requirements shall apply to City Plazas and shall be posted in a  
10 prominent location in each City Plaza:

11 (1) Peddling and Vending Merchandise. No person shall bring, or cause to be brought, for the  
12 purposes of sale or barter, or have for sale, or sell in exchange, or offer for sale or exchange any  
13 goods, wares, or merchandise in the City Plaza, except for which the City and County of San Francisco  
14 issues any required permit or other authorization. Notwithstanding the above provision, the sale or  
15 distribution of newspapers, periodicals, or other printed or otherwise expressive material is allowed  
16 subject to the applicable requirements of the Public Works Code.

17 (2) Performance of Labor. No person, other than authorized City personnel, shall perform any  
18 labor, on or upon the Plaza, including, but not limited to, taking up or replacing soil, turf, ground,  
19 pavement, structures, trees, shrubs, plants, grass, flowers, or similar activities without prior permission  
20 from the Director of RED.

21 (3) Camping Prohibited. The provisions of Park Code Section 3.12 concerning camping shall  
22 apply to the Plaza except that the RED shall administer these provisions.

23 (4) No Unpermitted Structures. There shall be no stationing or erecting of any structure(s) on  
24 the Plaza without prior permission from the Director of RED.

1           (5) No Smoking. Pursuant to the Municipal Code, smoking is prohibited on any unenclosed  
2 area of property in the City and County of San Francisco that is under the jurisdiction of any City  
3 department if the property is a park, square, garden, sport or playing field, pier, or other property used  
4 for recreational purposes, or as a farmers' market. Given the use of the subject areas as an outdoor  
5 public plaza, this prohibition on smoking shall apply to City Plazas.

6           (6) Other Restrictions.

7           (A) There shall be no skateboarding, bicycle riding, or pets off leash without prior  
8 permission from the Director of RED.

9           (B) There shall be no littering, feeding of wildlife, or defacing of public property.

10           (C) No alcohol is allowed to be consumed in City Plazas without prior permission from  
11 the Director of RED and all required City and State authorizations and permits.

12           (D) General Advertising Advertising is prohibited.

13           (e) Additional Requirements Adopted at Time of City Plaza Approval. Other regulations and  
14 requirements, including hours of operation, shall be adopted when each City Plaza is legislatively  
15 approved and incorporated into the Plaza Program. Such regulations and requirements shall be  
16 posted in a prominent location in each City Plaza.

17           (f) ~~Lease or~~ License Terms.

18           (1) The terms of operation, use, and maintenance of a City Plaza shall be specified in a RED  
19 ~~lease or~~ license that is subject to approval of the Board of Supervisors. These terms shall include, but  
20 are not limited to, scope of permissible activities; daily, weekly, and/or monthly time periods authorized  
21 for such permissible ~~Steward use and~~ activities and the scope of such use and activities and  
22 uses; a the minimum number of yearly programmed events; the permissible number of annual  
23 restricted access events, if any; Steward's liability for and, indemnity of the City with respect to the  
24 City Plazas, and the Steward's required insurance, all as approved by the City Risk Manager or  
25 any successor agency; the on-going community engagement plan; the strategies to engage with

1 existing City programs; the authorized signage program; the delineation of maintenance  
2 responsibilities between the City and the Steward; the expiration date of the lease or license;  
3 remedies for violating the license or lease, including termination; and the payment of fees, including  
4 any administrative fees as set forth in Section 94.7 and any amounts that the Steward pays to RED  
5 in consideration of its City Plaza license.

6 (2) The standard term of a City Plaza Lease or License shall be no longer than five (5)  
7 years; provided, however, that in unique circumstances or in cases where the Steward installs  
8 significant improvements as part of the lease or license, the Director of RED is authorized to  
9 provide for may recommend a longer term to the Board of Supervisors for its consideration.

10 (3) The lease or license shall require that the Steward submit a monthly calendar of events to  
11 the local District Police station, the Director of RED, and the Plaza Program thirty (30) days prior to  
12 the start of the subject month.

13 (g) **Exceptions to Operational Requirements and Terms of the Lease or License.**

14 (1) **Exceptions to Operational Requirement Exceptions.** From time to time and due to  
15 unique circumstances, the Operational Requirements set forth above in Subsections (d) or (e) may not  
16 be appropriate for a particular event. In such cases, and after a duly noticed public hearing, the  
17 Director of RED may issue an exception to the requirements of Subsection (d) or (e) if he or she finds  
18 in his or her sole discretion that the public interest would be served by the grant of the exception.

19 (2) **Exceptions to Lease or License Terms Exceptions.** After written request from a  
20 Steward, the Director of RED is authorized to issue non-material exceptions or other minor  
21 amendments to the terms of a City Plaza lease or license as long as the Director of RED, in  
22 consultation with the City Attorney's Office, determines that such exceptions or amendments  
23 do not materially increase City's costs or obligations, decrease the benefit the City receives  
24 under the Steward's license for the City Plazas, and are reasonable within the purpose of the  
25 Plaza Program. The Director shall issues such exceptions in writing, retain the granted exceptions in

1 a file available for public review, and shall post such correspondence on the Department's and Plaza  
2 Program's website.

3 (h) Additional Permits Required for Certain Activities. Because certain activities may require  
4 additional permits or approvals from City or State agencies, boards, commissions, or departments, the  
5 Steward shall be solely responsible for obtaining all other permits or approvals that may be necessary  
6 for or related to activities at the City Plaza. The Director of RED, as necessary, may consult with the  
7 Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), to identify and coordinate  
8 streamlined permitting opportunities that may be available for certain activities on City Plazas.

9 (i) Violation of Requirements and Regulations.

10 (1) If any person has occupied a City Plaza in violation of the requirements and regulations,  
11 the Director of RED or his designee or agent shall immediately order the violator to vacate the  
12 occupied area or abate the violation. Should the violation not be corrected as ordered, the permittee or  
13 person shall be subject to enforcement pursuant to the Police Code.

14 (2) The Plaza Program will establish administrative procedures concerning methods to  
15 process, address, respond to, and document any complaints concerning operation of a Plaza. If the  
16 Director of RED receives verified complaints concerning violations of the terms and conditions of the  
17 Steward's ~~lease~~ or license within the initial six (6) month period of operation, the Director of RED  
18 shall conduct a public hearing on the Steward's conduct. After the initial six (6) month term, the  
19 Director of RED may extend the term to every twelve (12) months for the consideration of subsequent  
20 complaints and action thereon. Based on the information presented at the hearing, the Director may  
21 terminate, suspend, modify, or condition the ~~lease~~ or license or take any other action the Director  
22 deems appropriate under the terms of the ~~lease~~ or license in response to the Steward's conduct.

23 (3) If the Plaza Steward conducts less than the minimum number of annual programmed events  
24 stipulated in the ~~lease~~ or license, the Director of RED may terminate, suspend, modify, or condition  
25

1 the lease or license or take any other action the Director deems appropriate under the terms of the  
2 lease or license in response to the Steward's conduct.

3 (i) Regulations. The Board of Supervisors authorizes the Director of RED to adopt regulations  
4 as set forth in this Ordinance and any additional regulations that the he or she deems appropriate and  
5 necessary for the proper management and use of the City Plazas ("Regulations"). The Director of  
6 RED also is authorized to post signage setting forth the Regulations. Such Regulations shall be  
7 adopted after a public hearing and thereafter made available to any member of the public that requests  
8 such Regulations.

9 **SEC. 94.4. GOOD NEIGHBOR POLICIES.**

10 (a) The Steward for a City Plaza shall manage the Plaza in accordance with the following good  
11 neighbor policies during the times of use as set forth in the Plaza lease or license:

12 (1) The quiet, safety, and cleanliness of the Plaza and its adjacent area shall be maintained;

13 (2) Proper and adequate storage and disposal of debris and garbage shall be provided;

14 (3) Noise and odors, unless otherwise permitted, shall be contained within immediate area of  
15 the Plaza so as not to be a nuisance to neighbors;

16 (4) Notices shall be prominently displayed during events that urge patrons to leave the Plaza  
17 premises and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block  
18 driveways in the neighborhood. Such notices shall be removed after each event; and,

19 (5) ~~Employees of the Plaza~~The Steward or its employees or volunteers shall walk a 100-  
20 foot radius from the Plaza some time within thirty (30) minutes after the daily use period as set forth in  
21 the lease or license and shall pick up and dispose of any discarded beverage containers and other  
22 trash left by patrons.

23 (b) Exceptions. After written request from a Steward, the Director of RED is authorized to  
24 issue non-material exceptions or other minor amendments to the Good Neighbor Policies. The Director  
25

1 of RED shall issues such exceptions in writing, retain the granted exceptions in a file available for  
2 public review, and shall post such correspondence on the Department's and Plaza Program's website.

3 **SEC. 94.5. REGULATIONS FOR STREET PLAZAS.** The regulations for Street Plazas are  
4 set forth in Public Works Code Section 792.

5 **SEC. 94.6. FEES.**

6 (a) The Plaza Program shall charge an administrative fee to Stewards or permittees for Plazas.  
7 Such fee shall be based on actual costs that the Plaza Program incurs in administering and processing  
8 the action or procedure. The Plaza Program shall provide the applicant with a written estimate of said  
9 costs at the time of application, and the applicant shall pay such fees prior to the time that the  
10 application is deemed complete. To the extent that the estimated fees do not cover actual costs, any  
11 outstanding amount due shall be a condition of the City's final decision on the action or procedure. To  
12 the extent that the estimated fees exceed the actual costs, the Plaza Program shall refund the excess  
13 amount to the applicant within a reasonable period after the City's final decision on the action or  
14 procedure.

15 (b) The administrative fee identified in Subsection (a) shall be sufficient to recover actual costs  
16 that the Plaza Program incurs and shall be charged on a time and materials basis. The Plaza Program  
17 also may charge for any time and materials costs that other agencies, boards, commissions, or  
18 departments of the City, including the City Attorney's Office, incur in connection with the processing or  
19 administration of a particular application, action, or procedure unless such costs are fully included as  
20 part of an existing permit fee.

21 (c) Payment of said fee shall be a condition of any permit, license, ~~lease~~, or other approval to  
22 establish and/or operate a Plaza.

23 (d) Additional administrative fees may be charged for subsequent Plaza Program staff  
24 consultation with Stewards or permittees in accordance with the fee requirements specified above. Said  
25

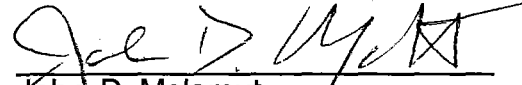
1 fees shall be paid on a monthly, quarterly, or annual basis, as specified in a written fee request from  
2 the Plaza Program.

3 **SEC. 94.7. PLAZAS PARTICIPATING IN THE PLAZA PROGRAM.**

4 (a) [Intentionally left blank].

5  
6 Section 3. Effective Date. This ordinance shall become effective 30 days after  
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
9 of Supervisors overrides the Mayor's veto of the ordinance.

10  
11 APPROVED AS TO FORM:  
12 DENNIS J. HERRERA, City Attorney

13 By:   
14 John D. Malamut  
15 Deputy City Attorney

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**LEGISLATIVE DIGEST**  
(Amended in Committee, 5/12/14)

[Administrative Code – Plaza Program]

**Ordinance amending the Administrative Code, by adding Chapter 94, Sections 94.1 through 94.7, to establish a Plaza Program that coordinates City activities in some City-owned plazas on public property and public right-of-way; to create a process to identify stewards to activate plazas under the jurisdiction of the City's Real Estate Division and regulate such plazas; establishing administrative fees for the Plaza Program; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Existing Law

The Municipal Code does not contain any specific program to establish public plazas or facilitate the activation of such spaces by community stewards on public right-of-way or on property under the jurisdiction of the Division of Real Estate. To the extent such plazas have been created, they exist on public right-of-way under Department of Public Works jurisdiction and the City generally permitted such uses in accordance with the Public Works Code Sections 786 et seq. governing Street Encroachment Permits.

Amendments to Current Law

This legislation would create Chapter 94 in the Administrative Code to establish the Plaza Program and adopt requirements and guidelines governing the use and operation of such Plazas. The ordinance would recognize two types of plazas, one referred to as City Plazas that would be located on public property under Division of Real Estate jurisdiction and the other referred to as Street Plazas that would be located on public right-of-way under Department of Public Works jurisdiction. The new Chapter 94 would establish procedures for identifying and selecting community stewards to activate the City Plazas and approving a license with the steward for the Plaza. The legislation also would adopt certain operational regulations for City Plazas, including good neighbor policies and policies to address violations of these regulations. The ordinance would provide for public notice at various stages of the City's decisionmaking process regarding a City Plaza. The legislation also would affirm the Planning Department's determination under the California Environmental Quality Act.

Background Information

This ordinance is part of a legislative package that establishes the San Francisco Plaza Program and facilitates the establishment of plazas on City property under Division of Real Estate jurisdiction and on the public right-of-way under Department of Public Works jurisdiction. The Plaza Program will enable the City to partner with community stewards to help activate and maintain public plazas.



# Memo to the Board of Supervisors: Land Use and Economic Development Committee

PRESENTATION HEARING DATE: MAY 12, 2014

*Project Name:* SF Plaza Program  
*Board File #:* Board File Nos. 140061, 140062, 140063, 140064  
*Initiated by:* Mayor, Co-Sponsored by Supervisor Cohen / Introduced January 28, 2014  
*Staff Contact:* OEWD: Robin Havens

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Dear Supervisors,

## The Proposed Plaza Program:

This new initiative is called the **San Francisco Plaza Program** and the program mission is to improve the City's ability to support San Francisco's vibrant communities by lowering barriers to creating and successfully managing San Francisco's open spaces.

## Program Goals:

- *Support local, long-term stewardship and activation*
- *Create a City-wide management approach for emerging plazas: New standardized agreement forms, systemic processes and customized event permitting tools could make it easier for communities to activate their local plazas and craft long-term sustainable management plans.*
- *Improve the City's ability to support more safe, clean, and active City-owned open space than is currently possible with existing City resources*

OEWD is excited to partner with stakeholders and various City Departments on this exciting new addition to the various City efforts that support community-based stewardship.

## Included in this packet:

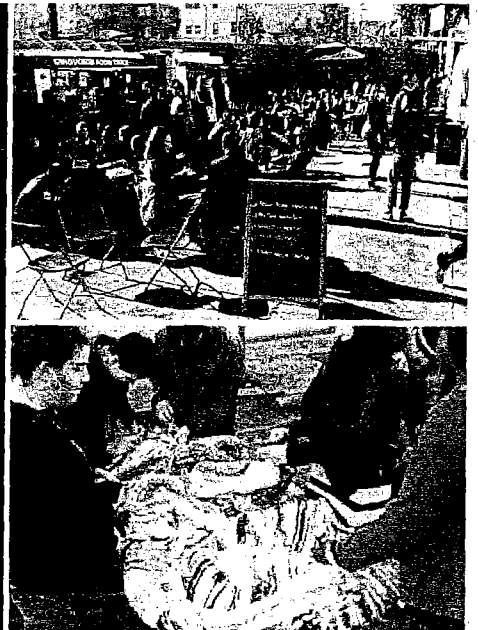
- Cover Memo
- Fact Sheet
- SF Plaza Program Overview
- Questioned and Answers from Outreach
- Table of Legislative Changes Responding to Outreach Feedback
- Draft City Plaza RFP
- Draft DPW Street Plaza Director's Order





The SF Plaza Program is an exciting new urban plaza stewardship program designed to empower local efforts in creating more innovative, sustainable and livable solutions that support San Francisco's many vibrant communities. San Francisco's plazas are vital to the livability of the City because they create a sense of place and community for residents and visitors to enjoy the local neighborhoods.

This interagency initiative aims to address the desire for pedestrian plazas in the midst of busy San Francisco neighborhoods for people to sit, relax, and enjoy the surrounding area. The SF Plaza Program is designed to leverage various City, private, nonprofit and stakeholder group efforts to provide long-term activation, management, and/or maintenance to City-owned plazas that are outside of traditional function and jurisdiction of the Recreation and Parks Department (RPD), supporting the transformation of these underutilized City properties into vibrant, social and sustainable public spaces. The City would support local stewardship efforts in various ways, including streamlining event permits for community-supported activities such as arts and music events, farmers' markets, movie nights, and local food and retail opportunities.



## OFFICE OF ECONOMIC AND

## WORKFORCE DEVELOPMENT

## (OEWD), DEPARTMENT OF PUBLIC

## WORKS (DPW) AND THE REAL

## ESTATE DIVISION (RED)

## PROGRAM FEATURES

ENCOURAGES LONG-TERM PUBLIC SPACE SUSTAINABILITY

STREAMLINES EVENT PERMITTING, ESPECIALLY SMALL EVENTS

COORDINATES AND STREAMLINES CITY SUPPORT

BUILDS COMMUNITY ENGAGEMENT AND CAPACITY

SUPPORT STEWARDS IN DEVELOPING BEST PRACTICES CITY-WIDE

SUPPORTS LOCAL ECONOMIC DEVELOPMENT GOALS

BUILDS ON CITY-WIDE LOCAL STEWARDSHIP EFFORTS

*See back page for more details.*

## STRENGTHENING EXISTING EFFORTS WITH LONG-TERM SUSTAINABILITY

Various City programs already support the creation of new plazas on City-owned spaces that are outside of traditional Recreation and Parks Department (RPD) functions and jurisdictions. Examples of these programs that support and guide communities in transforming underutilized spaces into vibrant plazas include: Pavement to Parks, OEWD's Invest in Neighborhoods Initiative and the Planning Department's area plans and other development programs.



## SUPPORTING COMMUNITIES IN TAKING THE "NEXT STEP"

When a successful public plaza emerges from these existing City/community partnerships that has specific long-term needs that are beyond existing City resources to support, the Plaza Program can help support local stakeholders in identifying stewards for these plazas, usually in the form of nonprofits groups. These stewards would make proposals to meet the needs of each proposed plaza, including a customized mix of activation and/or maintenance.



## SUPPORTING AND ENCOURAGING STEWARDSHIP AND ACTIVATION

The City would do its part to support local stewardship by streamlining event permits, when possible, for proposed events in the plazas, like community supported activities such as art and music events, farmers' markets, movie nights, local food and retail opportunities, and much more.



## POTENTIAL PROGRAM ADOPTION AND PROCESS FOR ADDITION OF PLAZAS

The Plaza Program is being proposed as a City-wide program without identifying any specific plazas; the program will require adoption by the Board of Supervisors. If the program is adopted, plazas and stewards that have emerged from existing City initiatives would then be proposed on a plaza-by-plaza basis for adoption and approval by the Board of Supervisors. Learn more about the steward identification process in the Plaza Program Overview\*.



## WHICH PLAZAS COULD BE ELIGIBLE FOR THE PROGRAM

Criteria: City-owned property located in active areas of San Francisco, like commercial corridors, transit or bicycle hubs or other pedestrian active areas, generally over 2,000 square feet and outside of the RPD jurisdiction. Each proposed plaza must demonstrate a need for a long-term activation and/or maintenance solution and must have emerged from a City initiative and community outreach process.



## STEWARD RESPONSIBILITIES

During the term of their stewardship of a plaza, stewards must strive to achieve their approved goals, which may include activation and/or maintenance. They must participate in regular communication with and outreach to the surrounding community, as well as participate in regular Plaza Program evaluation requirements. Terms will generally be 5 years and will be negotiated for each plaza.



## PROGRAM BENEFITS

While the proposed program does not directly fund plaza construction or long-term costs, it makes it easier for local stewardship efforts to be successful through new systemic processes, standardized agreements and consistent City interagency coordination. The Plaza Program aims to support local efforts to sustain more safe, clean and active public open spaces that enhance San Francisco's many vibrant neighborhoods.



\*More information at: [www.oewd.org/neighborhoods-SF-Plaza-Program.aspx](http://www.oewd.org/neighborhoods-SF-Plaza-Program.aspx)



# SAN FRANCISCO PLAZA PROGRAM OVERVIEW





**SAN FRANCISCO PLAZA PROGRAM**

Through an initiative called the San Francisco Plaza Program, the city aims to create an environment where residents and visitors can engage in and implement uses of the public realm for community supported activities such as art and music events, farmers' markets, movie nights, local food and retail opportunities, and much more.

Contents include:

- Plaza Program Goals
- Plaza Types
- Process & Requirements: City Plazas
- Process & Requirements: Street Plazas
- City Responsibilities
- FAQs

San Francisco's plazas are vital to the livability of the City because they create a sense of place and community for residents and visitors to enjoy the local neighborhoods. As the City's population continues to grow, the transformation of underutilized public plazas will be instrumental in providing social, economic, and ecological benefits in neighborhoods citywide.

Through an initiative called the San Francisco Plaza Program, the City aims to create an environment where residents and visitors can use public spaces for relaxation and for community supported activities such as art and music events, farmers' markets, movie nights, local food and retail opportunities, and much more. The initiative aims to address the desire for pedestrian plazas in the midst of busy San Francisco neighborhoods for people to sit, relax, and enjoy the surrounding area. The SF Plaza Program is a new collaborative public realm initiative designed to leverage various City, private, nonprofit and stakeholder group efforts to provide long-term activation, management, and/or maintenance for designated City Plazas.

The Office of Economic and Workforce Development (OEWD) is partnering with the Real Estate Division (RED) and the Department of Public Works (DPW) to launch the SF Plaza Program.

This new initiative is designed to activate the public realm while empowering interested and City-identified stakeholder groups to steward the long term care, maintenance and/or activation of plazas adopted into the Plaza Program. If approved by the Board of Supervisors, the program would leverage benefits for the public realm by supporting community-based groups in becoming stewards of their neighborhood open space.

The SF Plaza Program intends to provide a long-term "home" for existing plaza projects created through various City programs, including but not limited to: Pavement to Parks, Invest in Neighborhoods, the Planning Department process for new residential and/or commercial developments and other City initiatives. Plazas that fit criteria to be adopted in this program would be located on City-owned property in active areas of San Francisco, like commercial corridors, transit or bicycle hubs or other naturally active areas. Only City property generally over 2,000 square feet and outside of the Recreation and Parks Department (RPD) jurisdiction would be eligible. Each proposed plaza would have a demonstrable need for a long-term activation and/or maintenance solution. Plazas would need to be adopted by the Board of Supervisors on a plaza-by-plaza basis as part of the Plaza Program.

The SF Plaza Program is an exciting new step in building on local efforts to implement more innovative, sustainable and livable solutions that engage and support San Francisco's many vibrant communities.

## PLAZA PROGRAM GOALS

1. Continue to strengthen San Francisco's vibrant communities by lowering City barriers to community and economic development-enhancing partnerships for City-owned open space. New standardized agreement forms, systemic processes and customized event permitting tools could make it easier for communities to activate their local plazas and craft long-term sustainable management plans.
2. Improve the City's ability to provide more safe, clean and active City-owned open spaces than currently possible with existing City resources.
3. Adopt innovative approaches to activate and manage Plazas that have been adopted by the Board of Supervisors into the program ("Plazas") in the urban public realm and share these approaches nationally.
4. Work towards operational and fiscal sustainability of the Plazas; revenues generated in a Plaza could support plaza activation, maintenance and operations costs and, sometimes in the case of an excess, cross-fund other Plazas.
5. Dedicate a staff person assigned to coordinating the City-wide, cross-departmental efforts to maintain and/or activate these spaces.
6. Establish an Interagency Plaza Program Working Group to advise the Plaza Program Coordinator, the Directors of Directors of Department of Public Works ("DPW") and Real Estate Division ("RED"), as well as the Board of Supervisors, on Plaza Program actions and Steward identification criteria, evaluation and processes.
7. Develop, by April 1st 2014, standardized agreements and administrative processes that describe and manage Steward obligations, liabilities, and requirements.
8. Submit proposals for at least three recommended Plaza Program Plazas for consideration by the Board of Supervisors by December 31st, 2014.

## PLAZA TYPES

The Plaza Program will include two types of plazas:

- "City Plazas" are Plazas that are not in the City right-of-way and under the jurisdiction of City's Real Estate Division ("RED").
- "Street Plazas" are Plazas in the City right-of-way and under the jurisdiction of City's Department of Public Works ("DPW").

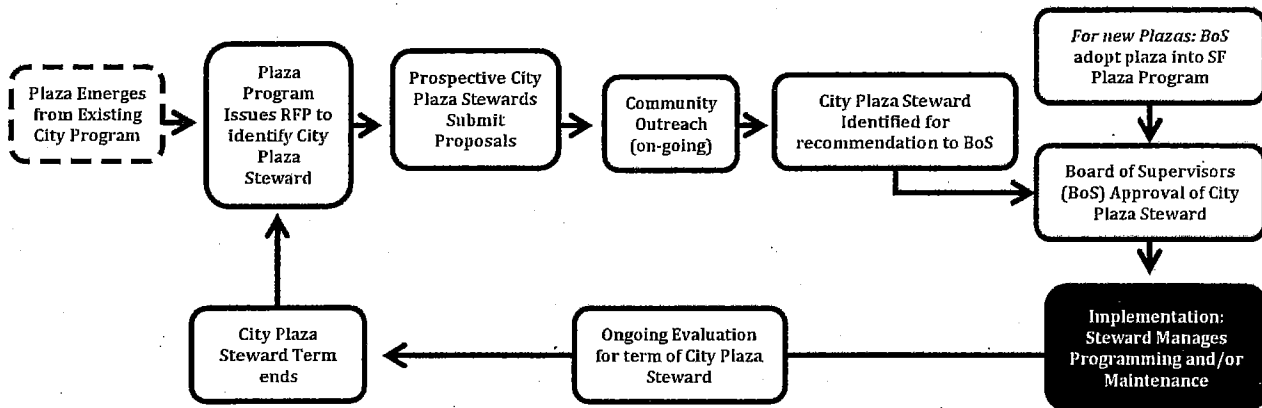
While both types of Plazas will be included in the Plaza Program and share the program goals, they each require slightly different processes and requirements.

## EXAMPLES OF ACTIVATION

ACTMITY	EXAMPLES	EXAMPLE LOCATIONS
Farmer's markets	Bayview Hunters Point Farmers' Market, Castro Farmers' Market, Divisadero Farmers' Market, Mint Plaza Farmers' Market	Bayview Opera House, Noe Street in the Castro, NoPa, Mint Plaza
Music/Dance	Lindy in the Park, People in the Plazas events, jazz events, DJs, Benefit for Typhoon Yolanda	Golden Gate Park, Activate McCoppin, Jane Warner Plaza, Hallidie Plaza, Mint Plaza
Arts/Technology events	Photo class, craft making events, painting events, drawing classes, Crochet-Jam, chalk party, screen printing class, Build an Inflatable Workspace (Headland Center for the Arts artists-in-residence), Red Umbrella Open Air Art Exhibition, Living Innovation Zones.	McCoppin Hub, Union Square, Market Street
Community events	Valencia McCoppin Neighborhood Watch meeting	McCoppin Hub
Public talks and lectures	SF Beautiful brown-bag talks	McCoppin Hub
Exercise classes	Yoga classes, exercise boot camps	Proxy, McCoppin Hub
Movie nights	Kids movies, local-made movies and documentaries	McCoppin Hub, McCoppin Park
Non-profit events	Rocket Dog Rescue pet event	McCoppin Hub
Retail events/vendors	Holiday Maker Mart, Flea Market, Urban Air Market, mobile vending carts	McCoppin Hub, Old Mint, Alemany Flea Market, Patricia's Green/Hayes Valley, various RPD locations
Game events/recreation	Ping-Pong, Scrabble-a-Thon, RPD Mobile Recreation Program	Sunday Streets, McCoppin Hub, various RPD locations
Food	McCoppin Hub and Fort Mason Off the Grid food truck markets	McCoppin Hub, Fort Mason



## PROCESS & REQUIREMENTS CITY PLAZAS

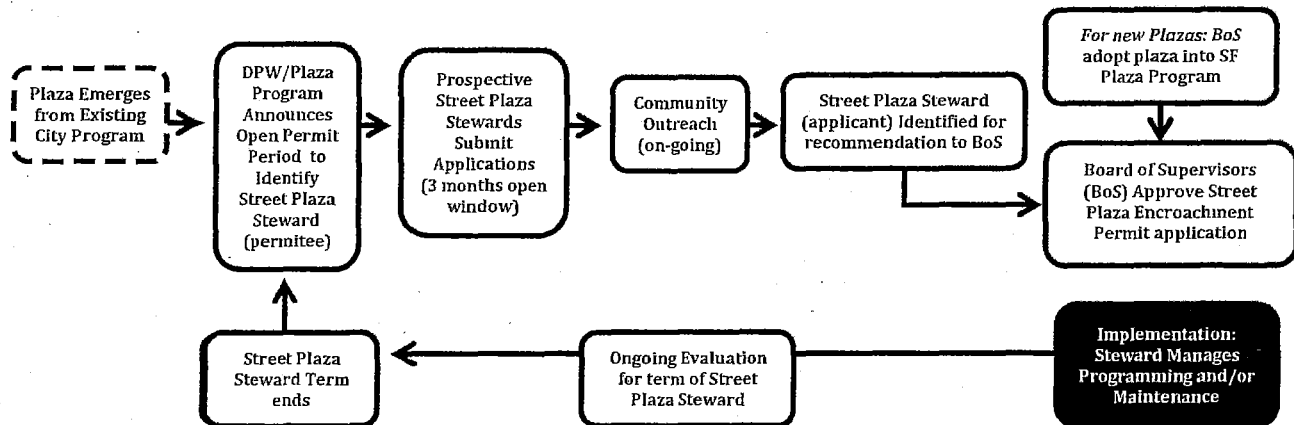


1. A Plaza emerges from an existing City program that meets criteria.
2. Plaza Program releases a Request for Proposals (RFP) to identify a City Plaza steward ("City Plaza Steward"). The RFP will be posted at the plaza site and on City websites. The Plaza Program will provide opportunities for any eligible party to make a stewardship proposal for a Plaza. Eligibility criteria, proposal requirements and operations obligations would be further detailed in each individual City Plaza RFP, but would broadly include the following:
  - a. Eligibility criteria:
    - Be a registered non-profit corporation with programs based in San Francisco.
    - Be able to demonstrate a strong connection to the neighborhood in which the Plaza is located.
    - Be able to demonstrate capacity for long-term management of the Plaza.
  - b. Proposal requirements: Plaza Plan describing vision and strategy for the subject Plaza:
    - Organization Background Contact Information
    - Organization Qualifications
    - Staff Qualification
    - Community Initiative
    - Program Design, Site and Feasibility
    - Evaluation/Communications
    - Signage Plan
    - Program and Respondent Budget
  - c. Operations obligations - submit as a Plaza Plan:
    - Commit to enter into a license agreement with the City for stewardship of the Plaza, if approved by the Board of Supervisors.
    - If approved, maintain clear, on-going lines of communication with community stakeholders, as detailed in the approved license agreement.
    - If approved, agree to activate and/or maintain the Plaza through programming, marketing, management and event management, as described in the approved license agreement.
    - Maximize events that are free to the public.
    - Maintain insurance, as necessary.
    - Participate in periodic Plaza Program Steward meetings and workshops.
    - Plan for partnering with existing City programs that activate City property through public-private efforts.
3. Prospective City Plaza Stewards submit proposals.
4. On-going outreach: Proposer garners community support and Plaza Program raises local awareness of stewardship and program process.
5. Proposals reviewed by Plaza Program Review Committee and City Plaza Steward identified for recommendation to Director of RED, who would then recommend the proposer for approval as City Plaza Steward by Board of Supervisors. Apparent City Plaza Steward and RED negotiate terms and prepare draft license agreement. The Plaza Program will only recommend one City Plaza Steward per Plaza.
6. If the plaza has not yet been adopted into the program, submit to Board of Supervisors for adoption as a Plaza Program City Plaza in Chapter 94 of Administrative Code
7. Board of Supervisors approval of recommended City Plaza Steward.
8. Implementation: City Plaza Steward begins stewardship of Plaza (programming and/or maintenance).
9. Ongoing Evaluation for term of City Plaza Steward.
10. At end of term, begin process again with a City Plaza Steward identification RFP.

### Notes:

- City Plaza RFPs may occasionally offer associated grant opportunities that would be contingent on final approval of the respondent as that City Plaza's Steward.
- RFP Review Committee Evaluation Criteria, based on a 100-point scale:
  - o Community Initiative- (25 points)
  - o Proposal Design, Implementation Approach and Site Context (25 points)
  - o Proposer Qualifications, Capacity and Staff Assignments (25 points)
  - o Project Feasibility, Evaluation Methods and Sustainability (25 points)

## PROCESS & REQUIREMENTS: STREET PLAZAS



1. A Plaza emerges from an existing City program that meets criteria.
2. DPW/Plaza Program announces open permit period to identify Street Plaza Steward (the permittee for a Plaza Encroachment Permit). The announcement will be posted at the Plaza site and on City websites. The Plaza Program will provide opportunities for any eligible party to make a stewardship proposal for a Plaza. Eligibility criteria, application requirements and operations obligations would be further detailed in each individual Street Plaza open permit period announcement, but would broadly include the following:
  - a. Eligibility criteria:
    - Although not required, groups with non-profit corporation status with programs based in San Francisco are preferred.
    - Be able to demonstrate a strong connection to the neighborhood in which the Plaza is located.
    - Be able to demonstrate capacity for long-term management of the Plaza.
  - b. Application requirements: Plaza Application describing vision and strategy for the subject Plaza:
    - Organization Background Contact Information
    - Organization Qualifications
    - Staff Qualification
    - Community Initiative
    - Program Design, Site and Feasibility
    - Evaluation/Communications
    - Signage Plan
    - Budget Projections
  - c. Operations obligations:
    - Commit to complete and sign Plaza Encroachment Agreement, if approved as the Street Plaza Steward by the Board of Supervisors. Maintain general liability insurance, and naming the City as additional insured.
    - Maintain clear, on-going lines of communication with community stakeholders.
    - Activate and/or maintain the Plaza through programming, marketing, management and event management, as described in the approved permit agreement.
    - Maximize events that are free to the public.
    - Participate in periodic Plaza Program Steward meetings and workshops.
    - Plan to partner with existing City programs.
3. Prospective Street Plaza Stewards submit applications: Each Street Plaza application is a proposal to become the recommended Plaza Major Encroachment Permit applicant. The open permit period to identify Street Plaza Permittee shall be open for ninety (90) days.
4. On-going outreach: Applicant garners community support and Plaza Program raises local awareness of stewardship and program process.
5. Applications reviewed by DPW/Plaza Program staff for eligibility. If more than one proposal for application is received, DPW staff will review all proposals to determine whether there is more than one eligible proposal. DPW shall schedule a public hearing to review eligibility of all potential applicants. Based on the information provided, and testimony presented at the hearing, the DPW Hearing officer shall make a recommendation to the Director of Public Works, upon which, the Director shall select a final applicant. After such selection, DPW shall meet with the applicant to determine what outstanding information and/or materials are necessary to complete the application process. The DPW Director will only recommend one Street Plaza Steward (applicant) per Plaza.
6. If the plaza has not yet been adopted into the Plaza Program, DPW and Plaza Program staff would prepare legislation proposing adoption of the plaza into the Plaza Program as per Chapter 94 of Administrative Code, prior to approval of a Plaza Encroachment Permit. Board of Supervisors approval of Plaza Encroachment Permit application.
7. Implementation: Street Plaza Steward begins stewardship of Plaza (programming and/or maintenance).
8. Ongoing Evaluation for term of Street Plaza Steward.
9. At end of term, begin process again with an open permit period to identify Street Plaza Steward.

## CITY RESPONSIBILITIES

- Separate from, but in coordination with, the Plaza Program, the City may elect to install temporary or permanent improvements at the Plazas, depending on funding.
- Plaza Program staff will monitor and regularly inspect Plazas to assess and confirm that the Street and City Plaza Stewards are fulfilling their responsibilities.
- Plaza Program Coordinator will be responsible for promoting the development of comprehensive Plaza Program policies and strategies; managing Plaza Program evaluation, reports and fees and networking Street and City Plaza Steward efforts and opportunities; leading a City Department Plaza Working Group and acting as liaison between Street and City Plaza Stewards and relevant City agencies. The Coordinator will also sustain strategic program-wide partnerships for Plaza maintenance and activation with community organizations, non-profits and businesses.
- The City has proposed several measures that aim to minimize cost and process time of permits for events in adopted Plaza Program Plazas. The Coordinator will continue to seek opportunities to streamline activation in an effort to increase public benefits of activation.



## FAQs

Q: Which plazas could be in the Plaza Program?

A: Plazas will not be directly created by the Plaza Program; the Plaza Program is intended to provide a long-term "home" for existing plaza projects created through various City programs, including but not limited to: Pavement to Parks, Invest in Neighborhoods, the Planning Department process for new residential and/or commercial developments and other City initiatives. Plazas must 1) be generally over 2,000 square feet, 2) located in active areas of the City, like commercial corridors, transit or bicycle hubs or other naturally active areas, 3) not be primarily athletic or urban agriculture facilities, 4) have a demonstrable need for activation and/or maintenance, 5) have existing community support for public-private activation, and 6) have at least one identified potential partner that has capacity to steward the identified plaza for the proposed length of the agreement term. All Plazas would need to be adopted by the Board of Supervisors on a plaza-by-plaza basis as part of the Plaza Program.

Q: Can public art be incorporated in the Plaza?

A: Yes, through the San Francisco Art Commission process or other related art processes.

Q: How can I hold an event in the Plaza?

A: Events that comply with Plaza Program event requirements can be scheduled through a City or Street Plaza Steward. Interested parties can contact a City or Street Plaza Steward directly to learn more about scheduling events. All Plaza City and Street Plaza Stewards will be listed on the Plaza Program website.

Q: Can Plaza City and Street Stewards generate revenue? How can they use that revenue?

A: Yes, a City and Street Plaza Stewards can generate revenue from activities that are permitted under their relevant agreement with City, but that revenue can only be used to support the activation, management and maintenance of that Plaza. If a City Plaza Steward generates more revenue than it needs for its budgeted activation, management, maintenance activities, it can place some of that excess revenue in a limited reserve fund and the City would use any remaining excess revenue to fund activation and management activities in other City Plazas that have inadequate activation and management funds.

Q: Will advertising be permitted?

A: Although general advertising will not be permitted, City and Street Plaza Stewards may recognize the financial sponsor of an event through signage approved by the Plaza Program staff in advance of the event.

Q: Will these Plazas be open to the public?

A: Yes, all Plazas must generally remain open to the public. They will feel similar to other City-owned open space, with similar regulations. Some Plazas may have a limited number of private events in order to support their respective Steward's activation and maintenance obligations for those Plazas.

## DRAFT - Plaza Program questions with Clarifications/Amendments

Question	Answer
<p>What is the working definition of “PLAZA” for the sake of this program? Does this apply to RPD land?</p>	<p>“Plaza” is City-owned land not under the jurisdiction of the Recreation and Parks Department: (a) where the public may gather and participate in commercial or non-commercial offerings, including, but not limited to, arts activities; entertainment; food, drink, and/or other refreshment; retail sales; sports; and general recreation, (b) that is managed fully or partially by a Steward or permittee, and (c) that the Board of Supervisors has approved as a Plaza under the Plaza Program adoption process defined herein.</p>
<p>Who are these nonprofits who could take on plazas? Define which types of NPs would be eligible. for City Plazas</p>	<p>Any educational, recreational or social agency, or any bona fide fraternal, charitable, or religious or benevolent or any other nonprofit organization or any public agency which organization or agency is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable, religious, benevolent, or nonprofit organization or a public agency with programs based in San Francisco could respond; such organizations also need to show a strong, demonstrated connection to the neighborhood in which the Plaza is located.</p>
<p>How will the program avoid excluding the homeless? Beyond the potential 8 one-day events, can the steward restrict access to the space?</p>	<p>All plazas to be adopted under the Plaza Program would be open to the public, with the exception of a small number of restricted access events (no more than 8, one-day events), if approved by the Board of Supervisors. Plaza Stewards may ask for a suggested donation at events outside of any approved restricted events, but could not restrict access.</p>
<p>Where do the activation interests come from – where is the need? How did this program idea come into being – who is asking for this? Need: How would the need be demonstrated? What are the criteria? Who would demonstrate the need and how would they demonstrate it? What is the need for this program? How did communities decide on this desire for activation?</p>	<p>Activation and stewardship interests emerge from various neighborhood and community area planning processes, as well as City sponsored initiatives that engage with local neighborhoods around streetscape and capital improvements like Pavement to Parks and Invest in Neighborhoods. Each plaza must have an existing community participation process in place and demonstrated support from the community for it to become part of the plaza program.</p>
<p>Which City departments will provide oversight? Just OEWD?</p>	<p>The Office of Economic and Workforce Development (OEWD) is partnering with the Real Estate Division (RED) and the Department of Public Works (DPW) to launch and oversee the SF Plaza Program.</p>
<p>Wouldn't the only reason a steward would want to participate would be to make money?</p>	<p>Any revenues that Stewards might generate could only be used to support the activation, management and maintenance of that Plaza. If a City Plaza Steward generates more revenue than it needs for its budgeted activation, management, maintenance activities, it can place some of that excess revenue in a limited reserve fund and the City would use any remaining excess revenue to fund activation and management activities in City Plazas that have inadequate activation and management funds.</p>
<p>Can you describe the selection process? Currently there is no identified, documented process for the adoption</p>	<p>The process for adopting plazas is described in the Plaza Program Overview on pages 4 and 5: <a href="http://oewd.org/media/docs/Plaza%20Program/FINAL_PLAZA%20PROGRAM%20OVERVIEW.pdf">http://oewd.org/media/docs/Plaza%20Program/FINAL_PLAZA%20PROGRAM%20OVERVIEW.pdf</a></p>

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procedures. Please provide in writing. What is the process by which a Steward would be selected? Is there a chart such as the permit process chart that shows how the city go to the current proposed plaza program? What were previous iterations? What was deleted in the process?	
What type of community outreach is required? Will tenant and resident outreach be required?	The Legislation was amended to include additional noticing. Potential plaza stewards are required to conduct and document additional local outreach for their proposals.
Who can be a steward of a plaza?	Only nonprofit organizations could be approved by the Board of Supervisors as Stewards of City Plazas. Encroachment permits in a street right of way, including a permit for Street Plaza stewardship can not be limited to nonprofits, but for the plaza program the stewardship permit would include the same requirement that applicants show a strong, demonstrated connection to the neighborhood in which the Plaza is proposed to be located.
How will the Plaza Program insure equity across the City?	Plazas come from neighborhood planning efforts across the City. The plaza program is a City wide program. Additionally revenue from some plazas will cross-subsidize other plazas that have a demonstrated need for additional resources.
What are the criteria for enabling plazas below 2,000 Sqft to be utilized for the program?	Spaces smaller than 2000 square feet would need to be considered on a case-by-case basis.
Please explain the idea of "activate" and its genesis. Please explain the reason in terms of research, feedback, etc. why the plazas need to be "activated".	Communities and stakeholders throughout San Francisco have asked the City to support their efforts to reduce the barriers to improve some of their neighborhood urban plaza-like spaces through intentional programs such as art and music events, farmers' markets, movie nights, local food and retail opportunities, and much more.
Please explain how it was/will be determined whether a plaza is "underutilized".	Some City programs, like Pavement to Parks, support communities in converting their underutilized space, like excess roadways, into vibrant community gather spaces. Identification of underutilized open spaces may also occur through formal community streetscape and neighborhood planning processes.
Please explain the financial benefit to the City in terms of dollars/cents.	The Plaza Program could benefit the citizens of San Francisco though increased public participation and positive activity within these additional open spaces, improving livability goals and making San Francisco a better place to live, work and play.
What percentage of the money raised by Stewards/vendors, etc. is intended to go to which expenditures? How much money may be retained for "services"	Any revenues generated by the Steward must fund the costs of that plaza. In the case of revenues that exceed costs and an established reserve fund, additional revenues can cross fund program plazas, as well as Plaza Program administrative costs. The City will have access to these records and, in the case of City Plaza, require yearly budget and revenues records.

by Stewards/vendors? How will this be measured?	
How much money is spent by the City to maintain public plazas currently versus future goals?	Since the program is aimed at responding to community desires to expand access, maintenance and programs in open spaces beyond existing City departmental resources and current budgets, the program could actually facilitate an increase the public maintenance benefit. City departments that have jurisdiction over city land currently budget annually for the baseline maintenance of city property. The existing city investments in its property would continue once a plaza is accepted into the plaza program. The plaza program would bring additional resources to the City's plazas.
Are there any limits on the Steward's own commercial activities? On the commercial activities of the vendors that are selected by a Steward? How much time/space [will be reserved for non-commercial uses]? What are the limits to the Steward's ability to sublease, charge fees, restrict or otherwise control activities in the plaza? How much space will be dedicated to retail v. non-commercial functions?	Parameters of relationship between Stewards or permittees and any programming providers, including any vendors, would be described in detail in each customized license or permit agreement and would require Board of Supervisors approval and community support. Each potential Steward will propose a customized Plaza Plan that will describe the mix of activities in the space.
What is the process and criteria by which the Steward is to make those decisions [If the public or an organization wished to host events at that plaza]?	Stewards will consider all potential activation possibilities for plazas; they will take into consideration factors of event scheduling, safety and health. The program will encourage stewards to include a broad a variety of activation to address local community interests.
Please provide a list and map of the plazas that are NOT subject to the program.	The Plaza Program does not include specific plazas in its adoption process. If the program is adopted, plazas could be proposed on a plaza-by-plaza basis. Thus, there is no specific list of plazas that would not be included in the program, beside those that are not City-owned, or are under the jurisdiction of the Recreations and Parks Department.
If the purpose is to "activate" public plazas, etc., why not focus on remote plazas and streets?	Programming builds on natural pedestrian and bicycle traffic in plazas. The program aims to leverage existing pedestrians and bicyclists to enhance activation.
What is meant by "streamlining" [of event permits]?	Various methods are described in the program that lower barriers, both of processing time and cost, for events in plazas, especially small scale events that support community activation interests.
What are the rules governing the public/private use of the plazas?	Parameters of agreements between Stewards or permittees and any programming providers, including any vendors, will be described in detail in each customized license or permit agreement and would require Board of Supervisors approval.
Are there any restrictions to types of enterprises/events to be employed in	Yes. Besides existing City regulations, parameters of relationship between Stewards or permittees and any programming providers, including any vendors, would be described in detail in each customized license or permit

the plazas? How would formula retail be limited in these plazas?	agreement and would require Board of Supervisors approval. The legislation has been amended to require a conditional use authorization for accessory uses that are defined as formula retail in approved plazas
Who is intended to pay for the infrastructure to support the plaza Stewards? Vendors? Events? Other activities?	The Plaza Program would not directly fund building new plazas. Programming and other responsibilities would be described in detail in each customized license or permit agreement and would require Board of Supervisors approval.
What is the emphasis or percentage share the plazas are intended to accommodate for community- focused art and music events?	Programming and other responsibilities would be described in detail in each customized license or permit agreement and would require Board of Supervisors approval.
Please explain the “could provide”, “programming coordination” and “day-to-day maintenance” [“Steward could provide programming coordination and day-to-day maintenance.”]. Please delineate in writing the specific role/responsibilities of the Steward.	These parameters would be delineated by the City in each individual Street Plaza open permit process or City Plaza Request for Proposals (RFP). Some communities may have prioritized activation and programming, while, others may be looking to support additional maintenance. These community-driven priorities would be reflected in each City RFP or open permit description.
Please provide a sample of the contract that a Steward would need to sign, explain the manner of overseeing/managing the Steward, and identify the responsibilities for that vendor management role. Please explain [The process documentation describes somewhat the process by which a Steward would be selected but does not describe the process/criteria by which the Steward would be evaluated on an ongoing basis].	While a sample draft City Plaza RFP is available on the SF Plaza Program website ( <a href="http://oewd.org/Neighborhoods-SF-Plaza-Program.aspx">http://oewd.org/Neighborhoods-SF-Plaza-Program.aspx</a> ) and Street Plaza draft process descriptions will be available soon, license agreements and permits will be available per plaza, when those plazas are proposed.
Who is going to oversee the Steward and how? Who is accountable?	City Plaza and Street Plaza agreements would be managed by both the Plaza Program Coordinator and the respective department that has jurisdiction of the plaza, Real Estate or DPW. The board of Supervisors must approve the agreement between the Department of Public Works or the Real Estate Division and the plaza steward.
Please explain the role of the City’s Real Estate Division (RED) in the Plazas Program. Please explain the rationale for the “final approver role” (the Director of RED for the City Plazas, and	The Office of Economic and Workforce Development (OEWD) is partnering with the Real Estate Division (RED) and the Department of Public Works (DPW) to launch the SF Plaza Program. City Plazas would be in the RED jurisdiction and, after the steward identification process, the Director of RED could recommend an apparent steward for final approval by the Board of Supervisors. If approved, the Plaza Program, in coordination with RED, would manage that license agreement.

the Director of DPW for the Street Plazas).	
Please explain ["City Plaza RFPs may occasionally offer associated grant opportunities that would be contingent on final approval of the respondent as that City Plaza's Steward."].	Grant opportunities could be offered that would be contingent on final approval by the Board of Supervisors of the respondent as that City Plaza's Steward.
Please define the meaning of "EVENT" for the purposes of this program.	Event could be either 1) the Board of Supervisors-approved number, if any, of restricted access events (no more than eight one-day events) or 2) events that proposing stewards describe in their Event Plans
What are some examples of Events that may/may not be allowed?	The scope of allowable events would be described in the license agreement to be approved by the Board of Supervisors, pending other necessary City approvals.
Why allow any private events at all? How long could a restricted access event be?	Stewards could propose no more than eight of these event days per year, pending Board of Supervisors approval. These events would need to be spread throughout the calendar year. Some Plaza Stewards might propose events that could help support the community-driven interest in additional activation and/or maintenance than is currently available. For example, a fundraiser to support yearly programming costs.
Please identify the constraints on these private events [The program currently would allow 8 private events per plaza, per year.] Problems with 8 events – what if they were 8 Sundays?	Stewards could propose no more than eight of these event days per year, pending Board of Supervisors approval. The legislation was amended to clarify event length as no more than one-day and to require that any approved events be spread throughout the calendar year.
What guidelines would private events need to follow and who is responsible (what entity) for informing the vendor/event sponsor of those guidelines?	The scope of allowable events would be described in the license agreement, to be approved by the board of Supervisors, pending other necessary City approvals.
What opportunities will communities have for influencing: <ul style="list-style-type: none"> <li>a. the Steward selection for their nearby plazas?</li> <li>b. the events chosen for their nearby neighborhoods? The vendors selected for their nearby plazas? The music and/or art events for their nearby plazas?</li> </ul>	<ul style="list-style-type: none"> <li>a) The plaza proposals require demonstration of community initiative and input, including recommending at least six (6) letters of support for proposed Plaza Plans.</li> <li>b) For plazas that have activation as a requested element, the plaza proposals will require demonstration of community initiative and input, including recommending at least six (6) letters of support for proposed Plaza Plans, which would include an Event Plan. In addition, proposer would need to describe an on-going outreach plan that will solicit local stakeholders feedback and input. The legislation was amended to include additional noticing, including a local mailer.</li> </ul>
Please specify the process for	Potential plaza stewards are required to conduct and document additional local outreach for their proposals. The



<p>community involvement at every level. Potential of Stewards to limit outreach – outreach only to supporters? What if someone wants do an activity on a plaza, but stewed says no. Who oversees - who's administering? How will the program insure community involvement on an on-going basis?</p>	<p>plaza proposals will require demonstration of community initiative, including recommending at least six (6) letters of support for proposed Plaza Plans. In addition, proposer would need to describe an on-going outreach plan that will solicit local stakeholders feedback and input. The legislation was amended to include additional noticing, including a local mailer.</p>
<p>If/When a community member has a complaint about an element of the Plaza Program, what are his options for filing a complaint or having a responsible party take action? What the appeal process?</p>	<p>The legislation describe the following complaint process for City Plazas: "The Plaza Program will establish administrative procedures concerning methods to process, address, respond to, and document any complaints concerning operation of a Plaza. If the Director of RED receives verified complaints concerning violations of the terms and conditions of the Steward's license within the initial six (6) month period of operation, the Director of RED shall conduct a public hearing on the Steward's conduct. After the initial six (6) month term, the Director of RED may extend the term to every twelve (12) months for the consideration of subsequent complaints and action thereon. Based on the information presented at the hearing, the Director may terminate, suspend, modify, or condition the license or take any other action the Director deems appropriate under the terms of the license in response to the Steward's conduct."</p> <p>The legislation describe the following complaint process for Street Plazas: "The Plaza Program will establish administrative procedures concerning methods to process, address, respond to, and document any complaints concerning operation of a Plaza. If the DPW Director receives verified complaints concerning violations of the terms and conditions of the Permit within the initial six (6) month period of operation, the DPW Director shall conduct a public hearing on the Permittee's conduct. After the initial six (6) month term, the DPW Director may extend the term to every twelve (12) months for the consideration of subsequent complaints and action thereon. Based on the information presented at the hearing, the Director may terminate, suspend, modify, or condition the Permit or take any other action the Director deems appropriate under the terms of the Permit in response to the Permittee's conduct."</p>
<p>What mechanisms for conflict resolution does the city intend to apply to the selection processes? Please specify the process for conflict resolution.</p>	<p>The process for identification of stewards for City Plazas and Streets Plazas are detailed in the draft City Plaza RFP and draft DPW Director's order for Street Plazas.</p>
<p>Separate legislation that must be amended for this program includes some contradictory clauses; for example...</p>	<p>The legislation was amended for inconsistencies and typos.</p>

<ul style="list-style-type: none"> <li>• Length of Steward's term: 3 years, 5 years, negotiable, indefinite</li> <li>• Chapter 94 of the Admin Code</li> <li>• Etc.</li> </ul>	
<p>What are the criteria for determining whether:</p> <ol style="list-style-type: none"> <li>a. an Event is "successful"?</li> <li>b. a Vendor is "successful"?</li> <li>c. a Steward is "successful"?</li> </ol>	<p>Expectations and responsibilities would be described in each specific agreement, pending other necessary City approvals. In addition, each agreement would specify that the agreement could be terminated or revoked if less than a stipulated number of minimum annual programmed events occurred per year.</p>
<p>Please explain the scope and role of each [According to the OEWD Plazas Program overview document on their website, "The Plaza Program is intended to provide a long-term "home" for plaza projects created through various City programs, including but not limited to: Pavement to Parks, Invest in Neighborhoods, the Planning Department process for new residential and/or commercial developments and other City initiatives.].</p>	<p>Pavement to Parks: <a href="http://sfpavementtoparks.sfplanning.org/">http://sfpavementtoparks.sfplanning.org/</a>  Invest in Neighborhoods: <a href="http://oewd.org/IIN.aspx">http://oewd.org/IIN.aspx</a>  Planning Department: <a href="http://www.sf-planning.org/">http://www.sf-planning.org/</a></p>
<p>Please explain how these decisions would be made [Separate from, but in coordination with, the Plaza Program, the City may elect to install temporary or permanent improvements at the Plazas, depending on funding.]</p>	<p>Any improvements to City owned land would need any necessary City approvals and review.</p>
<p>Does the Plaza Program require any changes in Land Use, Conditional Use, etc?</p>	<p>Various approvals could be required on a plaza-by-plaza basis. The legislation was amended to require a conditional use authorization for accessory uses that are defined as formula retail in approved plazas</p>
<p>Will the Plazas Program voluntarily request an Environmental Review prior to its inception?</p>	<p>Yes.</p>
<p>Provide examples of structure designs and show that they will not occupy 1/3</p>	<p>The legislation was amended to add Open Space height requirement unless otherwise approved by the Board of Supervisors. The legislation was amended to clarify that any structures shall only occupy a de minimis amount of</p>

<p>of the plaza automatically. Explain P OS how it applies to plazas. Will restaurants be allowed under any code? What is the definition of a restaurant? Discuss where and when restaurant may be appropriate and where or when it will not. Food to go with table and chairs is that a restaurant? What other codes and permits are required to regulate any proposed building structure on plazas? The Planning Code amendment around 1/3 use of space is unclear – please clarify. How would the program protect plazas from having too much space taken up by a private building? Would all adopted plaza have the OS height designation?</p>	<p>space so that they would not detract from the plaza's principal or exclusive purpose as open space. In no case may accessory nonpublic uses occupy more than 1/3 of the total lot area occupied by the principle use. Any improvements to City owned land would need any necessary City approvals and review.</p>
<p>Provide models of activation done by grass roots volunteer organizations that does not include retail or vendors.</p>	<p>Proposers could provide various programming mixes – these will be detailed in Event Plans, if proposed.</p>
<p>How is connection to a community defined?</p>	<p>Potential plaza stewards are required to conduct and document additional local outreach for their proposals. The plaza proposals will require demonstration of community initiative and support, including recommending at least six (6) letters of support for proposed Plaza Plans. In addition, proposer would need to describe an on-going outreach plan that will solicit local stakeholders feedback and input.</p>
<p>Who at DPW will review the street plaza permit applications? Nick Elsner? Bureau of Street Use Management?</p>	<p>DPW will review applications using a process similar to their processes for encroachment permits, unless otherwise described in the draft Street Plaza Director's order.</p>
<p>Will Street plaza permits be approved by the Board of Supervisors?</p>	<p>Yes.</p>
<p>The street plazas that are already in existence (Guerrero, Jane Werner) why do they want to join this program?</p>	<p>These plazas exist as temporary plazas through existing city programs. They could be proposed as Plaza Program plazas if area communities are interested using Plaza Program tools to keeping these maintained and activated in the longer-term beyond existing resources.</p>
<p>What is the proposed possible plaza mentioned in the planning information hearing in Potrero Hill?</p>	<p>Unknown; this meeting might have been Daggett Park: <a href="http://www.sf-planning.org/ftp/files/Citywide/showplace_square_open_space/Daggett_Park_Proposal_for_Civic_Design_Review_1-23-12.pdf">http://www.sf-planning.org/ftp/files/Citywide/showplace_square_open_space/Daggett_Park_Proposal_for_Civic_Design_Review_1-23-12.pdf</a></p>

<p>Clarify the change from accessory to ancillary use arbitrary and artificial. Wholesale negation of Planning Code: Change in language of leg in re “use” from “accessory” to “ancillary” negates entire “accessory use” portion of Sec. 204 of PC. “Ancillary” use can be no more than 1/3 of the total floor space” open ended though not unlimited. Would “ancillary” use of no more than 1/3 of total floor space be consistent w/ the other code sections per above (Police Code, Admin Code, Plaza Program code)?</p>	<p>The legislation was amended to remove use of word “ancillary” and indicating instead that accessory uses may or may not be related to the principal use.</p>
<p>Is the City just dumping these spaces that they don’t want to maintain?</p>	<p>No. The SF Plaza Program creates tools to support communities that desire additional levels of activation and maintenance above and beyond what the City currently provides.</p>
<p>Legislation does not regulate how a NP can generate revenue and PP proposed to bring in entertainment and commercial ventures – what will limit size and scale?</p>	<p>Expectations and responsibilities would be described in each specific agreement, pending other necessary City approvals and Board of Supervisors approval. Revenues generated by the Steward, if any, could only fund the costs of that plaza.</p>
<p>How will public who finds activation problematic respond</p>	<p>Feedback can be provided directly to the Steward and additional feedback can be provided to City departments that govern the agreements or additional permits, including the Real Estate Division, Department of Public Works and the Entertainment Commission.</p>
<p>Why is there a focus on permit streamlining?</p>	<p>Small scale event scan be costly and time-intensive to produce. The SF Plaza Program aims to support communities that request activation by lowering event permitting barriers, when feasible, to support these community goals.</p>
<p>Will we have to appeal to a “Plaza Tsar”? Who will control them? DPW doesn’t have a commission.</p>	<p>The City currently lacks dedicated coordination of activities in City-owned plazas that fall outside of traditional San Francisco Recreation and Parks Department jurisdiction and functions. There is no full-time staff person dedicated to coordinating the Citywide, cross-departmental efforts to maintain and/or activate these spaces, and, as a result, there can be a lack of cohesion and policy-level coordination of the various City efforts to foster innovative approaches and partnerships for these public spaces. The program would dedicate a staff person to the coordination of the Citywide, cross-departmental efforts to maintain and/or activate these spaces. DPW, in coordination with the Plaza Program, would manage Plaza Encroachment Permits.</p>
<p>Plazas – low levels of RPD maintenance;</p>	<p>The SF Plaza Program creates tool to support communities that desire additional levels of activation and</p>

what should City be responsible for?	maintenance.
What would that maintenance look like – capital maintenance?	The SF Plaza Program creates tool to support communities that desire additional levels of activation and maintenance. Individual agreement would describe the scope of maintenance responsibilities.
Why not connected with other public sites – Claudia Flores	The scope of the SF Plaza program does not include sites under jurisdiction of Recreation and Parks Department.
How would environmental review work for the Plaza Program?	Each proposed plaza would need its own environmental review process.
Activation is very laborious and expensive. How would the Plaza Program help with this?	Small scale events can be costly and time-intensive to produce. The SF Plaza Program aims to support community that request activation by lowering event permitting barriers, when feasible, to support these community goals.
How will we insure that a large formula retailer does not take over a plaza?	The legislation was amended to require a conditional use authorization for accessory uses that are defined as formula retail in approved plazas
Is there a map of the plazas? What are the space that would be natural fits to the program and who maintains those plazas now??	Adoption of the Plaza Program would not approve any specific plazas, but several plazas are listed, for example purposed only, in the Open House Presentation on the Plaza Program website that may be eligible for participation, pending community processes and regulations, including environmental review
How will excess monies be able to flow back into that plaza, not program-wide – a reserve?	A multiple of the approved budget, per-plaza, could be designated as a reserve.
Could steward bring in other vendors	Expectations, responsibilities and an Event Plan, if any, would be described in each specific agreement, pending other necessary City approvals. Revenues generated by the Steward, if any, could only fund the costs of that plaza.
What about if nobody comes forward – like McCoppin?	In those cases, the City would not be able to support communities in their desire for additional activation and/or maintenance.
Who manages the agreements?	The Office of Economic and Workforce Development (OEWD) is partnering with the Real Estate Division (RED) and the Department of Public Works (DPW) to launch the SF Plaza Program. City Plazas would be in the RED jurisdiction and Street Plaza would be in Department of Public Works (DPW) jurisdiction. After the steward identification process, the Director of RED or DPW could recommend an apparent steward for final approval by the Board of Supervisors. If approved, the Plaza Program, in coordination with RED and DPW, would manage that license or permit agreement.
Consider economic downtimes – what happens?	A multiple of the approved budget, per-plaza, could be designated as a reserve, for specific uses which could include budget shortfalls.
How is this not privatization?	The City will not give up control of these publically-owned spaces. Revenues that a steward may generate must go to fund plaza costs
IS the City just trying to get out of its maintenance responsibilities?	No. The SF Plaza Program creates tool to support communities that desire additional levels of activation and maintenance.
What spaces are covered under the P-	Public Use District, referred to as a "P District," applies to land that is owned by a governmental agency and in some

district?	form of public use, including open space.
Could the plazas go to the Board for Conditional Use authorizations?	No. Conditional Use authorization would need Planning Commission approval.
Which service would the steward be responsible for and which would be City responsibilities?	The SF Plaza Program creates tool to support communities that desire additional levels of activation and maintenance. Individual agreement would describe the scope of maintenance responsibilities.
How is this connected to the ROSE?	The ROSE and the SF Plaza Program are separate, but they are in line with each other.
Use of federal grants for the "Public" (P)-zoned Districts?	No specific restrictions of or inclusions of federal grant use is written in the SF Plaza program legislation
Selling portions of property for any of the "public" parcels?	SF Plaza Program legislation does not authorize sale of plazas.
Any money going to develop housing on / adjacent to / off site as a result of the provisions in this legislation? E.g. grant \$ use, "revenues" generated by "steward" / "people allowed to use the parcels"?	The SF Plaza Program legislation does not authorize a budget to fund housing.
What are the notification criteria to the neighbors?	The legislation was amended to include additional noticing
If DPW is providing hearing notices for an event, where can the public sign up to receive these notices like the great system Planning Dept. uses?	Noticing procedures will depend on event types and City approval requirements.
Inconsistency across codes for term of events/permit period of validity: Public Plaza Program says certain "temporary uses" can be for "up to 3 years" which is counter to the Sec. 205 time lengths and also in conflict with DPW Code of "no longer than 5 years" OR "for a longer or unlimited term."	Legislation amended for inconsistencies and typos
Inconsistency across codes for number	Under the Police Code now, a place can be eligible for an LLP if, in addition to meeting all other criteria, the area in

of allowed sq. ft. differs: Police code Sec. 1600 "Limited Live Performance" not to be "greater than 200 sq. ft. (live performances can be indoors or enclosed by buildings or have public ingress and egress – e.g. a building) and shall "include any Plaza as identified in Admin Code Chapter 94 REGARDLESS OF THE SQUARE FOOTAGE OF THE LIVE PERFORMANCE AREA. CLARIFY: Is the sq.ft. based on use also?  
Plaza Leg says "total gross floor area per establishment does "NOT EXCEED 2,500 SQ. Ft."

which live performances are presented is no greater than 200 square feet. Under the plaza program, plazas in the program would be eligible for LLPs regardless of the square footage of their performance areas (but would still need to meet other applicable requirements for an LLP permit). All LLPs must be approved by the Entertainment Commission.

## PROPOSED CHANGES BASED ON OUTREACH

*In response to many months of gathering input on this new legislation, these changes are proposed to the current legislative drafts (introduced in January) to address feedback.*

Feedback	Change	Code Section
<b>It is not clear if Recreational and Parks Department is included in this program.</b>	Legislation amended to clarify that no Plaza identified in this program shall be on property under the jurisdiction of the Recreation and Parks Department	Admin Code SEC. 94.1. DEFINITIONS.
<b>It is unclear who "approves" a plaza</b>	Legislation amended to more clearly state that the Board of Supervisors approval would be necessary for plaza adoption, any necessary permits and authorizations including, but not limited to Plaza encroachment Permits, Street vacation Ordinances, or licenses.	Admin Code: SEC. 94.2. PLAZA PROGRAM.(11)
<b>It is unclear how communities will know about this process for City Plazas in their neighborhoods</b>	Legislation amended to include additional noticing	Admin Code: SEC. 94.3. REGULATIONS FOR CITY PLAZAS. (c)
<b>The length and frequency of the up to 8 private events that could be approved by the Board of Supervisors is unclear for City Plazas</b>	Legislation amended to clarify event length as no more than one-day and to require that any approved events be spread throughout the calendar year	Admin Code: SEC. 94.3. REGULATIONS FOR CITY PLAZAS. (1) Operational Requirements.
<b>The legislation refers to a Plaza Program Strategy – where is that?</b>	Legislation amended to not include a Plaza Program Strategy – an Overview can be found on the Plaza program website: <a href="http://oewd.org/Neighborhoods-SF-Plaza-Program.aspx">http://oewd.org/Neighborhoods-SF-Plaza-Program.aspx</a>	Admin Code Section 1. Findings (g)

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<b>The legislation refers to using either a lease or license agreement</b>	Legislation amended to only use licenses as the agreement form	Admin Code: throughout
<b>How will we be sure that plazas do not contain inappropriate structures?</b>	Legislation amended to add Open Space height requirement unless otherwise approved by the board of Supervisors. Legislation amended to clarify that any structures shall only occupy a de minimis amount of space so that they would not detract from the plaza's principal or exclusive purpose as open space. In no case may accessory nonpublic uses occupy more than 1/3 of the total lot area occupied by the principle use.	Admin Code: SEC.94.1 DEFINITIONS; Planning Code SEC. 234.1. PRINCIPAL USES PERMITTED, P DISTRICTS.(c) 1
<b>The Planning Code amendments are confusing</b>	Legislation amended to be more clear and readable	Planning Code: throughout
<b>The difference between accessory and ancillary seems arbitrary</b>	Legislation amended to remove use of word "ancillary" and indicating instead that accessory uses may or may not be related to the principal use.	Planning Code SEC. 234.1. PRINCIPAL USES PERMITTED, P DISTRICTS. (c)
<b>The section about City Plazas in the Planning Code is unclear</b>	Legislation amended to clarify that City Plazas, as defined in Section 94.1 of the Administrative Code, would be principally permitted when found to be in conformity with the General Plan	Planning Code SEC. 234.1. (e)
<b>It is unclear if formula retail uses are allowed in plazas</b>	Legislation amended to require a conditional use authorization for accessory uses that are defined as formula retail in approved plazas	Planning Code SEC. 234.1. PRINCIPAL USES PERMITTED, P DISTRICTS (4) and (6)
<b>The name for the Street Plaza agreement form is unclear</b>	Legislation amended to consistently refer to this permit as a Plaza Encroachment Permit	Public Works Code: SEC. 792. STREET PLAZAS. (b) (1)

The length and frequency of the up to 8 private events that could be approved by the Board of Supervisors is unclear for Street Plazas	Legislation amended to clarify event length as no more than one-day and to require that any approved events be spread throughout the calendar year	Public Works Code: SEC. 792. STREET PLAZAS. (b)4.D Application Submittal.
It is unclear how communities will know about this process for Street Plazas in their neighborhoods	Legislation amended to include additional noticing	Public Works Code: SEC. 792. STREET PLAZAS. (b) 5 Selection of Applicant Prior to Permit Processing.
The steward identification process for City Plazas is unclear	A document will be added to the Board file to clarify the intent of this process	Draft City Plaza Request for Proposals
The steward identification process for Street Plazas is unclear	A document will be added to the Board file to clarify the intent of this process	Draft Street Plaza draft Director's Order
The community involvement process is unclear	Two draft documents will be added to the Board file to clarify the intent of this process	Draft City Plaza Request for Proposals, draft Street Plaza DPW Director's Order
There are some inconsistencies and typos in the legislation	Legislation amended for inconsistencies and typos	Throughout all code amendments

**City and County of San Francisco**

**Request for Proposals for**

\_\_\_\_\_ **Plaza Stewardship**

***DRAFT***



Issued by: Office of Economic & Workforce Development  
Date issued: \_\_\_\_\_, 2014  
Proposals due: 5p.m., \_\_\_\_\_, 2014

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**Appendices:**

- A. SF Plaza Program Overview
- B. License Agreement

*[If grant also being offered, add the following and change "C. Standard Forms:" below to "D. Standard Forms:"*

- C. Agreement for Grant (Form G-100)]

C. Standard Forms: Listing and Internet Addresses of Forms related to Taxpayer Identification Number and Certification and to Chapters 12B and 12C, and 14B of the San Francisco Administrative Code.

**Request for Proposals:**  
\_\_\_\_\_ Stewardship

**I. Introduction and Schedule**

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**A. General**

The City and County of San Francisco ("City"), acting through its Office of Economic & Workforce Development ("OEWD"), is issuing this request for proposals ("RFP") for the stewardship of the \_\_\_\_\_ Plaza ("Plaza") for up to five years. *[If grant also being offered, add following: Up to \$\_\_\_\_\_ in grant funds ("Grant Funds") may be available to support approved or required stewardship activities (detailed in section II below).]*

The Plaza is comprised of approximately \_\_\_\_\_ square feet, and is bordered by \_\_\_\_\_ . OEWD is seeking qualified non-profit organizations with the capacity, experience, and creativity to foster the stakeholder use and enjoyment of the \_\_\_\_\_ Plaza while maintaining it in an inviting and clean condition.

**B. Schedule**

The anticipated schedule\* for awarding a stewardship *[If grant also being offered, add following: and any related grant]* is as follows:

<u>Proposal Phase</u>	<u>Date*</u>
RFP is issued by the City	_____, 2014
Deadline for submission of written questions or requests for clarification	_____, 2014
Answers to questions posted online	_____, 2014
Proposals due	_____, 2014
Panel review	_____, 2014
Selection for License Agreement negotiations	_____, 2014
Submission of proposed license to City's Board of Supervisors	_____, 2014

\*Each date is subject to change. Check website for latest schedule.

## **II. Program Area and Scope of Work**

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### **A. Program Area**

Created in 2014, the San Francisco Plaza Program (“Plaza Program”) provides for the activation, management, and/or maintenance of designated “City Plazas” by non-profit organizations that have a strong neighborhood connection with those plazas. The Plaza Program goals and process are further described in the SF Plaza Program Overview attached to this RFP as Appendix A. A steward is selected through a public process to activate, manage and/or maintain its respective plaza for \_\_\_ years in compliance with the San Francisco Plaza Program Regulations (“Program Regulations”) and a license agreement between the City and the steward.

Through this RFP, City is seeking a steward for the Plaza. [*Insert specific site context and background of plaza.*]

### **B. Scope of Work and Permitted Uses**

In furtherance of the Plaza Program, OEWD is seeking proposals for a nonprofit organization to become the Plaza steward for up to five years under a License Agreement in substantially the form attached to this RFP as Appendix B (“License Agreement”). The License Agreement fully details the permitted Plaza activities and steward obligations (collectively, the “Scope of Work”), which include, but are not limited to, the following:

#### **1. Activation and Management**

*[Insert specific activation requirements for the Plaza, e.g.:*

- a) Create and manage diverse public activities and events at the Plaza, marketing them to residents, businesses, and stakeholders in the neighborhood surrounding the Plaza while attracting visitors from other areas to discover this neighborhood*
- b) Develop a comprehensive strategy to foster community use of, and connection to, the Plaza*
- c) Obtain all regulatory permits (including those required by City in its regulatory capacity) needed for Plaza activities and uses initiated or permitted by the steward at the Plaza*
- d) Following the selection procedures described in Section \_\_\_\_ of the License Agreement, select providers (each, a “Concessionaire”) to sell food, beverages, and other items at the Plaza to the extent permitted under applicable law*
- e) Coordinate Concessionaire activities and planned events and activities with City’s reserved uses]*

#### **2. Maintenance**

*[Insert specific maintenance requirements for the Plaza, e.g.*

- a) *Regular removal of trash, recyclables, and green waste*
- b) *Regular Plaza cleaning and landscape maintenance*
- c) *Repair of damaged improvements]*

3. Insurance

- a) Carry, during the term of the License Agreement, third party insurance with an insurer with a Best's rating of at least A-, VIII.
- b) Coverage should provide for amounts and limits determined appropriate by City in a form and with carriers acceptable to the Director of the Real Estate Division of City's Office of the City Administrator ("RED"), in consultation with the City's Risk Manager.
- c) Insurance coverage should include, but not be limited to, comprehensive general liability, workers' compensation, property insurance on the premises, automobile liability, personal property, builder's risk (if applicable), host liquor and food products liability insurance, and any other insurance required by law. The City and County of San Francisco must be named as an additional insured on all liability policies.

4. Annual Budgets and Accounting

- a) Deposit all revenues received by steward from the activation or use of the Plaza (including payments made by Concessionaires) in an approved bank account, with all such revenues to be used only for the performance of the Scope of Work.
- b) On or before \_\_\_\_\_ of each year, submit for City's approval a 12 month cash flow projection and annual budget itemizing anticipated revenues, materials, or services to be received by steward from the Concessionaires and through Plaza activation and uses, and all anticipated maintenance and management costs for the next [(fiscal)(calendar)] year. The projected budget will be approved by Plaza Program staff [or RED] on or before \_\_\_\_\_ of each year ("Approved Plaza Budget").
- c) On or before \_\_\_\_\_ of each year, submit report of revenues, materials, or services received by steward from the activation or use of the Plaza (including payments made by Concessionaires) (collectively, "Actual Revenues"), and all costs incurred by steward in performing the Scope of Work, including payments for steward's staff time in performing the Scope of Work (collectively, "Actual Costs"), during the previous (fiscal)(calendar) year, together with supporting documentation.
- d) If Actual Revenues for a year exceed the Actual Costs for that year (which shall not exceed the anticipated costs set forth in the Approved Plaza Budget for that year), such excess amount may be placed in a separate City-approved bank account ("Reserve Fund"). If the Reserve Fund in any year exceeds \_\_\_\_\_ [insert applicable multiple] of the then applicable Approved Plaza Budget, steward shall deliver such excess amount ("Shared Revenue") to City to pay for the activation and maintenance of other City Plazas within the Plaza Program. Further restrictions, terms and uses of the Reserve Fund and delivery of Shared Revenue will be detailed in the

License Agreement, such as primarily limiting use of the Reserve Fund for Plaza capital maintenance costs, regular maintenance costs, operating costs, and capital improvements.

5. Program Participation

- a) Attend quarterly coordination meetings with Plaza Program staff and annual meetings with Plaza Program staff and other City Plaza stewards to provide updates on progress and discuss activation, management, and maintenance strategies for City Plazas.
- b) Commencing on the first anniversary of the License Agreement commencement date, contribute 5% of the Actual Revenues for each following year of the License Agreement term to City as an annual License Agreement fee.
- c) Participate in Plaza Program steward surveys.

6. Private Plaza Functions

The Plaza steward may hold up to \_\_\_\_\_ [insert approved number for Plaza] private functions at the Plaza per year, if any, provided such functions comply with all applicable laws and are reasonably necessary to generate additional revenue for the steward's performance of its obligations under the Plaza license. A respondent's submitted proposal must state why it believes such private functions, if any, would be reasonably necessary and, if so, the number and type of private functions the respondent would propose at the Plaza.

*[If grant also being offered, add the following section:*

**C. Grant Funds**

In submitting its response to this RFP, a respondent may request Grant Funds of up to \$\_\_\_\_\_ to support its stewardship activities if it is selected as the Plaza steward. If OEWD elects to award the Grant Funds, the steward will need to execute a grant agreement in substantially the form attached to this RFP as Appendix C ("Grant Agreement").

Any Grant Funds awarded for the first grant year would be provided during the first fiscal year of the stewardship period, and OEWD would have the option to renew the grant for the following two fiscal years. The awarded Grant Funds could not exceed \$\_\_\_\_\_ in any fiscal year. If OEWD exercises the grant renewal option, the Grant Funds amounts for the following fiscal years would also depend upon the steward's performance of its Plaza obligations during the previous year and other policy considerations as determined by OEWD.

If the steward receives any Grant Funds, it would need to submit a report (format to be determined) of its use of them during the previous fiscal year and a description and budget of any stewardship activities that would be supported through an award of Grant Funds for the upcoming fiscal year. OEWD retains the discretion to determine any



change in the size of the successive year's grant or not to exercise its grant renewal option based on the above factors.

This RFP process, and the grant proposals received as a result of it, may be used to justify grant funding decisions for other similar services and/or other funding that becomes available through OEWD or any other City department.]

### **III. Application Process and Guidelines**

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#### **A. Questions and Inquiries**

Any questions or clarifications should be directed to Robin Havens, Project Manager, (415) 554-5395, [robin.havens@sfgov.org](mailto:robin.havens@sfgov.org). Questions should be submitted in writing, no later than \_\_\_\_\_, 2014.

Applicants are encouraged to contact OEWD in advance of the deadline with any questions. A summary of all information, questions, and answers pertaining to this RFP will be posted at OEWD's website, [www.oewd.org](http://www.oewd.org) by \_\_\_\_\_, 2014.

#### **B. Steward Requirements**

A respondent may only submit one proposal to this RFP. The following are the requirements and guidelines for all respondents:

##### **1. Eligible Applicants**

A qualified respondent must be non-profit corporation under Subchapter F (commencing with Section 501) of Chapter 1 of Subtitle A of the Internal Revenue Code of 1986, as amended, that operates programs based in San Francisco, has a strong, demonstrated connection to the neighborhood in which the Plaza is located, and has a staff with broad based experience and skills to satisfactorily manage and guide the organization and the services proposed in its submitted proposal to this RFP.

##### **2. Organizational Capacity**

Qualified respondents must demonstrate experience in the following:

- a) Working with public agencies and community stakeholders to successfully activate public spaces.
- b) Facilitating Plaza Area stakeholder participation and community engagement.
- c) Knowledge of the \_\_\_\_\_ [*insert applicable neighborhood(s) in the Plaza vicinity*].

d) Demonstrate a history of meeting outcome requirements for other similar programs.

[*If grant also being offered, add following:*

- e) Experience managing public grants.]

### **3. Board of Directors/Leadership/Stability**

The board of directors of qualified respondents must have the following qualities:

- a) Broad based experience and skills to satisfactorily manage and guide the organization;
- b) Be comprised of at least five (5) members that are San Francisco residents or demonstrate a connection to the community in which the Plaza is located.

*[If grant also being offered, add the following section:*

### **4. Requirements for Grant Negotiations**

If a respondent is selected for grant negotiations through this RFP, it will need to meet the following requirements during negotiations:

- a) Provide proof of insurance.
- b) Either be an approved City vendor or meet all City vendor requirements and not be on the City Vendor Debarred list. All respondents must be able to become an approved City vendor within 30 days of notice of award or any longer period granted by the City. Vendor application packets can be obtained from the Office of Contract Administration at City Hall, Room 430, and 1 Dr. Carlton B. Goodlett Place San Francisco, California 94102 or downloaded from their website at <http://www.sfgov.org/oca>.
- c) Meet all of the following conditions:
  - (i) Not be listed on the United States General Services Administration's List of Parties Excluded from Federal Procurement or Non-Procurement Programs in accordance with Executive Orders 12549 and 12689, "Debarment and Suspension." This list includes the names of parties debarred, suspended, or otherwise excluded by agencies, and the names of contractors declared ineligible under statutory or regulatory authority other than Executive Order 12549;
  - (ii) Not, within the previous three years, have been convicted or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (iii) Not be presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or Local) with commission of any of the offenses enumerated in subsection above;

- (iv) Not, within the previous three years, have had one or more public transactions (Federal, State or local) terminated for cause or default; or
- (v) Not be otherwise presently debarred, suspended, proposed for debarment, or declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency.]

## **5. Collaborations and Planned Contractors**

a) Collaborative consortia, joint ventures or a team of organizations with complementary skills and experience are permitted to respond to this RFP. Proposals from collaborative consortia, joint ventures, or teams must designate a lead organization that will serve as the fiscal agent for the partners. This lead organization will be responsible and accountable for effectively and efficiently planning, managing and delivering the services and activities described in this RFP, while providing excellent customer service and achieving the performance outcomes. The lead organization must also demonstrate the management and financial capability needed to effectively and efficiently deliver the proposed services and activities [*If grant also being offered, add following: and account for the Grant Funds*].

b) If the respondent anticipates using any specific contractors to provide any of the proposed services and activities, a list of such contractors and their background and role should be included with the application.

c) OEWD, and/or any other City departments who use this RFP solicitation as a procurement process for other funds, reserve the right, at their own discretion, to fund select activities or partners, (and remove or eliminate others) within a proposal submitted by a collaborative or group.

*[If grant also being offered, add the following section:*

d) Applicants may include subgrant arrangements with other organizations; however, these arrangements must be made prior to submission of the proposal. Confirmation of a memorandum of understanding or other formal agreement between the applicant and subgrantee may be requested by OEWD.]

## **6. Conditions of Proposal**

a) Submission of a proposal that is properly completed and signed by an owner or officer of the proposing organization who is duly authorized to bind the respondent shall constitute an agreement to accept all conditions, provisions, requirements, and specifications contained in this RFP. If the submitted proposal is a collaboration of multiple parties, it is the responsibility of the lead organization to ensure that all named partners are in agreement with the proposal prior to submission. Submitted proposals shall be binding for one hundred twenty (120) days.

b) All costs incurred by a respondent in developing its proposal shall be the respondent's responsibility and at its sole cost.

c) By submitting a proposal, a respondent agrees to provide adequate staff to carry out the work described in the proposal if it is awarded the License Agreement [*If grant also being offered, add following: and any grant funds it requests in its proposal*], and to work with City staff in ensuring that all provisions in the License Agreement [*If*

*grant also being offered, add following:* and, if applicable, the Grant Agreement] are met, including timely reporting using City client tracking reporting systems.

d) Any proposal may be rejected if it is conditional, incomplete, and/or deviates from the specifications contained in this RFP. City's representatives have the right to reject any or all proposals or to waive deviations that are immaterial to performance, although City reserves the right to waive minor defects in its sole discretion. Any such waiver will not excuse a respondent from full performance if the respondent enters into the License Agreement [*If grant also being offered, add following:* and, if applicable, the Grant Agreement]. If City rejects any submitted proposal, it will deliver justification supporting its reason to the respondent.

#### **IV. Proposal Submission Requirements**

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##### **A. Time and Place for Submission of Proposals**

**Proposals must be received by 5:00 p.m. on \_\_\_\_\_.** Postmarks will not be considered in judging the timeliness of submissions. Proposals may be delivered by email to [robin.havens@sfgov.org](mailto:robin.havens@sfgov.org) or delivered in person or by mail to the following address:

Office of Economic & Workforce Development  
1 Dr. Carlton B. Goodlett Place, Room 448  
San Francisco, CA 94102-4689  
Attn: Robin Havens

Proposals delivered in person must be left with Myisha Hervey or Phillip Wong.

Any submittals delivered by mail or in person must be in a sealed envelope clearly marked \_\_\_\_\_ **Plaza Activation RFP**. Proposals that are submitted by fax will not be accepted. Late submissions will not be considered.

##### **B. Proposal Package**

The following items must be included in the submittal package:

1. A proposed plan for effecting the Scope of Work ("Plaza Plan")
2. A proposed Project budget
3. An organizational budget
4. Letters of support

#### **V. Proposal Content**

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The proposal submitted must be clear and concise. It must demonstrate an understanding of, and respond to, the Plaza management and activation goals described in Section II. The written proposal should include the following information, in the order specified below.

## **1. Introduction and Executive Summary**

Submit a letter of introduction and executive summary of the proposal. The letter must be signed by a person authorized by your organization to obligate it to perform the commitments contained in the proposal, and should state that the respondent has read and agrees to the terms and conditions set forth in this RFP. Submission of the letter will constitute a representation by your organization that it is willing and able to perform the commitments contained in the proposal.

## **2. Organization Background Contact Information:**

- a) Organization name, address, and website.
- b) Approved City Vendor Number (if applicable).
- c) Provide a brief description of your organization, including its mission, history, and a list of its programs.
- d) Executive Director's name, phone number, and e-mail address.
- e) Contact person's name, title, phone number, and e-mail address.
- f) Organization's board members (identifying which members are San Francisco residents or specifying other specific affiliation to the neighborhood (e.g., business owner or property owner) and schedule of its regularly scheduled 2014 board meetings.
- g) Provide evidence of your organization's non-profit and corporate legal status.

## **3. Organization Qualifications**

- a) Describe your organization's experience relative to the Scope of Work and its experience and track record in implementing goals and activities similar to your submitted Plaza Plan.
- b) Describe your organization's existing ties to the neighborhood in which the Plaza is located.
- c) Describe a logical relationship between your organization, its mission, and your submitted Plaza Plan.
- d) Describe your capacity to perform stewardship obligations during the entire term of the License Agreement, including monetary and non-monetary resources that your organization can devote to the Scope of Work.
- e) Describe any incidences in which your organization filed for bankruptcy individually within the past 10 years, including the date of filing, circumstances and status.
- f) Describe any pending legal proceedings or actions that have been filed against your organization within the past 10 years, including the dates the complaints were filed and the present status of the litigation.

#### **4. Staff Qualifications**

- a) Identify the individuals who will work on this project on behalf of your organization and their names, job titles, and related skills and experience.
- b) Identify the fiscal and data management staff of your organization or fiscal sponsor, and describe their experience and qualifications.

#### **5. Community Initiative**

- a) Organizations that have demonstrated community support for their submitted proposal for the Scope of Work ("Plaza Plan") will be considered to be stronger partners for the Plaza Program. If applicable, describe the community in which the Plaza is located and its support of your proposed Plaza Plan. Applicants must provide letters of support from key community stakeholders, including but not limited to adjacent properties/businesses, nearby institutions (such as churches or schools), elected officials, other nonprofit groups, neighborhood or block associations, Community Benefit Districts, Business Improvement Districts, or neighborhood residents. At least six (6) letters of support for your proposed Plaza Plan are recommended.
- b) Describe previous community planning efforts (initiated by the respondent or other organization or agency) that relate to your proposed Plaza Plan. If such plans have not been developed, the respondent should demonstrate results or outcomes from a community workshop that focused on public space, open space, or neighborhood planning. If no visioning workshops have been conducted, the respondent's rating for Community Initiative will be determined on the strength of the required letters of support for its proposed Plaza Plan, and whether or not the organization has secured funds for the project.

#### **6. Program Design, Site and Feasibility**

- a) Explain how you would finance the Scope of Activities. Provide a breakdown of your anticipated annual maintenance and/or operating costs and capital improvement and repair costs in performing the Scope of Activities, and a monthly cash flow projection of annual revenues generated from your performance of the Scope of Activities. Clearly state your assumptions to such costs and revenues to support the validity of these estimates.
- b) Describe, as specifically as possible, your proposed Plaza activities, your community input process for planning Plaza activities, the anticipated timing of your proposed Plaza activities, your steps to implement the Scope of Activities, and your staffing plan.
- c) Submit any planning analysis or market studies you completed to inform your proposed programming.
- d) Describe how your proposed Plaza activities will support the surrounding neighborhood in which the Plaza is located, help it thrive, and help it become safer, more resilient and sustainable, and better able to meet the needs of local residents.

- e) Describe your proposed vendor activities at the Plaza, if any. If you plan to utilize any vendor activities over a period of time, describe the type and location (on a site plan) of such vendor activities, and any proposed fixtures, furnishings and/or kiosks, carts or food trucks for such activities.
- f) Describe how the Plaza location and any existing Plaza conditions benefit your performance of the Scope of Activities, such as being near adjacent or nearby transit and/or bicycle routes.
- g) Explain how your proposed Plaza Plan would increase pedestrian traffic and use of the Plaza.
- h) Describe how your proposed Plaza Plan is compatible with the neighborhood in which the Plaza is located.
- i) Describe proposed hours of programming, vendor use and/or events. For example, will all uses start no earlier than 9am and end no later than 10pm? Will these proposed hours be the same all week or vary from weekdays to weekends/holidays?
- j) Describe the type and location for your proposed Plaza signage, if any, including any permanent, temporary, and seasonal signage (such as an event board or rotating banners). Although general advertising will not be permitted at the Plaza, stewards may recognize the financial sponsor of a Plaza event through signage approved in advance by the Plaza Program staff and necessary City agencies.

*[If the Scope of Activities requires the steward to organize events, add the following:*

- k) Include an "Event Plan" that describes 1) your proposed event categories, 2) a sample of proposed weekly events over a calendar year, 3) your staffing plan for each event, and 4) how your proposed events would leverage and support local businesses and nonprofit organizations located within the area that is \_\_\_\_\_ [*insert size, e.g., within one mile of the Plaza, or describe area, e.g., area bounded by \_\_\_\_\_ streets*].
- l) Include an "Event Map" that shows where proposed events would occur at the Plaza. Designating such event areas is encouraged to coordinate with other uses of the Plaza by City, such as the San Francisco Fire Department and Police Department.

## **7. Evaluation/Communications**

- a) The Plaza Program has evaluation metrics and reporting processes ("Evaluation Standards") that can be reviewed at: <http://oewd.org/Neighborhoods-SF-Plaza-Program.aspx>. The License Agreement will require the Plaza steward to comply with these regular evaluations and processes. Describe if you propose any additional methods to evaluate the success of your Plaza activation and/or maintenance work. Include specific quantitative and qualitative measures.

- b) Propose on-going marketing and outreach activities including, but not limited to, outreach to local organizations and merchants. Describe how those outreach efforts will build effective communications with the Plaza Area stakeholders and how your marketing and outreach efforts will reach potential Plaza users and event providers.

**8. Program and Respondent Budget**

- a) Provide a brief narrative of how your performance of the Scope of Activities will be funded or otherwise over the term of the License. Describe how the Plaza will become financially sustainable over time and how your proposed Plaza Plan reaches the goals of self-sustaining activation and/or maintenance. Include any additional sources of the funding and in-kind contributions to reach these goals and any plans to use volunteers.
- b) Attach a copy of your organization's total budget for the current fiscal year. The budget should include all sources of income, and all expenditures broken down by program area and/or expenditure. Provide a current credit report and audited financials for the past 2 years. If you do not have audited financials for the past 2 years, provide a net worth statement and income and expenses for the past 2 years, certified by a CPA, Provide an annual detailed operating budget and 12 month cash flow projection for the proposed activities requested using the budget categories in the following table or a suitable equivalent:

Item	Amount	Notes / Explanation
<b>Salaries</b>		(Include detailed salary information: Staff member, anticipated number of hours to be dedicated to program and hourly rate)
<b>Fringe Benefits</b>		
<b>Contractual Services</b>		
<b>Equipment</b>		
<b>Insurance</b>		
<b>Supplies</b>		
<b>Utilities</b>		
<b>Other</b>		



## **VI. Evaluation and Selection Criteria**

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Proposals will be reviewed by a Review Committee comprised of City staff. Proposals will be evaluated through the process and by the criteria outlined below.

### **A. Review Process**

OEWD will verify that the proposals have met all the requirements to be considered responsive. Failure to comply with the proposal requirements contained in this RFP may result in elimination of that proposal from consideration. All responsive proposals will then be submitted to the Review Committee for scoring.

1. The City may contact the applicants to clarify any portion of the proposal. All questions to the applicants will be submitted in writing and the answers, in writing, will be submitted, along with the proposals, to the Review Committee for scoring.
2. Any attempt by an applicant to contact a member of the Review Committee during the proposal review process (other than submitting clarification questions or responding to any City-initiated contact) may result in the elimination of that proposal from consideration.
3. The Review Committee will review and score all responsive proposals.
4. After the Review Committee has concluded its evaluation and scoring of the proposals, the results will be submitted to the Directors of OEWD and RED, and the appropriate oversight bodies for review of the award. OEWD and/or RED will negotiate the license terms with the tentative awardees and, once terms are mutually agreed upon, the City's Director of RED will recommend the tentative awardees whose proposal(s) are determined to meet the needs of the City to the Board of Supervisors for final approval. *[If a grant also being offered in this RFP, add the following sentence: If such awardee's proposed Plaza Plan included activities that would be supported with Grant Funds, OEWD shall have the sole discretion to negotiate any grant terms with the tentative awardee. Any grant of the Grant Funds would be contingent on the Board of Supervisors approving the form of Grant Agreement negotiated by OEWD and such tentative awardee and its proposed Plaza license agreement.]*
5. All respondents will be notified of the results of the review process.
6. The tentative award may be conditioned on inclusion of changes/additional terms. Negotiations over the specific terms and language may be required before submission to the Civil Services Commission for approval, if applicable.
7. If the City is unable to negotiate a satisfactory agreement with the highest scored proposal, the City may terminate negotiations with that respondent and proceed to negotiate with other qualified respondent in the order of their ranking in the evaluation process. This process may be repeated until a satisfactory License

Agreement [If grant also being offered, add following: and, if applicable, Grant Agreement] has been executed.

8. Final award of the license [If grant also being offered, add following: and any grant] may be subject to approval by the Civil Service Commission and will be subject to approval by City's Board of Supervisors and Mayor.

## **B. Minimum Qualifications**

Any proposal that does not demonstrate that the proposer meets the requirements described in Section III by the deadline for submittal of proposals will be considered non-responsive and will not be eligible for award of the license [If grant also being offered, add following: or grant].

## **C. Selection Criteria**

The proposals will be evaluated by the Review Committee generally in accordance with the criteria itemized below. Depending on the number and quality of proposals, applicants may be invited to be interviewed by the Review Committee before it makes a final selection.

### **1. Applicant Qualifications and Staff Assignments (25 points)**

- a) Experience and track record in implementing goals and activities similar to the Scope of Work.
- b) Staff (or organization volunteers) assigned to the project and expertise and capability of named persons.
- c) Professional qualifications and experience.
- d) Demonstrated connection to stakeholders in the \_\_\_\_\_ ("Plaza Area") [describe area, e.g., within one mile of the Plaza, or the area bounded by \_\_\_\_\_ streets].

### **2. Community Initiative (25 points)**

- a) Demonstrated community connection and initiative.
- b) Describes an on-going outreach plan that will solicit local stakeholders feedback and input.
- c) Describes a marketing plan for the scope of any proposed Event Plan, if one was proposed.
- d) Documentation and strength of community planning efforts

### **3. Project Design, Site and Approach (25 points)**

- a) Strength of proposed Plaza Plan design and approach.
- b) Potential for Plaza Plan contributing to neighborhood vitality in the Plaza Area.

- c) Strength of proposed Plaza Plan in leveraging existing conditions of the Plaza and the Plaza Area to support the Scope of Work.
- d) Proposed hours for Concessionaire use.

*[If Scope of Work includes activation, add the following:*

- e) Plaza activities and uses, including Event Plan, Event Map, staffing plan, market, signage plan and proposed vendors, if any.
- f) Strength of proposed Event programming in leveraging and supporting local businesses and nonprofits in the Plaza Area.
- g) Appropriateness of proposed hours of programming and Events.

#### **4. Project Feasibility, Evaluation Methods and Sustainability (25 points)**

- a) Appropriateness of anticipated Scope of Work costs and financial projections.
- b) Feasibility and responsiveness of proposed activities to perform the Scope of Work.
- c) Feasibility and effectiveness of proposed evaluation process, if any proposed to supplement Evaluation Standards.
- d) Feasibility of any identified additional resources for performing Scope of Work, such as volunteers, in-kind donations, or fund-raising activities.

*[If Scope of Work includes activation, add the following:*

- e) Feasibility and responsiveness of the Event Plan and Event Map.

## **VII. Terms and Conditions for Receipt of Proposals**

### **A. Errors and Omissions in RFP**

Respondents are responsible for reviewing all portions of this RFP. Respondents are to promptly notify OEWD, in writing, if the respondent discovers any ambiguity, discrepancy, omission, or other error in the RFP. Any such notification should be directed to OEWD promptly after discovery, but in no event later than five working days prior to the date for receipt of proposals. Modifications and clarifications will be made by addenda as provided below.

### **B. Inquiries Regarding RFP**

Inquiries regarding this RFP, and all notifications of intent to request written modification or clarification to this RFP, must be directed by email to Robin Havens at robin.havens@sfgov.org. Any responses that include information that might be relevant to other RFP proposers will be posted on OEWD's website by \_\_\_\_\_.

### **C. Objections to RFP Terms**

Should a respondent object on any ground to any provision or legal requirement set forth in this RFP, the respondent must, not more than ten calendar days after the RFP is

issued, provide written notice to OEWD setting forth with specificity the grounds for the objection. The failure of a respondent to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

#### **D. Change Notices**

OEWD may modify the RFP, prior to the proposal due date, by issuing Change Notices, which will be posted on OEWD's website at \_\_\_\_\_. The respondent shall be responsible for ensuring that its proposal reflects any and all Change Notices issued by OEWD prior to the proposal due date regardless of when the proposal is submitted. Therefore, the City recommends that the respondent consult the OEWD website frequently, including shortly before the proposal due date, to determine if the respondent has downloaded all Change Notices.

#### **E. Revision of Proposal**

A respondent may revise its proposal on its own initiative at any time before the deadline for submission of proposals. The respondent must submit the revised proposal in the same manner as the original. A revised proposal must be received on or before the proposal due date. In no case will a statement of intent to submit a revised proposal, or commencement of a revision process, extend the proposal due date for any respondent.

At any time during the proposal evaluation process, OEWD may require a proposer to provide oral or written clarification of its proposal. OEWD reserves the right to make an award without further clarifications of proposals received.

#### **F. Errors and Omissions in Proposal**

Failure by OEWD to object to an error, omission, or deviation in the proposal will in no way modify the RFP or excuse the respondent from full compliance with the specifications of the RFP or any contract awarded pursuant to the RFP.

#### **G. Financial Responsibility**

The City accepts no financial responsibility for any costs incurred by a respondent to this RFP. Submissions of the RFP will become the property of the City and may be used by the City in any way deemed appropriate.

#### **H. Proposer's Obligations under the Campaign Reform Ordinance**

Respondents must comply with Section 1.126 of the S.F. Campaign and Governmental Conduct Code, which states:

No person who contracts with the City and County of San Francisco for the rendition of personal services, for the furnishing of any material, supplies or equipment to the City, or for selling any land or building to the City, whenever such transaction would require approval by a City elective officer, or the board on which that City elective officer serves, shall make any contribution to such an officer, or candidates for such an office, or

committee controlled by such officer or candidate at any time between commencement of negotiations and the later of either (1) the termination of negotiations for such contract, or (2) six months have elapsed from the date the grant is approved by the City elective officer or the board on which that City elective officer serves.

If a respondent is negotiating for a contract that must be approved by an elected local officer or the board on which that officer serves, during the negotiation period the proposer is prohibited from making contributions to:

- the officer's re-election campaign
- a candidate for that officer's office
- a committee controlled by the officer or candidate.

The negotiation period begins with the first point of contact, either by telephone, in person, or in writing, when a contractor approaches any city officer or employee about a particular contract, or a city officer or employee initiates communication with a potential contractor about a contract. The negotiation period ends when a contract is awarded or not awarded to the contractor. Examples of initial contacts include: (1) a vendor contacts a city officer or employee to promote himself or herself as a candidate for a contract; and (2) a city officer or employee contacts a contractor to propose that the contractor apply for a contract. Inquiries for information about a particular contract, requests for documents relating to a Request for Proposal, and requests to be placed on a mailing list do not constitute negotiations.

Violation of Section 1.126 may result in the following criminal, civil, or administrative penalties:

1. Criminal. Any person who knowingly or willfully violates section 1.126 is subject to a fine of up to \$5,000 and a jail term of not more than six months, or both.
2. Civil. Any person who intentionally or negligently violates section 1.126 may be held liable in a civil action brought by the civil prosecutor for an amount up to \$5,000.
3. Administrative. Any person who intentionally or negligently violates section 1.126 may be held liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter for an amount up to \$5,000 for each violation.

For further information, proposers should contact the San Francisco Ethics Commission at (415) 581-2300.

### **I. Sunshine Ordinance**

In accordance with S.F. Administrative Code Section 67.24(e), contractors' bids, responses to RFPs and all other records of communications between the City and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefits until and unless that person or organization is awarded the contract or benefit. Information provided which is covered by this paragraph will be made available to the public upon request.

It is important for respondents to clearly identify in their proposals if any submitted financial records or other information is, in the respondent's good faith determination, a trade secret or confidential proprietary information protected from disclosure under applicable law. To the extent permitted by law, the City will attempt to reasonably maintain the confidentiality of such information, and information so marked will be redacted from copies presented to the public. However, generally, all documentation, including financial information submitted by any respondent to the City, are public records under State and local law, including Section 67 of the City Administrative Code ("Sunshine Ordinance"), and the City will not under any circumstances be responsible for damages or losses incurred by a respondent or any other person or entity because of the release of such fiscal information.

#### **J. Public Access to Meetings and Records**

If a respondent receives a cumulative total per year of at least \$250,000 in City funds or City-administered funds and is a non-profit organization as defined in Chapter 12L of the S.F. Administrative Code, the proposer must comply with Chapter 12L. The proposer must include in its proposal (1) a statement describing its efforts to comply with the Chapter 12L provisions regarding public access to proposer's meetings and records, and (2) a summary of all complaints concerning the proposer's compliance with Chapter 12L that were filed with the City in the last two years and deemed by the City to be substantiated. The summary shall also describe the disposition of each complaint. If no such complaints were filed, the respondent shall include a statement to that effect. Failure to comply with the reporting requirements of Chapter 12L or material misrepresentation in proposer's Chapter 12L submissions shall be grounds for rejection of the proposal and/or termination of any subsequent agreement(s) reached on the basis of the proposal.

#### **K. Reservations of Rights by the City**

The issuance of this RFP does not constitute an agreement by the City that any contract will actually be entered into by the City. The City expressly reserves the right at any time to:

- Waive or correct any defect or informality in any response, proposal, or proposal procedure;
- Reject any or all proposals;
- Reissue a Request for Proposals;
- Prior to submission deadline for proposals, modify all or any portion of the selection procedures, including deadlines for accepting responses, the specifications or requirements for any materials, equipment or services to be provided under this RFP, or the requirements for contents or format of the proposals;
- Procure any materials, equipment or services specified in this RFP by any other means; or
- Determine that no project will be pursued.

#### **L. No Waiver**

No waiver by the City of any provision of this RFP shall be implied from any failure by the City to recognize or take action on account of any failure by a respondent to observe any provision of this RFP.

## **VIII. Award**

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The Review Committee will select a respondent with whom RED staff shall commence license negotiations. *[If grant also being offered, add following: If the selected proposer's proposal requested Grant Funds, at the election of OEWD, OEWD staff shall also commence grant negotiations.]* The selection of any respondent for negotiations shall not imply acceptance by the City of all terms of its proposal, which may be subject to further negotiations and will be subject to further approvals before the City may be legally bound thereby.

If City and the selected respondent cannot agree to a final form of the License Agreement *[If grant also being offered, add following: and, if applicable, Grant Agreement]* in a reasonable time, City, in its sole discretion, may terminate negotiations with that selected respondent and begin negotiations with an alternative respondent with the next-highest ranked proposal.

## **IX. License *[If grant also being offered, add following: and Grant]* Requirements**

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### **A. Standard Provisions**

The successful respondent will be required to provide the documents described in Appendix C to this RFP and enter into the License Agreement, as modified to reflect the proposer's proposal and any agreed modifications discussed during the negotiation period. *[If grant also being offered, add following: If the successful proposer's proposal requested Grant Funds, it will be required to enter into the License Agreement, as modified to reflect the respondent's proposal and any agreed modifications discussed during the negotiation period.]* Failure to timely execute the License Agreement *[If grant also being offered, add following: or, if applicable, the Grant Agreement,]* or to furnish any and all insurance certificates and policy endorsements or other materials City requires, shall be deemed an abandonment of a proposal. In the event of such an abandonment, the City, in its sole discretion, may select another respondent and may proceed against the original selectee for damages.

Proposers are urged to pay special attention to the requirements of Administrative Code Chapters 12B and 12C, Nondiscrimination in Contracts and Benefits, the Minimum Compensation Ordinance, the Health Care Accountability Ordinance, and applicable conflict of interest laws, which are further set forth in paragraphs B, C, D, E, and F below and are included in the License Agreement *[If grant also being offered, add following: and Grant Agreement]*.

## **B. Nondiscrimination in Contracts and Benefits**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of Chapters 12B and 12C of the San Francisco Administrative Code. Generally, Chapter 12B prohibits the City and County of San Francisco from entering into contracts with or making grants to any entity that discriminates in the provision of benefits between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of employees. The Chapter 12C requires nondiscrimination in contracts in public accommodation. Additional information on Chapters 12B and 12C is available on the HRC's website at [www.sf-hrc.org](http://www.sf-hrc.org).

## **C. Minimum Compensation Ordinance (MCO)**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Minimum Compensation Ordinance ("MCO"), as set forth in San Francisco Administrative Code Chapter 12P. Generally, the MCO requires contractors to provide employees covered by the MCO who do work funded under the contract with hourly gross compensation and paid and unpaid time off that meet certain minimum requirements. For the MCO's contractual requirements, see [*If grant also being offered, add following:* Section 16.8 in the Grant Agreement and] Section \_\_\_\_\_ in the License Agreement.

For the amount of hourly gross compensation currently required under the MCO, and additional information regarding the MCO, is available on the web at [www.sfgov.org/olse/mco](http://www.sfgov.org/olse/mco). Note that this hourly rate may increase on January 1 of each year and that contractors will be required to pay any such increases to covered employees during the term of the contract.

## **D. Health Care Accountability Ordinance**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Health Care Accountability Ordinance ("HCAO"), as set forth in S.F. Administrative Code Chapter 12Q. Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the HCAO is available on the web at [www.sfgsa.org/index.aspx?page=407](http://www.sfgsa.org/index.aspx?page=407).

## **E. Conflicts of Interest**

The successful proposer will be required to agree to comply fully with and be bound by the applicable provisions of state and local laws related to conflicts of interest, including Section 15.103 of the City's Charter, Article III, Chapter 2 of City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California. The successful proposer will be required to acknowledge that it is familiar with these laws; certify that it does not know of any facts that constitute a violation of said provisions; and agree to immediately notify the City if it becomes aware of any such fact during the term of the License Agreement [*If grant also being offered, add following:* and, if applicable, the Grant Agreement].



Individuals who will perform work for the City on behalf of the successful proposer might be deemed consultants under state and local conflict of interest laws. If so, such individuals will be required to submit a Statement of Economic Interests, California Fair Political Practices Commission Form 700, to the City within ten calendar days of the City notifying the successful proposer that the City has selected the proposer.

*[If grant also being offered, add following:*

**F. Additional Grant Fund Requirements**

**1. Accessibility.** All programs and services funded with Grant Funds must be accessible to persons with disabilities. Program access can be achieved in many cases without having to alter the site in which the programs and services are provided.

**2. Environmental Review.** Any environmental review needed for the use of Grant Funds must be completed before they are utilized.

**3. Procurement.** Grantee must comply with federal conflict of interest regulations, and regulatory procedures for obtaining and granting for goods and services that are paid for with Grant Funds.

**4. Ineligible Reimbursements.** Funds for activities occurring prior to the commencement date of the Grant Agreement cannot be reimbursed.

**5. Religious Activity.** Grant Funds may not be used for religious purposes or for the improvements of property owned by religious entities except where the grant recipient is a secular non-profit organization with a long term lease.

**6. Political Activity.** No federal funds received through this RFP shall be used to provide financial assistance for any program that involves political activities. Grantees shall comply with the provisions of the Hatch Act (U.S.C. 1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds. In addition, respondents must comply with Section 1.126 of the San Francisco Campaign and Governmental Conduct Code. Details can be found at:  
[http://www.sfgov.org/site/ethics\\_index.asp?id=13730](http://www.sfgov.org/site/ethics_index.asp?id=13730)

**X. Protest Procedures**

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**A. Protest of Non-Responsiveness Determination**

Within five business days of the City's issuance of a notice of non-responsiveness, any respondent that has submitted a proposal and believes that the City has incorrectly determined that its proposal is non-responsive may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth business day following the City's issuance of the notice of non-responsiveness. The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the respondent, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

## **B. Protest of Award**

Within five business days of the City's issuance of a notice of intent to award the license [If grant also being offered, add following: and, if applicable, grant] described in this RFP, any respondent that has submitted a responsive proposal and believes that the City has incorrectly selected another respondent for award may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth business day after the City's issuance of the notice of intent to award.

The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the respondent, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

## **C. Delivery of Protests**

All protests must be received by 5:00 p.m. of the applicable due date specified above. If a protest is mailed, the protestor bears the risk of non-delivery within the deadlines specified herein. Protests should be transmitted by a means that will objectively establish the date the City received the protest. Protests or notice of protests made orally (e.g., by telephone) or via e-mail will not be considered.

If the City determines that a meeting with the party submitting the protest is necessary, such meeting will be scheduled within ten (10) calendar days of the receipt of a protest to review and attempt to resolve the protest.

Protests must be delivered to:

OEWD Director  
Office of Economic & Workforce Development  
City Hall, 1 Dr. Carlton B Goodlett Place, Room 448  
San Francisco, CA 94102

RFP for \_\_\_\_\_ Plaza Stewardship

**Appendix A**

**SF Plaza Program Overview**

RFP for \_\_\_\_\_ Plaza Stewardship

**Appendix B**

**Form of License Agreement**

RFP for \_\_\_\_\_ Plaza Stewardship

*[If grant also being offered, add following and change header in following exhibit to "Appendix D" and numbering in following exhibit to "D-#":*

**Appendix C**

**Form of Grant Agreement**

## Appendix C

### Standard Forms

Before the City can award any license or grant to a party, that party must file three standard City forms (items 1-3 on the chart). Because many parties have already completed these forms, and because some informational forms are rarely revised, the City has not included them in the RFP package. Instead, this Appendix describes the forms, where to find them on the Internet (see bottom of page 2), and where to file them. If a respondent cannot get the documents off the Internet, the respondent should call (415) 554-6248 or e-mail Purchasing ([purchasing@sfgov.org](mailto:purchasing@sfgov.org)) and Purchasing will fax, mail or e-mail them to the respondent.

If a respondent has already filled out items 1-3 (see note under item 3) on the chart, **the respondent should not do so again unless its answers have changed.** To find out whether these forms have been submitted, the respondent should call Vendor File Support in the Controller's Office at (415) 554-6702.

Item	Form name	Form	Description	Return the form to/ for more info
1.	Request for Taxpayer Identification Number and Certification	W-9	The City needs the contractor's taxpayer ID number on this form. If a contractor has already done business with the City, this form is not necessary because the City already has the number.	Controller's Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102 (415) 554-6702
2.	Business Tax Declaration	P-25	All contractors must sign this form to determine if they must register with the Tax Collector, even if not located in San Francisco. All businesses that qualify as "conducting business in San Francisco" must register with the Tax Collector	Controller's Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102 (415) 554-6702
3.	San Francisco Administrative Code Chapters 12B & 12C Declaration: Nondiscrimination in Contracts and Benefits	HRC-12B-101	Contractors tell the City if their personnel policies meet the City's requirements for nondiscrimination against protected classes of people, and in the provision of benefits between employees with spouses and employees	Human Rights Comm. 25 Van Ness, #800 San Francisco, CA 94102-6059 (415) 252-2500

Item	Form name	Form	Description	Return the form to/ for more info
	In Vendor Profile Application		with domestic partners. Form submission is not complete if it does not include the additional documentation asked for on the form. Other forms may be required, depending on the answers on this form. Contract-by-Contract Compliance status vendors must fill out an additional form for each contract.	

**Where the forms are on the Internet**

**Office of Contract Administration**

Homepage: [www.sfgov.org/oca/](http://www.sfgov.org/oca/)  
 Purchasing forms: Click on "Required Vendor Forms" under the "Information for Vendors and Contractors" banner.

**Human Rights Commission**

HRC's homepage: [www.sf-hrc.org](http://www.sf-hrc.org)  
 Equal Benefits forms: Click on "Forms" under the "Equal Benefits" banner near the bottom.

**City and County of San Francisco**

**Request for Proposals for**

\_\_\_\_\_ **Plaza Stewardship**

***DRAFT***



Issued by: Office of Economic & Workforce Development  
Date issued: \_\_\_\_\_, 2014  
Proposals due: 5p.m., \_\_\_\_\_, 2014



Request for Proposals for \_\_\_\_\_ Plaza Stewardship

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**Appendices:**

- A. SF Plaza Program Overview
- B. License Agreement

*[If grant also being offered, add the following and change "C. Standard Forms:" below to "D. Standard Forms:"*

- C. Agreement for Grant (Form G-100)]
- C. Standard Forms: Listing and Internet Addresses of Forms related to Taxpayer Identification Number and Certification and to Chapters 12B and 12C, and 14B of the San Francisco Administrative Code.

**Request for Proposals:**

[redacted] Stewardship

**I. Introduction and Schedule**

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**A. General**

The City and County of San Francisco ("City"), acting through its Office of Economic & Workforce Development ("OEWD"), is issuing this request for proposals ("RFP") for the stewardship of the [redacted] Plaza ("Plaza") for up to five years. *[If grant also being offered, add following: Up to \$ [redacted] in grant funds ("Grant Funds") may be available to support approved or required stewardship activities (detailed in section II below).]*

The Plaza is comprised of approximately [redacted] square feet, and is bordered by [redacted]. OEWD is seeking qualified non-profit organizations with the capacity, experience, and creativity to foster the stakeholder use and enjoyment of the [redacted] Plaza while maintaining it in an inviting and clean condition.

**B. Schedule**

The anticipated schedule\* for awarding a stewardship *[If grant also being offered, add following: and any related grant]* is as follows:

<u>Proposal Phase</u>	<u>Date*</u>
RFP is issued by the City	[redacted], 2014
Deadline for submission of written questions or requests for clarification	[redacted], 2014
Answers to questions posted online	[redacted], 2014
Proposals due	[redacted], 2014
Panel review	[redacted], 2014
Selection for License Agreement negotiations	[redacted], 2014
Submission of proposed license to City's Board of Supervisors	[redacted], 2014

\*Each date is subject to change. Check website for latest schedule.

## II. Program Area and Scope of Work

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### A. Program Area

Created in 2014, the San Francisco Plaza Program ("Plaza Program") provides for the activation, management, and/or maintenance of designated "City Plazas" by non-profit organizations that have a strong neighborhood connection with those plazas. The Plaza Program goals and process are further described in the SF Plaza Program Overview attached to this RFP as Appendix A. A steward is selected through a public process to activate, manage and/or maintain its respective plaza for \_\_\_ years in compliance with the San Francisco Plaza Program Regulations ("Program Regulations") and a license agreement between the City and the steward.

Through this RFP, City is seeking a steward for the Plaza. *[Insert specific site context and background of plaza.]*

### B. Scope of Work and Permitted Uses

In furtherance of the Plaza Program, OEWD is seeking proposals for a nonprofit organization to become the Plaza steward for up to five years under a License Agreement in substantially the form attached to this RFP as Appendix B ("License Agreement"). The License Agreement fully details the permitted Plaza activities and steward obligations (collectively, the "Scope of Work"), which include, but are not limited to, the following:

1. Activation and Management

*[Insert specific activation requirements for the Plaza, e.g.:*

- a) Create and manage diverse public activities and events at the Plaza, marketing them to residents, businesses, and stakeholders in the neighborhood surrounding the Plaza while attracting visitors from other areas to discover this neighborhood*
- b) Develop a comprehensive strategy to foster community use of, and connection to, the Plaza*
- c) Obtain all regulatory permits (including those required by City in its regulatory capacity) needed for Plaza activities and uses initiated or permitted by the steward at the Plaza*
- d) Following the selection procedures described in Section \_\_\_\_\_ of the License Agreement, select providers (each, a "Concessionaire") to sell food, beverages, and other items at the Plaza to the extent permitted under applicable law*
- e) Coordinate Concessionaire activities and planned events and activities with City's reserved uses]*

2. Maintenance

*[Insert specific maintenance requirements for the Plaza, e.g.*

- a) *Regular removal of trash, recyclables, and green waste*
- b) *Regular Plaza cleaning and landscape maintenance*
- c) *Repair of damaged improvements]*

3. Insurance

- a) Carry, during the term of the License Agreement, third party insurance with an insurer with a Best's rating of at least A-, VIII.
- b) Coverage should provide for amounts and limits determined appropriate by City in a form and with carriers acceptable to the Director of the Real Estate Division of City's Office of the City Administrator ("RED"), in consultation with the City's Risk Manager.
- c) Insurance coverage should include, but not be limited to, comprehensive general liability, workers' compensation, property insurance on the premises, automobile liability, personal property, builder's risk (if applicable), host liquor and food products liability insurance, and any other insurance required by law. The City and County of San Francisco must be named as an additional insured on all liability policies.

4. Annual Budgets and Accounting

- a) Deposit all revenues received by steward from the activation or use of the Plaza (including payments made by Concessionaires) in an approved bank account, with all such revenues to be used only for the performance of the Scope of Work.
- b) On or before \_\_\_\_\_ of each year, submit for City's approval a 12 month cash flow projection and annual budget itemizing anticipated revenues, materials, or services to be received by steward from the Concessionaires and through Plaza activation and uses, and all anticipated maintenance and management costs for the next ~~[(fiscal)](calendar)~~ year. The projected budget will be approved by Plaza Program staff [or RED] on or before \_\_\_\_\_ of each year ("Approved Plaza Budget").
- c) On or before \_\_\_\_\_ of each year, submit report of revenues, materials, or services received by steward from the activation or use of the Plaza (including payments made by Concessionaires) (collectively, "Actual Revenues"), and all costs incurred by steward in performing the Scope of Work, including payments for steward's staff time in performing the Scope of Work (collectively, "Actual Costs"), during the previous (fiscal)(calendar) year, together with supporting documentation.
- d) If Actual Revenues for a year exceed the Actual Costs for that year (which shall not exceed the anticipated costs set forth in the Approved Plaza Budget for that year), such excess amount may be placed in a separate City-approved bank account ("Reserve Fund"). If the Reserve Fund in any year exceeds \_\_\_\_\_ ~~[insert applicable multiple]~~ of the then applicable Approved Plaza Budget, steward shall deliver such excess amount ("Shared Revenue") to City to pay for the activation and maintenance of other City Plazas within the Plaza Program. Further restrictions, terms and uses of the Reserve Fund and delivery of Shared Revenue will be detailed in the

License Agreement, such as primarily limiting use of the Reserve Fund for Plaza capital maintenance costs, regular maintenance costs, operating costs, and capital improvements.

5. Program Participation

- a) Attend quarterly coordination meetings with Plaza Program staff and annual meetings with Plaza Program staff and other City Plaza stewards to provide updates on progress and discuss activation, management, and maintenance strategies for City Plazas.
- b) Commencing on the first anniversary of the License Agreement commencement date, contribute 5% of the Actual Revenues for each following year of the License Agreement term to City as an annual License Agreement fee.
- c) Participate in Plaza Program steward surveys.

6. Private Plaza Functions

The Plaza steward may hold up to \_\_\_\_\_ [insert approved number for Plaza] private functions at the Plaza per year, if any, provided such functions comply with all applicable laws and are reasonably necessary to generate additional revenue for the steward's performance of its obligations under the Plaza license. A respondent's submitted proposal must state why it believes such private functions, if any, would be reasonably necessary and, if so, the number and type of private functions the respondent would propose at the Plaza.

*[If grant also being offered, add the following section:*

**C. Grant Funds**

In submitting its response to this RFP, a respondent may request Grant Funds of up to \$\_\_\_\_\_ to support its stewardship activities if it is selected as the Plaza steward. If OEWD elects to award the Grant Funds, the steward will need to execute a grant agreement in substantially the form attached to this RFP as Appendix C ("Grant Agreement").

Any Grant Funds awarded for the first grant year would be provided during the first fiscal year of the stewardship period, and OEWD would have the option to renew the grant for the following two fiscal years. The awarded Grant Funds could not exceed \$\_\_\_\_\_ in any fiscal year. If OEWD exercises the grant renewal option, the Grant Funds amounts for the following fiscal years would also depend upon the steward's performance of its Plaza obligations during the previous year and other policy considerations as determined by OEWD.

If the steward receives any Grant Funds, it would need to submit a report (format to be determined) of its use of them during the previous fiscal year and a description and budget of any stewardship activities that would be supported through an award of Grant Funds for the upcoming fiscal year. OEWD retains the discretion to determine any

change in the size of the successive year's grant or not to exercise its grant renewal option based on the above factors.

This RFP process, and the grant proposals received as a result of it, may be used to justify grant funding decisions for other similar services and/or other funding that becomes available through OEWD or any other City department.]

### **III. Application Process and Guidelines**

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#### **A. Questions and Inquiries**

Any questions or clarifications should be directed to Robin Havens, Project Manager, (415) 554-5395, [robin.havens@sfgov.org](mailto:robin.havens@sfgov.org). Questions should be submitted in writing, no later than [REDACTED], 2014.

Applicants are encouraged to contact OEWD in advance of the deadline with any questions. A summary of all information, questions, and answers pertaining to this RFP will be posted at OEWD's website, [www.oewd.org](http://www.oewd.org) by [REDACTED], 2014.

#### **B. Steward Requirements**

A respondent may only submit one proposal to this RFP. The following are the requirements and guidelines for all respondents:

##### **1. Eligible Applicants**

A qualified respondent must be non-profit corporation under Subchapter F (commencing with Section 501) of Chapter 1 of Subtitle A of the Internal Revenue Code of 1986, as amended, that operates programs based in San Francisco, has a strong, demonstrated connection to the neighborhood in which the Plaza is located, and has a staff with broad based experience and skills to satisfactorily manage and guide the organization and the services proposed in its submitted proposal to this RFP.

##### **2. Organizational Capacity**

Qualified respondents must demonstrate experience in the following:

- a) Working with public agencies and community stakeholders to successfully activate public spaces.
- b) Facilitating Plaza Area stakeholder participation and community engagement.
- c) Knowledge of the [REDACTED] [*insert applicable neighborhood(s) in the Plaza vicinity*].
- d) Demonstrate a history of meeting outcome requirements for other similar programs.

*[If grant also being offered, add following:*

- e) Experience managing public grants.]

### **3. Board of Directors/Leadership/Stability**

The board of directors of qualified respondents must have the following qualities:

- a) Broad based experience and skills to satisfactorily manage and guide the organization;
- b) Be comprised of at least five (5) members that are San Francisco residents or demonstrate a connection to the community in which the Plaza is located.

*[If grant also being offered, add the following section:*

### **4. Requirements for Grant Negotiations**

If a respondent is selected for grant negotiations through this RFP, it will need to meet the following requirements during negotiations:

- a) Provide proof of insurance.
- b) Either be an approved City vendor or meet all City vendor requirements and not be on the City Vendor Debarred list. All respondents must be able to become an approved City vendor within 30 days of notice of award or any longer period granted by the City. Vendor application packets can be obtained from the Office of Contract Administration at City Hall, Room 430, and 1 Dr. Carlton B. Goodlett Place San Francisco, California 94102 or downloaded from their website at <http://www.sfgov.org/oca>.
- c) Meet all of the following conditions:
- (i) Not be listed on the United States General Services Administration's List of Parties Excluded from Federal Procurement or Non-Procurement Programs in accordance with Executive Orders 12549 and 12689, "Debarment and Suspension." This list includes the names of parties debarred, suspended, or otherwise excluded by agencies, and the names of contractors declared ineligible under statutory or regulatory authority other than Executive Order 12549;
  - (ii) Not, within the previous three years, have been convicted or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (iii) Not be presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or Local) with commission of any of the offenses enumerated in subsection above;

- (iv) Not, within the previous three years, have had one or more public transactions (Federal, State or local) terminated for cause or default; or
- (v) Not be otherwise presently debarred, suspended, proposed for debarment, or declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency.]

## 5. Collaborations and Planned Contractors

a) Collaborative consortia, joint ventures or a team of organizations with complementary skills and experience are permitted to respond to this RFP. Proposals from collaborative consortia, joint ventures, or teams must designate a lead organization that will serve as the fiscal agent for the partners. This lead organization will be responsible and accountable for effectively and efficiently planning, managing and delivering the services and activities described in this RFP, while providing excellent customer service and achieving the performance outcomes. The lead organization must also demonstrate the management and financial capability needed to effectively and efficiently deliver the proposed services and activities [*If grant also being offered, add following: and account for the Grant Funds*].

b) If the respondent anticipates using any specific contractors to provide any of the proposed services and activities, a list of such contractors and their background and role should be included with the application.

c) OEWD, and/or any other City departments who use this RFP solicitation as a procurement process for other funds, reserve the right, at their own discretion, to fund select activities or partners, (and remove or eliminate others) within a proposal submitted by a collaborative or group.

*[If grant also being offered, add the following section:*

d) Applicants may include subgrant arrangements with other organizations; however, these arrangements must be made prior to submission of the proposal. Confirmation of a memorandum of understanding or other formal agreement between the applicant and subgrantee may be requested by OEWD.]

## 6. Conditions of Proposal

a) Submission of a proposal that is properly completed and signed by an owner or officer of the proposing organization who is duly authorized to bind the respondent shall constitute an agreement to accept all conditions, provisions, requirements, and specifications contained in this RFP. If the submitted proposal is a collaboration of multiple parties, it is the responsibility of the lead organization to ensure that all named partners are in agreement with the proposal prior to submission. Submitted proposals shall be binding for one hundred twenty (120) days.

b) All costs incurred by a respondent in developing its proposal shall be the respondent's responsibility and at its sole cost.

c) By submitting a proposal, a respondent agrees to provide adequate staff to carry out the work described in the proposal if it is awarded the License Agreement [*If grant also being offered, add following: and any grant funds it requests in its proposal*], and to work with City staff in ensuring that all provisions in the License Agreement [*If*



grant also being offered, add following: and, if applicable, the Grant Agreement] are met, including timely reporting using City client tracking reporting systems.

d) Any proposal may be rejected if it is conditional, incomplete, and/or deviates from the specifications contained in this RFP. City's representatives have the right to reject any or all proposals or to waive deviations that are immaterial to performance, although City reserves the right to waive minor defects in its sole discretion. Any such waiver will not excuse a respondent from full performance if the respondent enters into the License Agreement [If grant also being offered, add following: and, if applicable, the Grant Agreement]. If City rejects any submitted proposal, it will deliver justification supporting its reason to the respondent.

#### **IV. Proposal Submission Requirements**

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##### **A. Time and Place for Submission of Proposals**

**Proposals must be received by 5:00 p.m. on ██████████**. Postmarks will not be considered in judging the timeliness of submissions. Proposals may be delivered by email to [robin.havens@sfgov.org](mailto:robin.havens@sfgov.org) or delivered in person or by mail to the following address:

Office of Economic & Workforce Development  
1 Dr. Carlton B. Goodlett Place, Room 448  
San Francisco, CA 94102-4689  
Attn: Robin Havens

Proposals delivered in person must be left with Myisha Hervey or Phillip Wong.

Any submittals delivered by mail or in person must be in a sealed envelope clearly marked **██████████ Plaza Activation RFP**. Proposals that are submitted by fax will not be accepted. Late submissions will not be considered.

##### **B. Proposal Package**

The following items must be included in the submittal package:

1. A proposed plan for effecting the Scope of Work ("Plaza Plan")
2. A proposed Project budget
3. An organizational budget
4. Letters of support

#### **V. Proposal Content**

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The proposal submitted must be clear and concise. It must demonstrate an understanding of, and respond to, the Plaza management and activation goals described in Section II. The written proposal should include the following information, in the order specified below.

### **1. Introduction and Executive Summary**

Submit a letter of introduction and executive summary of the proposal. The letter must be signed by a person authorized by your organization to obligate it to perform the commitments contained in the proposal, and should state that the respondent has read and agrees to the terms and conditions set forth in this RFP. Submission of the letter will constitute a representation by your organization that it is willing and able to perform the commitments contained in the proposal.

### **2. Organization Background Contact Information:**

- a) Organization name, address, and website.
- b) Approved City Vender Number (if applicable).
- c) Provide a brief description of your organization, including its mission, history, and a list of its programs.
- d) Executive Director's name, phone number, and e-mail address.
- e) Contact person's name, title, phone number, and e-mail address.
- f) Organization's board members (identifying which members are San Francisco residents or specifying other specific affiliation to the neighborhood (e.g., business owner or property owner) and schedule of its regularly scheduled 2014 board meetings.
- g) Provide evidence of your organization's non-profit and corporate legal status.

### **3. Organization Qualifications**

- a) Describe your organization's experience relative to the Scope of Work and its experience and track record in implementing goals and activities similar to your submitted Plaza Plan.
- b) Describe your organization's existing ties to the neighborhood in which the Plaza is located.
- c) Describe a logical relationship between your organization, its mission, and your submitted Plaza Plan.
- d) Describe your capacity to perform stewardship obligations during the entire term of the License Agreement, including monetary and non-monetary resources that your organization can devote to the Scope of Work.
- e) Describe any incidences in which your organization filed for bankruptcy individually within the past 10 years, including the date of filing, circumstances and status.
- f) Describe any pending legal proceedings or actions that have been filed against your organization within the past 10 years, including the dates the complaints were filed and the present status of the litigation.

#### **4. Staff Qualifications**

- a) Identify the individuals who will work on this project on behalf of your organization and their names, job titles, and related skills and experience.
- b) Identify the fiscal and data management staff of your organization or fiscal sponsor, and describe their experience and qualifications.

#### **5. Community Initiative**

- a) Organizations that have demonstrated community support for their submitted proposal for the Scope of Work ("Plaza Plan") will be considered to be stronger partners for the Plaza Program. If applicable, describe the community in which the Plaza is located and its support of your proposed Plaza Plan. Applicants must provide letters of support from key community stakeholders, including but not limited to adjacent properties/businesses, nearby institutions (such as churches or schools), elected officials, other nonprofit groups, neighborhood or block associations, Community Benefit Districts, Business Improvement Districts, or neighborhood residents. At least six (6) letters of support for your proposed Plaza Plan are recommended.
- b) Describe previous community planning efforts (initiated by the respondent or other organization or agency) that relate to your proposed Plaza Plan. If such plans have not been developed, the respondent should demonstrate results or outcomes from a community workshop that focused on public space, open space, or neighborhood planning. If no visioning workshops have been conducted, the respondent's rating for Community Initiative will be determined on the strength of the required letters of support for its proposed Plaza Plan, and whether or not the organization has secured funds for the project.

#### **6. Program Design, Site and Feasibility**

- a) Explain how you would finance the Scope of Activities. Provide a breakdown of your anticipated annual maintenance and/or operating costs and capital improvement and repair costs in performing the Scope of Activities, and a monthly cash flow projection of annual revenues generated from your performance of the Scope of Activities. Clearly state your assumptions to such costs and revenues to support the validity of these estimates.
- b) Describe, as specifically as possible, your proposed Plaza activities, your community input process for planning Plaza activities, the anticipated timing of your proposed Plaza activities, your steps to implement the Scope of Activities, and your staffing plan.
- c) Submit any planning analysis or market studies you completed to inform your proposed programming.
- d) Describe how your proposed Plaza activities will support the surrounding neighborhood in which the Plaza is located, help it thrive, and help it become safer, more resilient and sustainable, and better able to meet the needs of local residents.

- e) Describe your proposed vendor activities at the Plaza, if any. If you plan to utilize any vendor activities over a period of time, describe the type and location (on a site plan) of such vendor activities, and any proposed fixtures, furnishings and/or kiosks, carts or food trucks for such activities.
- f) Describe how the Plaza location and any existing Plaza conditions benefit your performance of the Scope of Activities, such as being near adjacent or nearby transit and/or bicycle routes.
- g) Explain how your proposed Plaza Plan would increase pedestrian traffic and use of the Plaza.
- h) Describe how your proposed Plaza Plan is compatible with the neighborhood in which the Plaza is located.
- i) Describe proposed hours of programming, vendor use and/or events. For example, will all uses start no earlier than 9am and end no later than 10pm? Will these proposed hours be the same all week or vary from weekdays to weekends/holidays?
- j) Describe the type and location for your proposed Plaza signage, if any, including any permanent, temporary, and seasonal signage (such as an event board or rotating banners). Although general advertising will not be permitted at the Plaza, stewards may recognize the financial sponsor of a Plaza event through signage approved in advance by the Plaza Program staff and necessary City agencies.

*[If the Scope of Activities requires the steward to organize events, add the following:*

- k) Include an "Event Plan" that describes 1) your proposed event categories, 2) a sample of proposed weekly events over a calendar year, 3) your staffing plan for each event, and 4) how your proposed events would leverage and support local businesses and nonprofit organizations located within the area that is \_\_\_\_\_ [insert size, e.g., within one mile of the Plaza, or describe area, e.g., area bounded by \_\_\_\_\_ streets].
- l) Include an "Event Map" that shows where proposed events would occur at the Plaza. Designating such event areas is encouraged to coordinate with other uses of the Plaza by City, such as the San Francisco Fire Department and Police Department.

## 7. Evaluation/Communications

- a) The Plaza Program has evaluation metrics and reporting processes ("Evaluation Standards") that can be reviewed at: <http://oewd.org/Neighborhoods-SF-Plaza-Program.aspx>. The License Agreement will require the Plaza steward to comply with these regular evaluations and processes. Describe if you propose any additional methods to evaluate the success of your Plaza activation and/or maintenance work. Include specific quantitative and qualitative measures.

- b) Propose on-going marketing and outreach activities including, but not limited to, outreach to local organizations and merchants. Describe how those outreach efforts will build effective communications with the Plaza Area stakeholders and how your marketing and outreach efforts will reach potential Plaza users and event providers.

**8. Program and Respondent Budget**

- a) Provide a brief narrative of how your performance of the Scope of Activities will be funded or otherwise over the term of the License. Describe how the Plaza will become financially sustainable over time and how your proposed Plaza Plan reaches the goals of self-sustaining activation and/or maintenance. Include any additional sources of the funding and in-kind contributions to reach these goals and any plans to use volunteers.
- b) Attach a copy of your organization's total budget for the current fiscal year. The budget should include all sources of income, and all expenditures broken down by program area and/or expenditure. Provide a current credit report and audited financials for the past 2 years. If you do not have audited financials for the past 2 years, provide a net worth statement and income and expenses for the past 2 years, certified by a CPA, Provide an annual detailed operating budget and 12 month cash flow projection for the proposed activities requested using the budget categories in the following table or a suitable equivalent:

Item	Amount	Notes / Explanation
<b>Salaries</b>		(Include detailed salary information: Staff member, anticipated number of hours to be dedicated to program and hourly rate)
<b>Fringe Benefits</b>		
<b>Contractual Services</b>		
<b>Equipment</b>		
<b>Insurance</b>		
<b>Supplies</b>		
<b>Utilities</b>		
<b>Other</b>		

## **VI. Evaluation and Selection Criteria**

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Proposals will be reviewed by a Review Committee comprised of City staff. Proposals will be evaluated through the process and by the criteria outlined below.

### **A. Review Process**

OEWD will verify that the proposals have met all the requirements to be considered responsive. Failure to comply with the proposal requirements contained in this RFP may result in elimination of that proposal from consideration. All responsive proposals will then be submitted to the Review Committee for scoring.

1. The City may contact the applicants to clarify any portion of the proposal. All questions to the applicants will be submitted in writing and the answers, in writing, will be submitted, along with the proposals, to the Review Committee for scoring.
2. Any attempt by an applicant to contact a member of the Review Committee during the proposal review process (other than submitting clarification questions or responding to any City-initiated contact) may result in the elimination of that proposal from consideration.
3. The Review Committee will review and score all responsive proposals.
4. After the Review Committee has concluded its evaluation and scoring of the proposals, the results will be submitted to the Directors of OEWD and RED, and the appropriate oversight bodies for review of the award. OEWD and/or RED will negotiate the license terms with the tentative awardees and, once terms are mutually agreed upon, the City's Director of RED will recommend the tentative awardees whose proposal(s) are determined to meet the needs of the City to the Board of Supervisors for final approval. *[If a grant also being offered in this RFP, add the following sentence: If such awardee's proposed Plaza Plan included activities that would be supported with Grant Funds, OEWD shall have the sole discretion to negotiate any grant terms with the tentative awardee. Any grant of the Grant Funds would contingent on the Board of Supervisors approving the form of Grant Agreement negotiated by OEWD and such tentative awardee and its proposed Plaza license agreement.]*
5. All respondents will be notified of the results of the review process.
6. The tentative award may be conditioned on inclusion of changes/additional terms. Negotiations over the specific terms and language may be required before submission to the Civil Services Commission for approval, if applicable.
7. If the City is unable to negotiate a satisfactory agreement with the highest scored proposal, the City may terminate negotiations with that respondent and proceed to negotiate with other qualified respondent in the order of their ranking in the evaluation process. This process may be repeated until a satisfactory License

Agreement [If grant also being offered, add following: and, if applicable, Grant Agreement] has been executed.

8. Final award of the license [If grant also being offered, add following: and any grant] may be subject to approval by the Civil Service Commission and will be subject to approval by City's Board of Supervisors and Mayor.

## B. Minimum Qualifications

Any proposal that does not demonstrate that the proposer meets the requirements described in Section III by the deadline for submittal of proposals will be considered non-responsive and will not be eligible for award of the license [If grant also being offered, add following: or grant].

## C. Selection Criteria

The proposals will be evaluated by the Review Committee generally in accordance with the criteria itemized below. Depending on the number and quality of proposals, applicants may be invited to be interviewed by the Review Committee before it makes a final selection.

### 1. Applicant Qualifications and Staff Assignments (25 points)

- a) Experience and track record in implementing goals and activities similar to the Scope of Work.
- b) Staff (or organization volunteers) assigned to the project and expertise and capability of named persons.
- c) Professional qualifications and experience.
- d) Demonstrated connection to stakeholders in the [redacted] ("Plaza Area") [describe area, e.g., within one mile of the Plaza, or the area bounded by [redacted] streets].

### 2. Community Initiative (25 points)

- a) Demonstrated community connection and initiative.
- b) Describes an on-going outreach plan that will solicit local stakeholders feedback and input.
- c) Describes a marketing plan for the scope of any proposed Event Plan, if one was proposed.
- d) Documentation and strength of community planning efforts

### 3. Project Design, Site and Approach (25 points)

- a) Strength of proposed Plaza Plan design and approach.
- b) Potential for Plaza Plan contributing to neighborhood vitality in the Plaza Area.

- c) Strength of proposed Plaza Plan in leveraging existing conditions of the Plaza and the Plaza Area to support the Scope of Work.
- d) Proposed hours for Concessionaire use.

*[If Scope of Work includes activation, add the following:]*

- e) Plaza activities and uses, including Event Plan, Event Map, staffing plan, market, signage plan and proposed vendors, if any.
- f) Strength of proposed Event programming in leveraging and supporting local businesses and nonprofits in the Plaza Area.
- g) Appropriateness of proposed hours of programming and Events.

#### **4. Project Feasibility, Evaluation Methods and Sustainability (25 points)**

- a) Appropriateness of anticipated Scope of Work costs and financial projections.
- b) Feasibility and responsiveness of proposed activities to perform the Scope of Work.
- c) Feasibility and effectiveness of proposed evaluation process, if any proposed to supplement Evaluation Standards.
- d) Feasibility of any identified additional resources for performing Scope of Work, such as volunteers, in-kind donations, or fund-raising activities.

*[If Scope of Work includes activation, add the following:]*

- e) Feasibility and responsiveness of the Event Plan and Event Map.

## **VII. Terms and Conditions for Receipt of Proposals**

### **A. Errors and Omissions in RFP**

Respondents are responsible for reviewing all portions of this RFP. Respondents are to promptly notify OEWD, in writing, if the respondent discovers any ambiguity, discrepancy, omission, or other error in the RFP. Any such notification should be directed to OEWD promptly after discovery, but in no event later than five working days prior to the date for receipt of proposals. Modifications and clarifications will be made by addenda as provided below.

### **B. Inquiries Regarding RFP**

Inquiries regarding this RFP, and all notifications of intent to request written modification or clarification to this RFP, must be directed by email to Robin Havens at [robin.havens@sfgov.org](mailto:robin.havens@sfgov.org). Any responses that include information that might be relevant to other RFP proposers will be posted on OEWD's website by \_\_\_\_\_.

### **C. Objections to RFP Terms**

Should a respondent object on any ground to any provision or legal requirement set forth in this RFP, the respondent must, not more than ten calendar days after the RFP is



issued, provide written notice to OEWD setting forth with specificity the grounds for the objection. The failure of a respondent to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

#### **D. Change Notices**

OEWD may modify the RFP, prior to the proposal due date, by issuing Change Notices, which will be posted on OEWD's website at \_\_\_\_\_. The respondent shall be responsible for ensuring that its proposal reflects any and all Change Notices issued by OEWD prior to the proposal due date regardless of when the proposal is submitted. Therefore, the City recommends that the respondent consult the OEWD website frequently, including shortly before the proposal due date, to determine if the respondent has downloaded all Change Notices.

#### **E. Revision of Proposal**

A respondent may revise its proposal on its own initiative at any time before the deadline for submission of proposals. The respondent must submit the revised proposal in the same manner as the original. A revised proposal must be received on or before the proposal due date. In no case will a statement of intent to submit a revised proposal, or commencement of a revision process, extend the proposal due date for any respondent.

At any time during the proposal evaluation process, OEWD may require a proposer to provide oral or written clarification of its proposal. OEWD reserves the right to make an award without further clarifications of proposals received.

#### **F. Errors and Omissions in Proposal**

Failure by OEWD to object to an error, omission, or deviation in the proposal will in no way modify the RFP or excuse the respondent from full compliance with the specifications of the RFP or any contract awarded pursuant to the RFP.

#### **G. Financial Responsibility**

The City accepts no financial responsibility for any costs incurred by a respondent to this RFP. Submissions of the RFP will become the property of the City and may be used by the City in any way deemed appropriate.

#### **H. Proposer's Obligations under the Campaign Reform Ordinance**

Respondents must comply with Section 1.126 of the S.F. Campaign and Governmental Conduct Code, which states:

No person who contracts with the City and County of San Francisco for the rendition of personal services, for the furnishing of any material, supplies or equipment to the City, or for selling any land or building to the City, whenever such transaction would require approval by a City elective officer, or the board on which that City elective officer serves, shall make any contribution to such an officer, or candidates for such an office, or

committee controlled by such officer or candidate at any time between commencement of negotiations and the later of either (1) the termination of negotiations for such contract, or (2) six months have elapsed from the date the grant is approved by the City elective officer or the board on which that City elective officer serves.

If a respondent is negotiating for a contract that must be approved by an elected local officer or the board on which that officer serves, during the negotiation period the proposer is prohibited from making contributions to:

- the officer's re-election campaign
- a candidate for that officer's office
- a committee controlled by the officer or candidate.

The negotiation period begins with the first point of contact, either by telephone, in person, or in writing, when a contractor approaches any city officer or employee about a particular contract, or a city officer or employee initiates communication with a potential contractor about a contract. The negotiation period ends when a contract is awarded or not awarded to the contractor. Examples of initial contacts include: (1) a vendor contacts a city officer or employee to promote himself or herself as a candidate for a contract; and (2) a city officer or employee contacts a contractor to propose that the contractor apply for a contract. Inquiries for information about a particular contract, requests for documents relating to a Request for Proposal, and requests to be placed on a mailing list do not constitute negotiations.

Violation of Section 1.126 may result in the following criminal, civil, or administrative penalties:

1. **Criminal.** Any person who knowingly or willfully violates section 1.126 is subject to a fine of up to \$5,000 and a jail term of not more than six months, or both.
2. **Civil.** Any person who intentionally or negligently violates section 1.126 may be held liable in a civil action brought by the civil prosecutor for an amount up to \$5,000.
3. **Administrative.** Any person who intentionally or negligently violates section 1.126 may be held liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter for an amount up to \$5,000 for each violation.

For further information, proposers should contact the San Francisco Ethics Commission at (415) 581-2300.

### **I. Sunshine Ordinance**

In accordance with S.F. Administrative Code Section 67.24(e), contractors' bids, responses to RFPs and all other records of communications between the City and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefits until and unless that person or organization is awarded the contract or benefit. Information provided which is covered by this paragraph will be made available to the public upon request.

It is important for respondents to clearly identify in their proposals if any submitted financial records or other information is, in the respondent's good faith determination, a trade secret or confidential proprietary information protected from disclosure under applicable law. To the extent permitted by law, the City will attempt to reasonably maintain the confidentiality of such information, and information so marked will be redacted from copies presented to the public. However, generally, all documentation, including financial information submitted by any respondent to the City, are public records under State and local law, including Section 67 of the City Administrative Code ("Sunshine Ordinance"), and the City will not under any circumstances be responsible for damages or losses incurred by a respondent or any other person or entity because of the release of such fiscal information.

#### **J. Public Access to Meetings and Records**

If a respondent receives a cumulative total per year of at least \$250,000 in City funds or City-administered funds and is a non-profit organization as defined in Chapter 12L of the S.F. Administrative Code, the proposer must comply with Chapter 12L. The proposer must include in its proposal (1) a statement describing its efforts to comply with the Chapter 12L provisions regarding public access to proposer's meetings and records, and (2) a summary of all complaints concerning the proposer's compliance with Chapter 12L that were filed with the City in the last two years and deemed by the City to be substantiated. The summary shall also describe the disposition of each complaint. If no such complaints were filed, the respondent shall include a statement to that effect. Failure to comply with the reporting requirements of Chapter 12L or material misrepresentation in proposer's Chapter 12L submissions shall be grounds for rejection of the proposal and/or termination of any subsequent agreement(s) reached on the basis of the proposal.

#### **K. Reservations of Rights by the City**

The issuance of this RFP does not constitute an agreement by the City that any contract will actually be entered into by the City. The City expressly reserves the right at any time to:

- Waive or correct any defect or informality in any response, proposal, or proposal procedure;
- Reject any or all proposals;
- Reissue a Request for Proposals;
- Prior to submission deadline for proposals, modify all or any portion of the selection procedures, including deadlines for accepting responses, the specifications or requirements for any materials, equipment or services to be provided under this RFP, or the requirements for contents or format of the proposals;
- Procure any materials, equipment or services specified in this RFP by any other means; or
- Determine that no project will be pursued.

#### **L. No Waiver**

No waiver by the City of any provision of this RFP shall be implied from any failure by the City to recognize or take action on account of any failure by a respondent to observe any provision of this RFP.

## **VIII. Award**

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The Review Committee will select a respondent with whom RED staff shall commence license negotiations. *[If grant also being offered, add following: If the selected proposer's proposal requested Grant Funds, at the election of OEWD, OEWD staff shall also commence grant negotiations.]* The selection of any respondent for negotiations shall not imply acceptance by the City of all terms of its proposal, which may be subject to further negotiations and will be subject to further approvals before the City may be legally bound thereby.

If City and the selected respondent cannot agree to a final form of the License Agreement *[If grant also being offered, add following: and, if applicable, Grant Agreement]* in a reasonable time, City, in its sole discretion, may terminate negotiations with that selected respondent and begin negotiations with an alternative respondent with the next-highest ranked proposal.

## **IX. License *[If grant also being offered, add following: and Grant]* Requirements**

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### **A. Standard Provisions**

The successful respondent will be required to provide the documents described in Appendix C to this RFP and enter into the License Agreement, as modified to reflect the proposer's proposal and any agreed modifications discussed during the negotiation period. *[If grant also being offered, add following: If the successful proposer's proposal requested Grant Funds, it will be required to enter into the License Agreement, as modified to reflect the respondent's proposal and any agreed modifications discussed during the negotiation period.]* Failure to timely execute the License Agreement *[If grant also being offered, add following: or, if applicable, the Grant Agreement,]* or to furnish any and all insurance certificates and policy endorsements or other materials City requires, shall be deemed an abandonment of a proposal. In the event of such an abandonment, the City, in its sole discretion, may select another respondent and may proceed against the original selectee for damages.

Proposers are urged to pay special attention to the requirements of Administrative Code Chapters 12B and 12C, Nondiscrimination in Contracts and Benefits, the Minimum Compensation Ordinance, the Health Care Accountability Ordinance, and applicable conflict of interest laws, which are further set forth in paragraphs B, C, D, E, and F below and are included in the License Agreement *[If grant also being offered, add following: and Grant Agreement]*.

## **B. Nondiscrimination in Contracts and Benefits**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of Chapters 12B and 12C of the San Francisco Administrative Code. Generally, Chapter 12B prohibits the City and County of San Francisco from entering into contracts with or making grants to any entity that discriminates in the provision of benefits between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of employees. The Chapter 12C requires nondiscrimination in contracts in public accommodation. Additional information on Chapters 12B and 12C is available on the HRC's website at [www.sf-hrc.org](http://www.sf-hrc.org).

## **C. Minimum Compensation Ordinance (MCO)**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Minimum Compensation Ordinance ("MCO"), as set forth in San Francisco Administrative Code Chapter 12P. Generally, the MCO requires contractors to provide employees covered by the MCO who do work funded under the contract with hourly gross compensation and paid and unpaid time off that meet certain minimum requirements. For the MCO's contractual requirements, see *[If grant also being offered, add following: Section 16.8 in the Grant Agreement and]* Section \_\_\_\_\_ in the License Agreement.

For the amount of hourly gross compensation currently required under the MCO, and additional information regarding the MCO, is available on the web at [www.sfgov.org/olse/mco](http://www.sfgov.org/olse/mco). Note that this hourly rate may increase on January 1 of each year and that contractors will be required to pay any such increases to covered employees during the term of the contract.

## **D. Health Care Accountability Ordinance**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Health Care Accountability Ordinance ("HCAO"), as set forth in S.F. Administrative Code Chapter 12Q. Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the HCAO is available on the web at [www.sfgsa.org/index.aspx?page=407](http://www.sfgsa.org/index.aspx?page=407).

## **E. Conflicts of Interest**

The successful proposer will be required to agree to comply fully with and be bound by the applicable provisions of state and local laws related to conflicts of interest, including Section 15.103 of the City's Charter, Article III, Chapter 2 of City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California. The successful proposer will be required to acknowledge that it is familiar with these laws; certify that it does not know of any facts that constitute a violation of said provisions; and agree to immediately notify the City if it becomes aware of any such fact during the term of the License Agreement *[If grant also being offered, add following: and, if applicable, the Grant Agreement]*.

Individuals who will perform work for the City on behalf of the successful proposer might be deemed consultants under state and local conflict of interest laws. If so, such individuals will be required to submit a Statement of Economic Interests, California Fair Political Practices Commission Form 700, to the City within ten calendar days of the City notifying the successful proposer that the City has selected the proposer.

*[If grant also being offered, add following:*

**F. Additional Grant Fund Requirements**

**1. Accessibility.** All programs and services funded with Grant Funds must be accessible to persons with disabilities. Program access can be achieved in many cases without having to alter the site in which the programs and services are provided.

**2. Environmental Review.** Any environmental review needed for the use of Grant Funds must be completed before they are utilized.

**3. Procurement.** Grantee must comply with federal conflict of interest regulations, and regulatory procedures for obtaining and granting for goods and services that are paid for with Grant Funds.

**4. Ineligible Reimbursements.** Funds for activities occurring prior to the commencement date of the Grant Agreement cannot be reimbursed.

**5. Religious Activity.** Grant Funds may not be used for religious purposes or for the improvements of property owned by religious entities except where the grant recipient is a secular non-profit organization with a long term lease.

**6. Political Activity.** No federal funds received through this RFP shall be used to provide financial assistance for any program that involves political activities. Grantees shall comply with the provisions of the Hatch Act (U.S.C. 1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds. In addition, respondents must comply with Section 1.126 of the San Francisco Campaign and Governmental Conduct Code. Details can be found at:  
[http://www.sfgov.org/site/ethics\\_index.asp?id=13730](http://www.sfgov.org/site/ethics_index.asp?id=13730)

## **X. Protest Procedures**

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### **A. Protest of Non-Responsiveness Determination**

Within five business days of the City's issuance of a notice of non-responsiveness, any respondent that has submitted a proposal and believes that the City has incorrectly determined that its proposal is non-responsive may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth business day following the City's issuance of the notice of non-responsiveness. The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the respondent, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

**B. Protest of Award**

Within five business days of the City's issuance of a notice of intent to award the license [if grant also being offered, add following: and, if applicable, grant] described in this RFP, any respondent that has submitted a responsive proposal and believes that the City has incorrectly selected another respondent for award may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth business day after the City's issuance of the notice of intent to award.

The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the respondent, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

**C. Delivery of Protests**

All protests must be received by 5:00 p.m. of the applicable due date specified above. If a protest is mailed, the protestor bears the risk of non-delivery within the deadlines specified herein. Protests should be transmitted by a means that will objectively establish the date the City received the protest. Protests or notice of protests made orally (e.g., by telephone) or via e-mail will not be considered.

If the City determines that a meeting with the party submitting the protest is necessary, such meeting will be scheduled within ten (10) calendar days of the receipt of a protest to review and attempt to resolve the protest.

Protests must be delivered to:

OEWD Director  
Office of Economic & Workforce Development  
City Hall, 1 Dr. Carlton B Goodlett Place, Room 448  
San Francisco, CA 94102

RFP for ██████████ Plaza Stewardship

**Appendix A**

**SF Plaza Program Overview**



RFP for                                  Plaza Stewardship

**Appendix B**

**Form of License Agreement**

RFP for [REDACTED] Plaza Stewardship

*[If grant also being offered, add following and change header in following exhibit to "Appendix D" and numbering in following exhibit to "D-#":*

**Appendix C**

**Form of Grant Agreement**

### Appendix C

#### Standard Forms

Before the City can award any license or grant to a party, that party must file three standard City forms (items 1-3 on the chart). Because many parties have already completed these forms, and because some informational forms are rarely revised, the City has not included them in the RFP package. Instead, this Appendix describes the forms, where to find them on the Internet (see bottom of page 2), and where to file them. If a respondent cannot get the documents off the Internet, the respondent should call (415) 554-6248 or e-mail Purchasing (purchasing@sfgov.org) and Purchasing will fax, mail or e-mail them to the respondent.

If a respondent has already filled out items 1-3 (see note under item 3) on the chart, the respondent **should not do so again unless its answers have changed**. To find out whether these forms have been submitted, the respondent should call Vendor File Support in the Controller's Office at (415) 554-6702.

Item	Form name	Form	Description	Return the form to/ for more info
1.	Request for Taxpayer Identification Number and Certification	W-9	The City needs the contractor's taxpayer ID number on this form. If a contractor has already done business with the City, this form is not necessary because the City already has the number.	Controller's Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102 (415) 554-6702
2.	Business Tax Declaration	P-25	All contractors must sign this form to determine if they must register with the Tax Collector, even if not located in San Francisco. All businesses that qualify as "conducting business in San Francisco" must register with the Tax Collector	Controller's Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102 (415) 554-6702
3.	San Francisco Administrative Code Chapters 12B & 12C Declaration: Nondiscrimination in Contracts and Benefits	HRC-12B-101	Contractors tell the City if their personnel policies meet the City's requirements for nondiscrimination against protected classes of people, and in the provision of benefits between employees with spouses and employees	Human Rights Comm. 25 Van Ness, #800 San Francisco, CA 94102-6059 (415) 252-2500

RFP for ██████████ Plaza Stewardship

Item	Form name	Form	Description	Return the form to/ for more info
	In Vendor Profile Application		with domestic partners. Form submission is not complete if it does not include the additional documentation asked for on the form. Other forms may be required, depending on the answers on this form. Contract-by-Contract Compliance status vendors must fill out an additional form for each contract.	

**Where the forms are on the Internet**

**Office of Contract Administration**

Homepage: [www.sfgov.org/oca/](http://www.sfgov.org/oca/)  
 Purchasing forms: Click on "Required Vendor Forms" under the "Information for Vendors and Contractors" banner.

**Human Rights Commission**

HRC's homepage: [www.sf-hrc.org](http://www.sf-hrc.org)  
 Equal Benefits forms: Click on "Forms" under the "Equal Benefits" banner near the bottom.



Edwin M. Lee, Mayor  
 Mohammed Nuru, Director

Jerry Sanguinetti, Bureau Manager

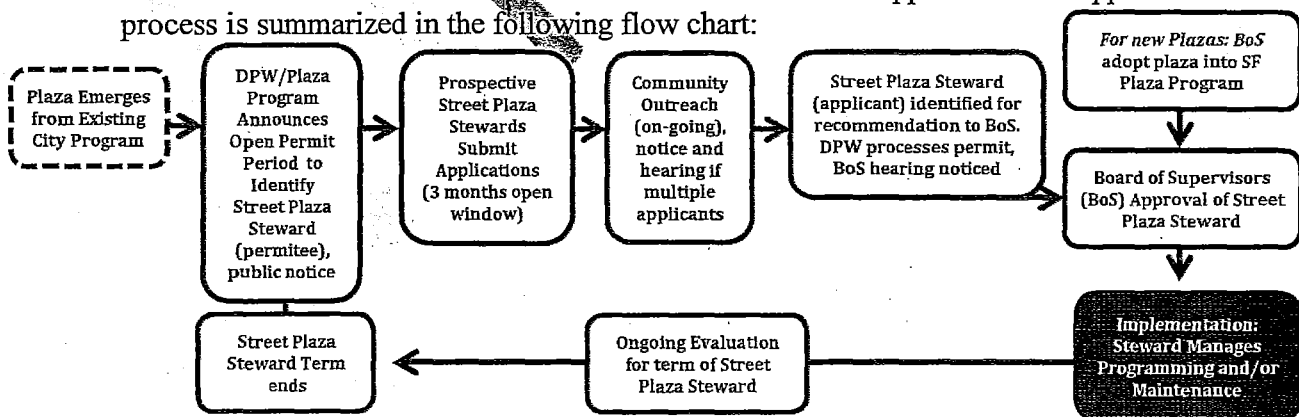
DPW Order No: \_\_\_\_\_

**ESTABLISHING REGULATIONS AND GUIDELINES FOR APPROVAL OF STREET PLAZA ENCROACHMENT PERMITS WITHIN THE PUBLIC RIGHT-OF-WAY.**

**I. PURPOSE:** Public Works Code Article 15, Section 792 governs the application and permitting process for Plaza Encroachment Permits for Street Plazas. This DPW Order provides detailed implementation guidelines for the approval and administration of Plaza Encroachment Permits.

**II. BACKGROUND:** The Plaza Program allows Permittees (Stewards) to activate and maintain approved Street Plazas, for the term of the Plaza Encroachment Permit. This program provides tools for local stakeholders to craft a sustainable approach to the desire and need for active use of Street Plazas. A Plaza Encroachment Permit shall be processed under the same terms and requirements as per Public Works Code Section 786, Street (Major) Encroachment Permit, except where Section 792 has specific provisions applicable only to Street Plazas; whereas Section 792 shall be specific to the Plaza Program. A Plaza Encroachment Permit shall not be subject to the annual assessment fee assessed to Street (Major) Encroachment Permits.

**III. APPLICATION AND APPROVAL PROCESS:** The application and approval process is summarized in the following flow chart:



**A. Street Plaza Application and Permit Process:**

- (1) A plaza emerges from an existing City program that satisfies the following criteria:

- (a) Plaza shall occupy existing public right-of-way(s);
- (b) Shall occupy a minimum of 2,000 square feet;
- (c) Shall be located in active areas of the City; e.g. commercial corridors, transit or bicycle hubs, etc.
- (d) Shall not be primarily used as an active recreational facility or for urban agriculture;
- (e) Shall have a demonstrable need for activation and/or maintenance;
- (f) Shall have existing community support for public/private activation; and,
- (g) Shall have at least one identified potential applicant or steward.

(2) **DPW announces open permit period to identify Street Plaza Permittee.**

DPW shall post at the plaza site and on DPW and the Plaza Program websites, and shall mail notices to local residents, property owners and neighborhood groups within a 300 foot radius. Eligibility criteria, application requirements and operation/maintenance obligations would be further detailed in each individual Street Plaza announcement, but may include the following:

(a) Eligibility criteria:

- (i) Although not required, groups with non-profit corporation status, with programs based in San Francisco, are preferred.
- (ii) Be able to demonstrate a strong connection to the neighborhood in which the Plaza is located.
- (iii) Be able to demonstrate capacity for long-term management of the Plaza through projected budgets.

(b) Application requirements: Proposals shall include the following information (the Plaza Application) describing vision and strategy for the subject Plaza. Additional requirements may be required on a case by case basis and will be detailed in each announced open permit period:

(i) Organization Background and Contact Information

(ii) Organization Qualifications

- a. Including operational or corporate status.

(iii) Staff Qualifications

(iv) Community Initiative

- a. Including documentation of public outreach processes.
- b. Proposal for on-going local stakeholder engagement.

(v) Program Design, Site and Feasibility

- a. *Program Design:* Include proposed daily, weekly, and monthly programmed hours of use of the Street Plaza on an annual basis for which the Permit will be active. Propose a minimum number of yearly programmed events, as well as the scope of activities on an annual basis for which the Permit shall be active. This may include use of moveable, temporary, or fixed furniture or structures; maintenance of hardscape and/or landscaping on the plaza; general programming and activation of the Plaza; and commercial or non-commercial offerings, including, but not limited to, arts activities; entertainment; food, drink, and/or other

refreshments; retail sales; sports; and general recreation. Provide an event map for a variety of programming activation, if any. Propose a number of restricted access events, if any, which will be held annually, which number shall not exceed eight (8) one-day such events. Describe the maintenance plan.

- b. *Site*: Describe site conditions, including any nearby commercial corridors, transit or bicycle hubs, community groups or other naturally active conditions.
- c. *Feasibility*: Describe how the Program Design will enable the proposed activation and/or maintenance of the Site area.

(vi) Evaluation/Communications

- a. Propose how success of the Plaza Application will be measured.
- b. Participate in any established program evaluation and/or reporting processes.
- c. Propose strategies to engage with and maintain on-going communication with existing City programs.

(vii) Signage Plan

(viii) Program and Respondent Budget

- a. Include the following:
  - i. Detailed budget projections, including an annual detailed operating budget and 12 month cash flow projection for the proposed activities requested listed by the budget categories.
  - ii. A three-year sustainability projection.
  - iii. Sources of any estimated revenue.
- b. Director of DPW may require any additional information that DPW may need to adequately assess the applicant's ability to administer the permit obligations.

(c) Operations Obligations: Proposals should acknowledge understanding of the following required obligations:

- (i) Complete and sign Street Plaza Encroachment Agreement.
- (ii) Maintain general liability insurance, naming the City as additional insured, subject to approval of the City Risk Manager.
- (iii) Maintain clear, on-going lines of communication with community stakeholders.
- (iv) Activate and/or maintain the Plaza through programming, marketing, management and event management, as described in the approved Agreement.
- (v) Maximize events that are free to the public.
- (vi) Public access will not be restricted beyond any approved restricted access events.
- (vii) Participate in periodic Plaza Program Steward meetings and workshops.

- (3) **Prospective Street Plaza Stewards submit applications:** The open permit period to identify Street Plaza Permittee shall be open for ninety (90) days.
- (4) **On-going outreach:** Applicant garners community support and DPW and the Plaza Program raises local awareness of stewardship and program process.
- (5) **Applications reviewed by DPW staff for eligibility:**
  - (a) If only one eligible proposal is received, those persons/organization shall be deemed the identified applicant and shall work with DPW to complete any required Permit processing steps as set forth in Sections 786 and 792, DPW guidelines for processing a Major Encroachment Permit and this DPW Order.
  - (b) If more than one proposal for application is received, DPW staff will review all proposals to determine whether there is more than one eligible proposal. DPW shall schedule a public hearing to review eligibility of all potential applicants. Based on the information provided, and testimony presented at the hearing, the DPW Hearing Officer shall make a recommendation to the Director of Public Works. DPW Director may approve, modify or reject the hearing officer's recommendation and shall issue a final determination. After such selection, DPW shall meet with the applicant to determine what outstanding information and/or materials are necessary to complete the application process.
  - (c) The DPW Director shall recommend only one Permittee per Street Plaza.
- (6) If the plaza has not yet been adopted into the Plaza Program, DPW and Plaza Program staff will prepare legislation proposing adoption of the plaza into the Plaza Program as per Chapter 94 of Administrative Code and simultaneously process, if practicable, prior to approval of a Plaza Encroachment Permit, as a Street Plaza in the Plaza Program.
- (7) Board of Supervisors' approval of Plaza Encroachment Permit application shall include the following:
  - (i) The scope of Street Plaza Permittee's maintenance, activation and liability responsibility and obligations.
  - (ii) The required liability, indemnity, and insurance coverages, as approved by the City Risk Manager or successor agency.
  - (iii) The number of annual restricted access events, if any.
  - (iv) The Permit may be deemed abandoned if the Street Plaza Permittee conducts less than the stipulated number of minimum annual programmed events.
  - (v) The Street Plaza Permittee shall submit a monthly calendar of events to the local District Police station, the DPW Director, and the Plaza Program thirty (30) days prior to the start of the subject month.
  - (vi) The Street Plaza Permittee makes its financial records related to the use of the Street Plaza available to the DPW Director for inspection, upon written request of the Director.
  - (vii) That DPW authorizes the signage approval program
- (8) **Implementation:** Street Plaza Permittee commences stewardship of Plaza (programming and/or maintenance).



- (9) Ongoing Evaluation for term of Street Plaza Permittee.
- (10) At end of term, begin process again with an open permit period to identify Street Plaza Permittee.

**B. Additional Street Plaza Permit Requirements;**

- (1) Certain activities may require additional permits or approvals from other City or State agencies, Boards, Commissions, Departments, etc. The Street Plaza Permittee will be solely responsible for obtaining all other permits and/or approvals that may be required for activities at the Street Plaza. Any event that involves at least one of the following activities, also shall be required to obtain approval from the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT):
  - (a) Sales or service of alcohol
  - (b) A fuel-powered generator with a fuel capacity greater than 10 gallons
  - (c) Installation of a tent or canopy in excess of 400 square feet
  - (d) Closure of all or any portion any public right-of-way adjacent to and/or outside the delineated area of the Plaza
  - (e) Events that exceed the maximum decibel limit as described in the Plaza Limited Live Performance permit, if applicable, issued pursuant to Police Code Sections 1060 et seq.
  - (f) Activities that exceed the general scope of the Street Plaza Permit agreement.
- (2) Due to possible damage to City infrastructure, any event that involves at least one of the following activities may also be required to apply for and obtain an additional Temporary Occupancy Permit from DPW.
  - (a) Stages that are not pre-fabricated and that require installation or construction with/by trained staff;
  - (b) Any structure in excess of 250 pounds per square inch;
- (3) The term of a Plaza Encroachment Permit shall not exceed a total of five (5) years; provided, however, that in unique circumstances or in cases where the Permittee installs significant improvements as part of the Plaza Encroachment Permit, the Director may authorize a longer or unlimited term.  
Notwithstanding the above, all Plaza Encroachment Permits are revocable at the will of the Director.

**C. Maintenance Agreement**

- (1) Regular maintenance of the plaza shall be required at all times set forth in the permit. The Plaza Permittee will coordinate and work with DPW Bureau of Street Environmental Services (BSES) and Bureau of Urban Forestry (BUF) s to maintain the Plaza as identified in the Plaza Encroachment Permit.
- (2) Under certain circumstances and depending on Permittee's maintenance obligation for the plaza, the DPW Director may require the posting of a maintenance bond in an amount he /she deems appropriate.

**D. Additional requirements may be adopted with each Plaza Encroachment Permit approval.** Other regulations and requirements shall be adopted when each Plaza Encroachment Permit is approved and incorporated into the Plaza Program in accordance with Administrative Code Chapter 94. The Permittee shall be responsible for posting such regulations and requirements, to be posted in a prominent location within in each Street Plaza.

**E. Exceptions to Operational Requirements and Permit Terms.**

- (1) Operational Requirement Exceptions: On a case by case basis and due to unique circumstances, the operational requirements set forth for Street Plazas may not be appropriate for a particular event. In such cases, and after a duly noticed public hearing, the DPW Director may issue an exception to the requirements if the Director finds at his/her sole discretion that the public interest would benefit and be served by the granting of the exception.
- (2) Permit Term Exceptions: Upon written request from a Street Plaza Permittee, the Director may issue non-material exceptions or other minor amendments to the terms of a Plaza Encroachment Permit. The Director shall issue such exceptions in writing, retain the granted exceptions in a file available for public review, and shall post such correspondence on the Department's and Plaza Program's websites.

**F. Good Neighbor Policies**

- (1) The Street Plaza Permittee will manage the Plaza in accordance with the following good neighbor policies during the times of use as set forth in the Plaza Encroachment Permit:
  - (a) The quiet, safety, and cleanliness of the Plaza and its adjacent area shall be maintained at all times, as set forth in the permit;
  - (b) Proper and adequate storage, and disposal of debris and garbage shall be provided;
  - (c) Noise and odors, unless otherwise permitted, shall be contained within immediate area of the Plaza so as not to be a nuisance to neighbors;
  - (d) Notices shall be prominently displayed during events that urge patrons to leave the Plaza premises and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood. Such notices shall be the responsibility of the Permittee to install prior to, and removed after each event;
  - (e) Employees of the Plaza Permittee shall walk a 100-foot radius from the Plaza within thirty (30) minutes after the daily use period and shall pick up and dispose of any discarded beverage containers and other trash or debris left within the area;
  - (f) Exceptions: After written request from a Permittee, the DPW Director may issue non-material exceptions or other minor amendments to the Good Neighbor Policies. The Director shall issues such exceptions in writing, retain the granted exceptions in a file available for public review, and shall post such correspondence on the Department's and Plaza Program's websites.

**G. Violation of Permit or Regulations and Penalties.**

- (1) Violation of permit or regulations and penalties for Street Plazas are described in Public Works Code Article 15, Section 792 and may be subject to warnings, citations and/or financial penalties.
- (2) If the Permittee receives numerous warnings and/or citations, the Plaza Encroachment Permit may be subject to a public hearing and/or consideration of revocation of their Permit.

X

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Sanguinetti, Jerry  
Bureau Manager

X

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Sweiss, Fuad  
Deputy Director and City Engineer

X

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Nuru, Mohammed  
Director, DPW

RRF

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

February 13, 2014

File No. 140061

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On January 28, 2014, the Mayor introduced the following legislation:

**File No. 140061**

**Ordinance amending the Administrative Code, by adding Chapter 94, Sections 94.1 through 94.7, to establish a Plaza Program that coordinates City activities in some City-owned plazas on public property and public right-of-way; create a process to identify stewards to activate plazas under the jurisdiction of the Division of Real Estate and regulate such plazas; establishing administrative fees for the Plaza Program; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Andrea Ausberry".

By: Andrea Ausberry, Committee Clerk  
Land Use & Economic Development Committee

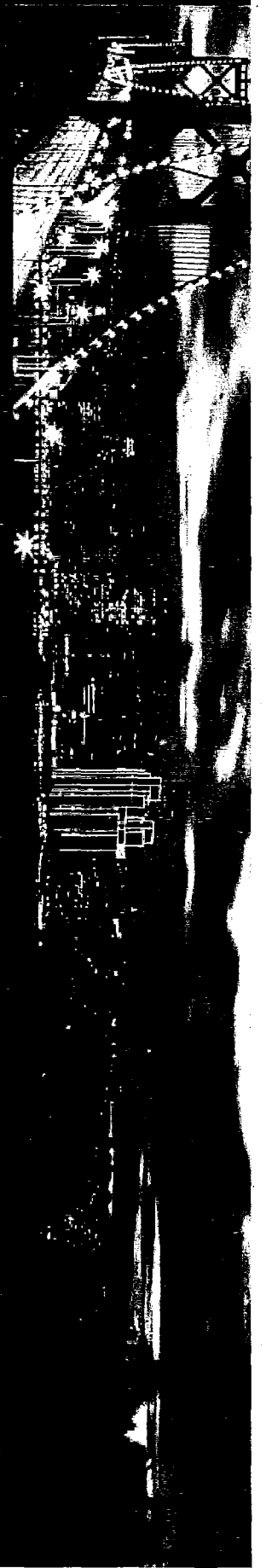
Attachment

c: Nannie Turrell, Environmental Planning  
Jeanie Poling, Environmental Planning

*Not a project under CEQA  
Guidelines Sections 15060(c)  
and 15318, because there is  
no direct or indirect physical  
change in the environment.*

*Nannie Turrell  
February 18, 2014*

140661-64



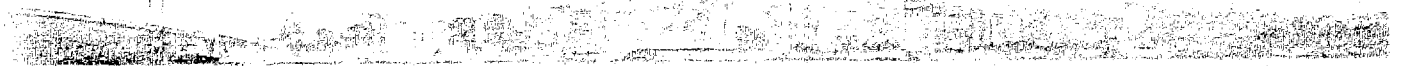
# SF PLAZA PROGRAM

*May 12<sup>th</sup> Land Use and Economic Development Committee Meeting*

**SAN FRANCISCO**  
Office of Economic and Workforce Development

# Program Benefits and Mission

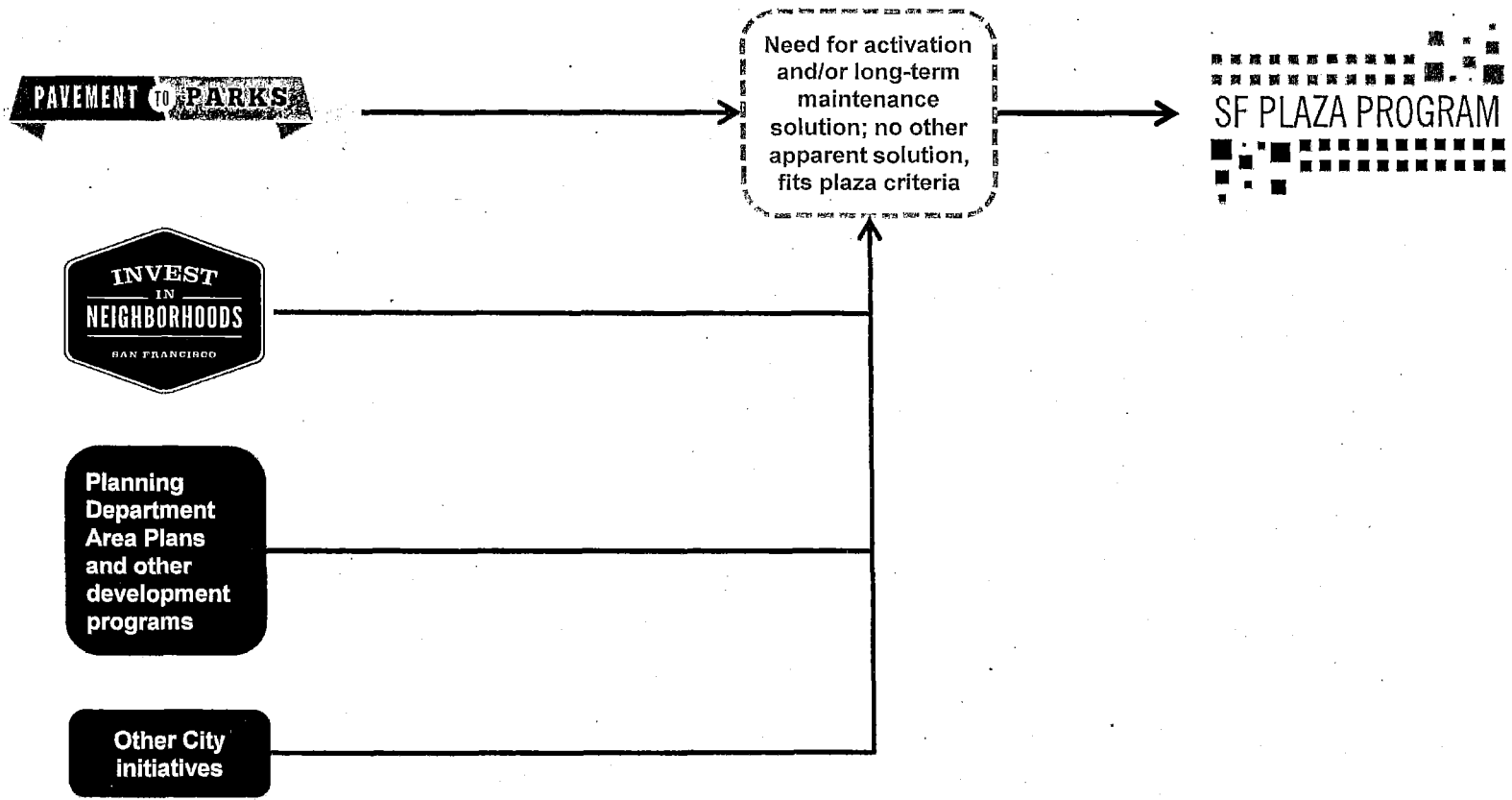
- Mission: *Improve the City's ability to support San Francisco's vibrant communities by lowering barriers to creating and successfully managing San Francisco's open spaces*
- Program Goals:
  - ***Support local, long-term stewardship and activation***
  - ***Create a City-wide management approach for emerging plazas***
    - New standardized agreement forms, systemic processes and customized event permitting tools could make it easier for communities to activate their local plazas and craft long-term sustainable management plans.
  - ***Improve the City's ability to support more safe, clean, and active City-owned open space than is currently possible with existing***



# The Plaza Program

- Coordinate City efforts
  - Streamline event permitting processes to encourage activation
  - Provide a long-term “home” for existing plaza projects created through various City programs
- Involve community-based stewards
  - Support local stewardship efforts
  - Potential stewards would submit proposals, “Plaza Plans”
  - All plazas and potential plaza stewards need Board of Supervisor adoption/approval
  - Network the efforts of the approved City-wide Plazas Stewards
  - Use criteria to evaluate Steward performance outcomes
- Direct revenue back into plazas
  - Revenue generated by a Steward could only support operations of that plaza
  - Support plaza activation and/or maintenance in increasing sustainability over time

# Plaza Process



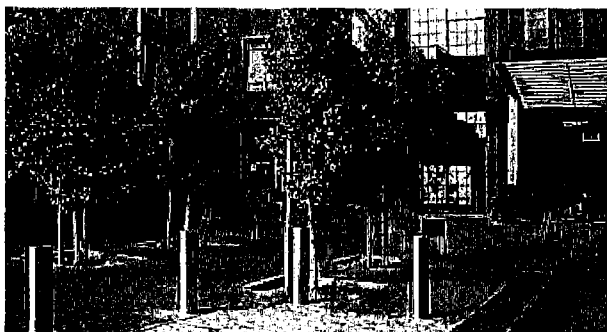
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# The Plaza Program Framework

Plazas would be adopted into the Program by the Board of Supervisors and would fall within one of two jurisdictional categories, depending on the unique needs of each plaza:

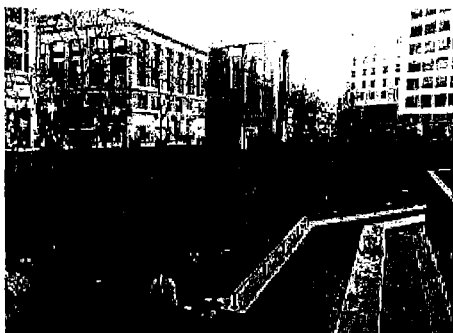
Ex: Plaza Mint



## 1. Street Plazas

- **City-owned right-of-way, in DPW jurisdiction**
- *May have vehicle and/or other access needs*
- *A Plaza Encroachment Permit would define Steward obligations*
- *Standard term of 5 years*
- *Streamlined event permitting available*

Ex: Hallidie Plaza



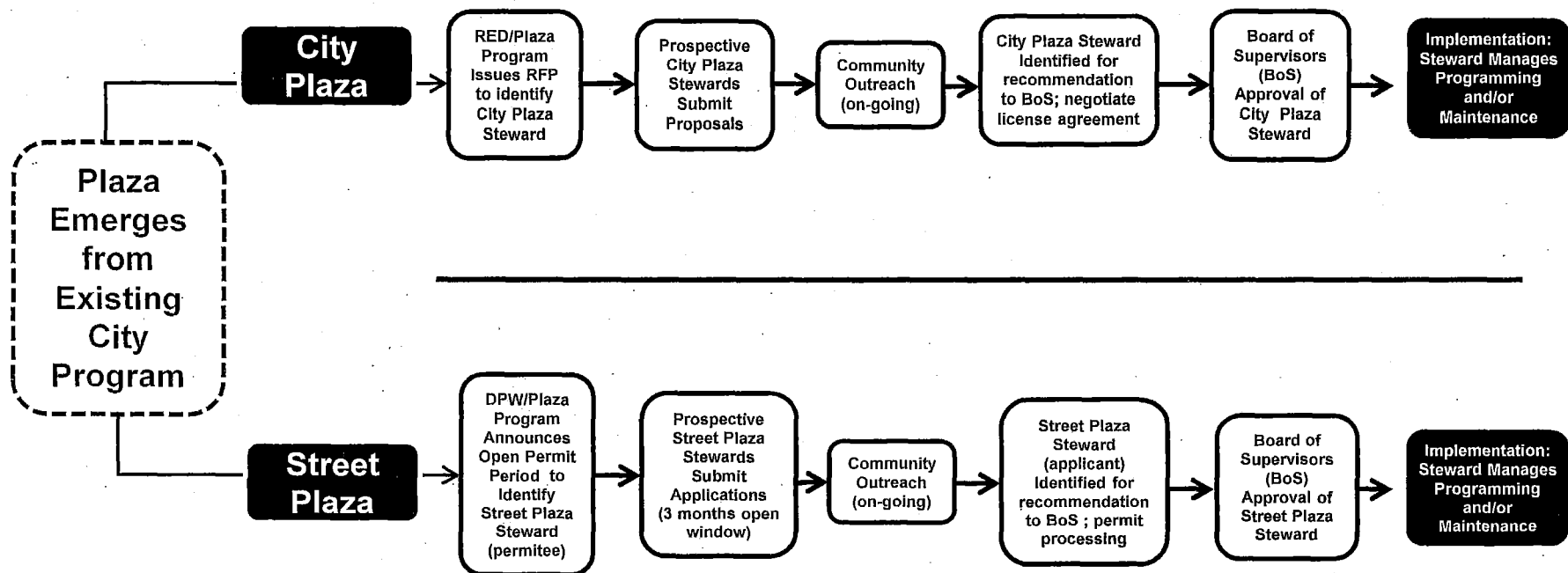
## 2. City Plazas

- **City-owned, non-street property, in RED jurisdiction**
- *A license with the Steward would outline obligations*
- *Standard term of 5 years*
- *Several proposed zoning changes could allow for a range of event activities as principally permitted*
- *Streamlined event permitting available*

# Activation Examples

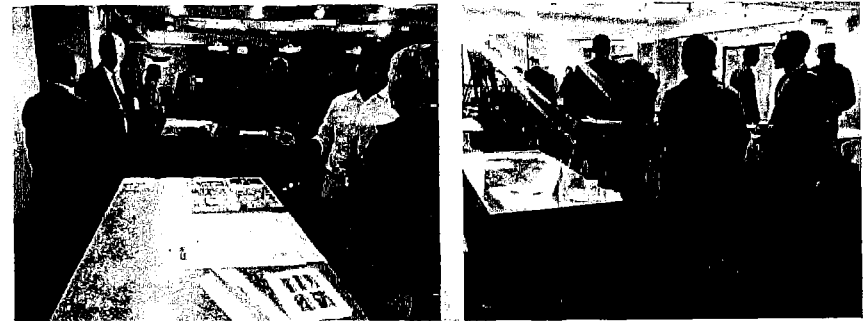
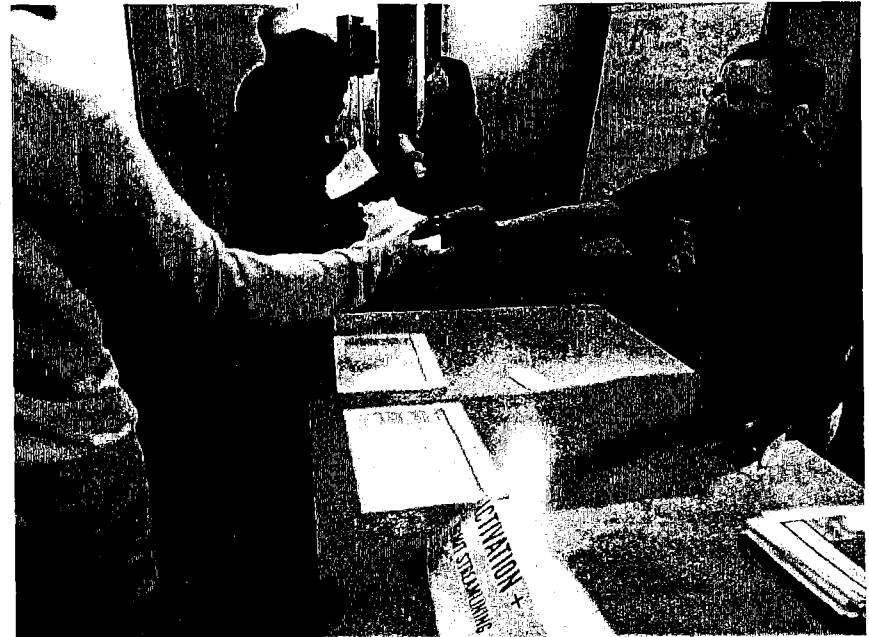
Activity	Examples
<b>Farmer's markets</b>	Bayview Hunters Point Farmers' Market, Castro Farmers' Market, Divisadero Farmers' Market, Mint Plaza Farmers' Market
<b>Music/Dance</b>	Lindy in the Park, People in the Plazas events, jazz events, DJs, Benefit for Typhoon Yolanda
<b>Arts/Technology events</b>	Photo class, craft making events, painting events, drawing classes, Crochet-Jam, chalk party, screen printing class, Build an Inflatable Workspace (Headland Center for the Arts artists-in-residence), Red Umbrella Open Air Art Exhibition, Living Innovation Zones
<b>Community events</b>	Valencia McCoppin Neighborhood Watch meeting
<b>Public talks and lectures</b>	SF Beautiful brown-bag talks
<b>Exercise classes</b>	Yoga classes, exercise boot camps
<b>Movie nights</b>	Kids movies, local-made movies and documentaries
<b>Non-profit events</b>	Rocket Dog Rescue pet event
<b>Retail events/vendors</b>	Holiday Maker Mart, flea market, Urban Air Market, mobile vending carts
<b>Game events/recreation</b>	Ping-Pong, Scrabble-a-Thon, RPD Mobile Recreation Program
<b>Food</b>	La Cocina SF Street Food Festival, McCoppin Hub and Fort Mason Off the Grid food truck markets

# Plaza and Steward Adoption Process



# Outreach

- The Office of Economic and Workforce Development (OEWD), conducted meetings with or made presentations to 40 stakeholder groups
- OEWD presented the program to the Small Business Commission, Entertainment Commission and Planning Commission
- OEWD conducted an SF Plaza Program Informational Open House, which was noticed using the Planning Departments noticing lists
- OEWD compiled a list of 114 questions/clarifications based on this outreach, and posted the list of answers on the program website



# Responses to Community Concerns - Highlights

Feedback	Change	Code Section
It is not clear if Recreational and Parks Department is included in this program.	Legislation amended to clarify that no Plaza identified in this program shall be on property under the jurisdiction of the Recreation and Parks Department.	Admin Code SEC. 94.1. DEFINITIONS.
It is unclear if formula retail uses are allowed in plazas	Legislation amended to require a conditional use authorization for accessory uses that are defined as formula retail in approved plazas	Planning Code SEC. 234.1. PRINCIPAL USES PERMITTED, P DISTRICTS (4) and (6)
How will we be sure that plazas do not contain inappropriate structures?	Legislation amended to add Open Space height requirement unless otherwise approved by the Board of Supervisors. Legislation amended to clarify that any structures could only occupy a limited space, if any.	Admin Code SEC. 94.1. DEFINITIONS; Planning Code SEC. 234.1. PRINCIPAL USES PERMITTED, P DISTRICTS. (c) 1
It is unclear how communities will know about this process for City Plazas in their neighborhoods	Legislation amended to include additional noticing, including a 300 foot radius mailer to residents, owner and neighborhood groups	Admin Code: SEC. 94.3. REGULATIONS FOR CITY PLAZAS. (c)
The length and frequency of the up to 8 private events that could be approved by the Board of Supervisors is unclear for City Plazas	Legislation amended to clarify event length as no more than one-day and to require that any approved events be spread throughout the calendar year	Admin Code: SEC. 94.3. REGULATIONS FOR CITY PLAZAS. (1) Operational Requirements; Public Works Code: SEC. 792. STREET PLAZAS. (b) 4.D Application Submittal.

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# Plaza Examples

- The following Plazas are listed for example only and may be eligible for participation, pending community processes and regulations, including environmental review, where required

Plaza	Plan/Program	District
McCoppin Hub Plaza	Market & Octavia Area Plan, Ancillary Projects	6
Hallidie Plaza	Better Market Street Plan	6/3
Daggett Park	Showplace Square Open Space Plan	10
Mendell Plaza	Invest in Neighborhoods	10
Jane Warner Plaza	Castro/Upper Market Community Benefit District Neighborhood Beautification Plan, Pavement to Parks	8
Mission & Valencia PUC Plaza	Invest in Neighborhoods	9
Ocean/Phelan Unity Plaza	Balboa Park Station Area Plan	7
San Jose/Guerrero	Pavement to Parks	8

# Plaza Program Legislative Summary

## Main Element

- **Admin Code Chapter 94:**
  - Establishes a Plaza Program that coordinates City activities in some City-owned plazas on public property and public right-of-way



## Supporting Elements

- **Planning Code**
  - Allows activation and uses in City Plazas
- **Public Works Code**
  - Establishes a permit program for program plazas on the public right-of-way
- **Police Code**
  - Includes program plazas as a type of limited live performance locale



Jane Warner Plaza

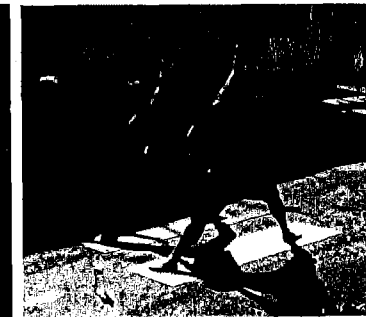
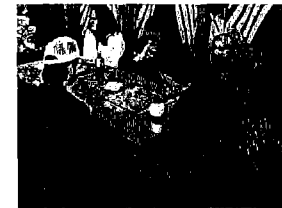
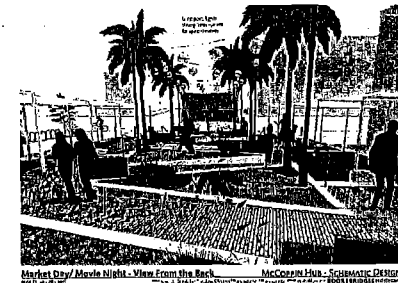
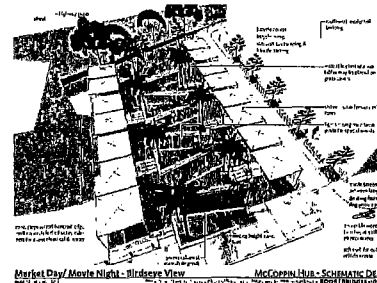
*Photos courtesy of Pavement to Parks*

# Plaza Program Legislation

## *Admin Code Highlights*

### Chapter 94:

- Program goals, definitions, functions and approvals
- Basic Plaza criteria:
  - Generally over 2000 square feet
  - City-owned right-of-way or property, not in RPD
  - Located in active areas, like in commercial corridors, transit or bicycle
  - Existing community process/temporary intervention
  - Need for activation and/or maintenance beyond existing City resources
- City Plazas
  - Support of program via fees and cross-subsidization
  - Require zoning that minimizes buildings
  - Require extensive noticing
  - Ensure public access to Plazas
  - Establish regulations for City Plazas
  - License terms
  - Limited one-day private events, with approval
  - Good Neighbor Policies



McCoppin Hub Plaza Photos courtesy of Activate McCoppin and Boor Bridges



# Plaza Program Legislation

## *Supporting Elements*

- **Planning Code**

- Find City Plazas principally permitted
- Technical clean-ups to Public Use Zoning Districts (P-Zones)

- **Public Works Code**

- Establish a permit program for Street Plazas – 792: Plaza Encroachment Permits
  - Waive annual assessment fee
  - Streamline event permitting for activation
  - Require extensive noticing
  - Establish regulations for Street Plazas
  - Ensure public access to Street Plazas
  - Allow limited one-day private events, with approval
  - Good Neighbor Policies

- **Police Code**

- Identifying Plazas as types of Limited Live Performance (LLP) locale



Daggett Park



Photo courtesy of Archstone Potrero



San Jose Guerrero Plaza

Photo courtesy of Pavement to Parks

# Conclusion: The Plaza Program

- **Support local stewardship efforts**
  - Support long-term operation, maintenance and activation sustainability
  - Support innovative approaches to transforming the public realm
- **Enhance coordination and collaboration:**
  - Coordinate principles and practices in Plazas designated under the Plaza Program with other public agencies operating similar public realm initiatives and projects in the City.
  - Leverage existing City, private, nonprofit and local stakeholder efforts
- **Continue to strengthen San Francisco's vibrant communities:**
  - Support vibrant communities of activators: artists, musicians, innovators
  - Improve the City's ability to support more safe, clean, and active City-owned open space than are currently possible with existing City resources

# Description of Amendments – Admin Code

Amendment	Code Section
General clean-up: Legislation amended to correct various typos, unify terms	Admin Code: Throughout
Legislation amended to not include a Plaza Program Strategy – an Overview can be found on the Plaza program website: <a href="http://oewd.org/Neighborhoods-SF-Plaza-Program.aspx">http://oewd.org/Neighborhoods-SF-Plaza-Program.aspx</a>	Admin Code Section 1. Findings (g)
Legislation amended to clarify that no Plaza identified in this program shall be on property under the jurisdiction of the Recreation and Parks Department	Admin Code SEC. 94.1 DEFINITIONS.
Legislation amended to add Open Space height requirement unless otherwise approved by the board of Supervisors.	Admin Code SEC.94.1 DEFINITIONS
Legislation amended to more clearly state that the Board of Supervisors approval would be necessary for plaza adoption, any necessary permits and authorizations including, but not limited to Plaza encroachment Permits, Street vacation Ordinances, or licenses.	Admin Code: SEC. 94.2 PLAZA PROGRAM (11)
Legislation amended to include additional noticing	Admin Code: SEC. 94.3 REGULATIONS FOR CITY PLAZAS. (c)
Legislation amended to clarify event length as no more than one-day and to require that any approved events be spread throughout the calendar year	Admin Code: SEC. 94.3 REGULATIONS FOR CITY PLAZAS. (1) Operational Requirements.
Legislation amended to clarify that public access will not be restricted beyond any approved private events	Admin Code: SEC. 94.3 REGULATIONS FOR CITY PLAZAS. (1)
Legislation amended to allow for any amounts Steward pays to Real Estate Division in consideration of its City Plaza License	Admin Code: SEC. 94.3 REGULATIONS FOR CITY PLAZAS. (f)

# Description of Amendments – Public Works Code and Planning Code

Amendment	Code Section
General clean-up: Legislation amended to correct various typos, unify terms	Planning Code and Public Works Code: Throughout
Legislation amended to remove requirement that accessory nonpublic use may only be located at or below ground story	Planning Code Sec: 234.1 (c) 3
Legislation amended to clarify that public access will not be restricted beyond any approved private events	Public Works Code: SEC. 792 4 (D)
Legislation amended to include additional noticing	Public Works Code: SEC. 792 5 (A)

## Ausberry, Andrea

---

**From:** Paul Wermer [paul@pw-sc.com]  
**Sent:** Monday, May 12, 2014 1:39 AM  
**To:** Wiener, Scott; Kim, Jane (BOS); Cohen, Malia (BOS)  
**Cc:** Havens, Robin; Rich, Ken (MYR); Ausberry, Andrea; Starr, Aaron (CPC); Rodgers, AnMarie (CPC)  
**Subject:** Support for SF Plaza Program (140061 - 140064)

Supervisor Scott Wiener  
Supervisor Jane Kim  
Supervisor Malia Cohen  
Land Use and Economic Development Committee San Francisco Board of Supervisors City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Subject: Support for SF Plaza Program (140061 - 140064)

Dear Supervisors:

The concept of allowing established community groups assume stewardship of public open space in their neighborhood is appealing in many ways; yet also can create unintended problems. The initial public review drafts of the proposal legislation failed to provide critical controls, such as excluding de facto privatization of public space for significant periods of time.

Fruitful dialogue with the SF Public Plaza team resulted in revisions to the proposed legislation that addressed most of these concerns. As with any system that must be flexible it is not possible to address all contingencies. The resulting revised proposal, with the amendments as described in the report, has earned support, and I encourage the Board of Supervisors to adopt it.

The responsibility for a successful program will now rest with the Board of Supervisors. There remain several risks that can only be managed through the Stewardship contract approval process. Two particular concerns are:

- 1) The risk that, as communities sponsor their own plaza areas, they will become less likely to support broader public funding to develop open space areas.
- 2) That as stewards accept maintenance responsibility for some public open space that city agencies will further reduce maintenance at all public open spaces, with the expectation that the neighbors will take it over. This is not an unreasonable risk - consider the street tree transfers to individual property owners.

And last but not least, I would like to acknowledge the outreach and dialogue with the SF Public Plaza team of Robin Havens and Ken Rich of OEWD, and Aaron Starr from the Planning Department. Their willingness to discuss concerns, clarify areas of misunderstanding, and make amendments as appropriate converted me from a serious skeptic to a supporter of the proposed Plaza Program.

I encourage you to adopt the proposals, as amended following the broad community engagement.

Paul Wermer  
1309 California Street  
San Francisco, CA 94115

[paul@pw-sc.com](mailto:paul@pw-sc.com)

help the neighborhoods find a way to improve their streetscapes, it would be a welcome step toward making our neighborhoods more livable and desirable.

Please consider putting the Plaza Program into place and easing the burden on neighborhood groups to reclaim public areas for the community good.

Thank you for your consideration,

Ruth Wallace

Portola Garden Tour Organizer

Portola Neighborhood Association Committee Member

District 9 resident

help the neighborhoods find a way to improve their streetscapes, it would be a welcome step toward making our neighborhoods more livable and desirable.

Please consider putting the Plaza Program into place and easing the burden on neighborhood groups to reclaim public areas for the community good.

Thank you for your consideration,

Ruth Wallace

Portola Garden Tour Organizer

Portola Neighborhood Association Committee Member

District 9 resident





**From:** pwebber928 <pwebber928@aol.com>

**To:** robin.havens <robin.havens@sfgov.org>; ken.rich <ken.rich@sfgov.org>

**Subject:** P-Zone legislation; Written Submission for Presentation at Committee Hearing

**Date:** Mon, May 12, 2014 10:39 am

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LAND USE & ECONOMIC DEVELOPMENT COMMITTEE MEETING

MAY 12, 2014

(ITEMS 140061-62-63-64---PUBLIC PLAZAS)

COMMENTS OF TELEGRAPH HILL DWELLERS REGARDING PUBLIC PLAZA LEGISLATION, WHICH IS UNDER DISCUSSION WITH STAFF AND AWAITING REVIEW OF ACTUAL LANGUAGE, AND, IN THE CASE OF OUR SUGGESTED PUBLIC FORUM FOR NOTICED OPPORTUNITY OF COMMUNITY IN PUT ON STREET PLAZAS, WHETHER THAT WILL BE ACCEPTED BY THE STAFF AT ALL

-----

Notices- Some language will be added to both the City Plaza and Street Plaza legislation providing for a tailored version of a Planning Code, Section 311 notice, going to property owners, businesses and residents within a 300 ft radius of the perimeters of a park for which an rfp or rfa has been published. There will be a procedure established in the legislative narrative, from the City's best practices, of the means of notifying resident/homeowner groups, business groups and just plain folks.

Public Forum for Community Comments- Before submission by the responsible Department to the Board of Supervisors of a lease or license for a specific Plaza proposal, there will be a public forum available before one or more Department representatives who are responsible for consideration of a published rfp/rfa, at which interested persons can make presentations regarding support or opposition to the proposed Plaza or to any respondent or respondents to the rfp/rfa. The forum shall be no less in duration than that necessary to permit each presenter a five minute presentation. Written comments may also be submitted by interested persons and must be received no later than the date and time established for the forum..

Notice of the date, time and place of the forum , as well as the address to which to submit written comments, shall be contained in the Notice referred to above, and the date shall no less than 45 days after the date of the mailing of the notice. (That notice period could work for both City & Street Plazas and need only precede longer 'gestation' periods.)When submitting a proposal to the Board of Supervisors, the originating Department shall advise the Board (a) as to whether the proposed Plaza is supported by the neighborhood, and (b) that the successful respondent has demonstrated the experience and availability of financial and other resources necessary to perform to the standards called for under the lease/license.



Hello, Robin and Jorge —

I'm just back in town from a family wedding and wanted to send along a couple of statements of support for the plaza if they're of use.

"I am a long time resident of the Mission, living just around the corner on Tiffany Avenue. I've watched this neighborhood change over the last twenty years and it has been remarkable. I am excited about the new community space that will be created by the proposed plaza." — Rita Roti, Tiffany Street Neighborhood Association and Realtor

"The plazas coming to our neighborhood will activate and bring community collaboration to areas which were previously dormant. The Mission Bernal Merchants Association is ready to support these burgeoning efforts and ally with community and neighborhood groups, creating a bright and active space." — Erin Archuleta, Executive Formation Committee, Mission Bernal Merchants Association

"As folks who reside and own a business on Tiffany Avenue, we cannot be more excited about the plaza. Years ago, our neighbors came together to tear up our sidewalks and plant gardens with Friends of the Urban Forest. This plan is right on track with the vision that continues to bring us out to our streets and enjoy the neighborhood." — Katie Higgins, Executive Formation Committee, Mission Bernal Merchants Association (Owner, Cafe 78)

We look forward to being supportive in any way, and are excited about the process.

All kindest regards,  
Erin

**ICHI Sushi + NI Bar**  
Erin Archuleta, Partner

[erin@ichisushi.com](mailto:erin@ichisushi.com)  
[www.erinarchuleta.com](http://www.erinarchuleta.com)  
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3282 Mission Street  
San Francisco, CA 94110  
(415) 822-4024 office  
(415) 525-4750 restaurant



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Kearstin Krehbiel

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Richard Munzinger  
Tito Patri  
Scott Preston  
Sharon Seto  
Lisa Watada  
Jane Winslow  
Catherine Wong

Date: 4/23/2014

To,

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Dear Board of Supervisors,

Please accept this letter of support for the **Plaza Program** to activate the public realm by empowering the community and stakeholders to steward the long term care, maintenance and activation of plazas adopted into the program. This legislation will create a much-needed systemic process and customized event permitting tools, along with one point contact for constant and cost-effective activation of plazas.

San Francisco Beautiful is a group of citizens, neighbors, friends and philanthropists have been integral in making San Francisco the extraordinary place it is today. We work with members, community-minded individuals, community organizations, corporations, and local government to help create and implement sustainable improvements and civic initiatives that improve the quality of life and create a vibrant San Francisco. We work to keep San Francisco beautiful through civic engagement, partnering with communities to build better neighborhoods, and celebrate urban innovation.

The **Plaza Program** will ultimately help strengthen local arts and culture, critical to the beauty and enjoyment of our neighborhoods for residents and visitors, thereby making San Francisco more beautiful.

Sincerely,

Komal Panjwani  
Policy Manager

cc to:

Andrea Ausberry, Clerk to the Land Use and Economic Development Committee  
Ellyn Parker, OEWD  
Robin Havens, OEWD



**Executive Director**

Kearstin Krehbiel

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Ye-Hui Lu  
Nan McGuire  
Richard Munzinger  
Tilo Patri  
Scott Preston  
Sharon Seto  
Lisa Watada  
Jane Winslow  
Catherine Wong

Date: 4/23/2014

To,

Cindy Wu  
Planning Commission President  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

Dear Ms. Cindy Wu,

Please accept this letter of support for the **Plaza Program** to activate the public realm by empowering the community and stakeholders to steward the long term care, maintenance and activation of plazas adopted into the program. This legislation will create a much-needed systemic process and customized event permitting tools, along with one point contact for constant and cost-effective activation of plazas.

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The **Plaza Program** will ultimately help strengthen local arts and culture, critical to the beauty and enjoyment of our neighborhoods for residents and visitors, thereby making San Francisco more beautiful.

Sincerely,

Komal Panjwani  
Policy Manager

cc to:

Arron Starr, SF Planning Department  
Ellyn Parker, OEWD  
Robin Havens, OEWD

100 Bush Street, Suite 1812  
San Francisco, CA 94104

www.sfbeautiful.org  
info@sfbeautiful.org  
415-421-2608



**Bayview Opera House**  
Ruth Williams  
Memorial Theatre

Executive Director  
Barbara Ockel

Board of Directors:  
Jerald Joseph, *President*  
Theo Ellington, *Secretary*  
Hon. Willie B. Kennedy, *Treasurer*  
Cindy Changar, Jackie Cohen,  
Dan Dodt, Vernon Grigg, III,  
Clint Sockwell

March 10, 2014

David Chiu, President of the Board of Supervisors  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Supervisor:

Bayview Opera House thanks the Mayor's Office and Supervisor Cohen for crafting and supporting the innovative Plaza Program legislation. We would like to express our strong support of this legislative package.

Vibrant spaces like those that could be supported through the proposed Plaza Program are key for enhancing safe and enjoyable community experiences in San Francisco. The proposed Plaza Program could support local stewardship, as well as the sustainability of long-term operation, maintenance and activation of program plazas. In addition, the program proposes to streamline some key event permitting processes that could substantially encourage activation in these spaces.

Bayview Opera House is strongly supportive of legislation that activates the public realm with a long term plan for sustainability. [your org] thinks that this new program is a great first step.

Again, Bayview Opera House strongly supports this legislation and encourages all Supervisors to support this innovative Plaza Program legislation.

Sincerely,

A handwritten signature in black ink that reads "Barbara Ockel".

Barbara Ockel  
Executive Director

File 140061 w

---

**From:** Board of Supervisors (BOS)  
**To:** BOS-Supervisors  
**Subject:** File 140061: San Francisco Beautiful endorsement letter for Plaza Programs  
**Attachments:** SFB Plaza Program Endorsement- BOS.pdf

---

**From:** Komal Panjwani [<mailto:komal@sfbeautiful.org>]  
**Sent:** Wednesday, April 23, 2014 1:25 PM  
**To:** Board of Supervisors (BOS); Ausberry, Andrea; Kim, Jane (BOS); Wiener, Scott; Cohen, Malia (BOS)  
**Cc:** Parker, Ellyn (MYR); Havens, Robin  
**Subject:** San Francisco Beautiful endorsement letter for Plaza Programs

Board of Supervisors,  
Please accept the attached letter on behalf of San Francisco Beautiful in support of the Plaza Program.

Best,  
Komal Panjwani  
Policy Manager  
San Francisco Beautiful  
100 Bush Street | Suite 1812 | San Francisco, CA | 94104

(415) 421.2608 | [komal@sfbeautiful.org](mailto:komal@sfbeautiful.org)

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SMALL BUSINESS COMMISSION  
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO  
EDWIN M. LEE, MAYOR

April 15, 2014

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

**Related Legislative Proposals: File No. 140061 [Administrative Code - Plaza Program]; File No. 140062 [Planning Code - Plaza Program]; File No. 140063 [Public Works Code - Plaza Program]; and, File No. 140064 [Police Code - Plaza Program Entertainment Permits]**

**Small Business Commission Recommendation: Recommend Approval as Drafted or as Amended**

Dear Ms. Calvillo:

At its meeting of April 14, 2014, the Small Business Commission heard the legislative package related to a proposed "Plaza Program," comprised of Board of Supervisors (BOS) File Nos. 140061, 140062, 140063, and 140064. The Commission moved to recommend approval of the proposals as drafted, or as one or more of the proposals may be subsequently amended to require a conditional use (CU) authorization for formula retail uses.

The Commission was interested in the many exciting opportunities to activate underused public spaces, and appreciated the outreach performed thus far as well as the outreach pledged moving forward to businesses in the vicinity of potential plaza activations. The sponsor described a deliberate and inclusive process of reviewing each plaza activation proposal should the legislation gain Board approval and move on to program map development. Additionally, the Plaza Program will serve as yet another opportunity to expand on the Commission's work started in 2011 regarding limited live performance (LLP) permits, which provide convenient, affordable opportunities for small businesses to offer live entertainment as a compliment to their primary business activities.

Thank you for considering the Small Business Commission's comments. Please feel free to contact me should you have any questions.

Sincerely,

Regina Dick-Endrizzi  
Director, Office of Small Business

cc: Jason Elliot, Mayor's Office  
Robin Havens, Office of Economic and Workforce Development  
Andrea Bruss, Office of Supervisor Malia Cohen  
Andrea Ausberry, Office of the Clerk of the Board





**Bayview Opera House**  
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Memorial Theatre

Executive Director  
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Hon. Willie B. Kennedy, *Treasurer*  
Cindy Changar, Jackie Cohen,  
Dan Dodt, Vernon Grigg, III,  
Clint Sockwell

March 10, 2014

David Chiu, President of the Board of Supervisors  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Supervisor:

Bayview Opera House thanks the Mayor's Office and Supervisor Cohen for crafting and supporting the innovative Plaza Program legislation. We would like to express our strong support of this legislative package.

Vibrant spaces like those that could be supported through the proposed Plaza Program are key for enhancing safe and enjoyable community experiences in San Francisco. The proposed Plaza Program could support local stewardship, as well as the sustainability of long-term operation, maintenance and activation of program plazas. In addition, the program proposes to streamline some key event permitting processes that could substantially encourage activation in these spaces.

Bayview Opera House is strongly supportive of legislation that activates the public realm with a long term plan for sustainability. [your org] thinks that this new program is a great first step.

Again, Bayview Opera House strongly supports this legislation and encourages all Supervisors to support this innovative Plaza Program legislation.

Sincerely,

Barbara Ockel  
Executive Director

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Monday, March 24, 2014


**Time:** 1:30 p.m.

**Location:** Committee Room 263, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subject:** File No. 140061. Ordinance amending the Administrative Code, by adding Chapter 94, Sections 94.1 through 94.7, to establish a Plaza Program that coordinates City activities in some City-owned plazas on public property and public right-of-way; create a process to identify stewards to activate plazas under the jurisdiction of the Division of Real Estate and regulate such plazas; establishing administrative fees for the Plaza Program; and affirming the Planning Department's determination under the California Environmental Quality Act.

If the legislation passes, a new administrative fee shall be charged to Stewards or permittees of the Plaza Program. The fee shall be charged to reimburse the City for actual costs incurred in order to administer or process all actions and procedures around the program, including time and materials incurred by any City agency, commission, board or department. A written estimate shall be provided at the time of application and the applicant shall pay all fees prior to the application being deemed complete. Additional administrative fees may be charged for subsequent staff consultation with Stewards or permittees, and shall be paid on a monthly, quarterly, or annual basis.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco CA 94102. Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, March 21, 2014.

  
Angela Calvillo, Clerk of the Board

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: John Updike, Director, Real Estate  
Mohammed Nuru, Director, Department of Public Works  
Phil Ginsburg, General Manager, Recreation and Parks  
Todd Rufo, Director, Office of Economic and Workforce Development  
Jay Nath, Chief, Office of Civic Innovation

FROM: Andrea Ausberry, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: February 13, 2014

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by the Mayor on January 28, 2014:

**File No. 140061**

**Ordinance amending the Administrative Code, by adding Chapter 94, Sections 94.1 through 94.7, to establish a Plaza Program that coordinates City activities in some City-owned plazas on public property and public right-of-way; create a process to identify stewards to activate plazas under the jurisdiction of the Division of Real Estate and regulate such plazas; establishing administrative fees for the Plaza Program; and affirming the Planning Department's determination under the California Environmental Quality Act.**


If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Frank Lee, Department of Public Works  
Sarah Ballard, Recreation and Parks

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: Mayor Edwin M. Lee   
RE: Administrative Code – Plaza Program  
DATE: January 28, 2014

---

Attached for introduction to the Board of Supervisors is the ordinance amending the San Francisco Administrative Code by adding Chapter 94, Sections 94.1 through 94.7 to establish a Plaza Program that coordinates City activities in some City-owned plazas on public property and public right-of-way, to create a process to identify stewards to activate plazas under the jurisdiction of the Division of Real Estate and regulate such plazas, establishing administrative fees for the Plaza Program, and affirming the Planning Department's determination under the California Environmental Quality Act.

Please note this item is cosponsored by Supervisors Cohen.

I request that this item be calendared in Land Use and Economic Development Committee.

Should you have any questions, please contact Jason Elliott (415) 554-5105.

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SAN FRANCISCO  
2014 JAN 28 PM 4:57  
AK