

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

2

3 **Ordinance amending Division I of the Transportation Code to authorize the Director of**
 4 **Transportation to approve temporary street use permits under certain circumstances;**
 5 **amending the Administrative Code to authorize the Director of Transportation to**
 6 **approve certain street closures proposed by Community Benefits Districts under the**
 7 **Downtown Entertainment Event Activation Program; and affirming the Planning**
 8 **Department's determination under the California Environmental Quality Act.**

9

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

13

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

15

16 Section 1. Environmental Findings.

17

(a) The Planning Department has determined that the actions contemplated in this
 18 ordinance comply with the California Environmental Quality Act (California Public Resources
 19 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
 20 Supervisors in File No. 260449 and is incorporated herein by reference. The Board affirms
 21 this determination.

22

23 Section 2. Division I of the Transportation Code is hereby amended by revising
 24 Sections 6.1, 6.2, and 6.6 and by adding Section 6.18 to read as follows:

25

SEC. 6.1. INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND

1 **TRANSPORTATION (ISCOTT).**

2 There is hereby established a committee to be known as the Interdepartmental Staff
3 Committee on Traffic and Transportation (ISCOTT), consisting of the department or their
4 designated representatives from the following departments and agencies: Municipal
5 Transportation Agency, Planning, Public Works, Police, Fire, Public Health, and Entertainment
6 Commission. The Director of Transportation shall serve as Chair of ISCOTT. The Director of
7 Administrative Services of the City and County of San Francisco or the Director’s designee
8 shall review recycling plans submitted pursuant to Section 6.5 and recommend any conditions
9 to ISCOTT that should be imposed on any applicant. In exercising its powers ISCOTT shall
10 consult with any other City department or agency that could be affected by any temporary use
11 or occupancy of a public street. ISCOTT shall have the authority to take all acts reasonably
12 necessary for it to carry out any duties imposed upon it by law. *Except for applications reviewed*
13 *under Section 6.18, B*efore acting on any application for temporary use or occupancy of public
14 streets, street fair or an athletic event, ISCOTT shall conduct a public hearing at a publicly
15 noticed time and place to be determined by ISCOTT.

16
17 **SEC. 6.2. REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY**
18 **OF PUBLIC STREETS; PROCEDURE.**

19 * * * *

20 (j) If the Director of Transportation denies the application after the appeal described in
21 the preceding subsection (*ij*), the applicant may then appeal the decision to the Board of
22 Supervisors. Such appeal shall be made by filing the appeal with the Clerk of the Board, on a
23 form provided by the Clerk, within five working days of the Director of Transportation’s
24 disapproval. The Board may establish a fee to be imposed upon the filing of any such appeal.
25 Upon receipt, the Clerk shall set a time and place for hearing such appeal by the Board of

1 Supervisors, which hearing shall be at the Board's next regular meeting, provided that all
2 applicable public notice requirements are satisfied. The Board shall conduct the hearing
3 according to the same standards of review as set forth in Section 6.2(e). Upon hearing the
4 appeal, and after any further investigation that the Board may request, the Board may affirm,
5 reverse or modify the Director of Transportation's decision. The decision of the Board
6 regarding the appeal shall be final. The Clerk of the Board shall transmit copies of any
7 legislation approving a temporary street closing to the Director of Public Works, Chief of
8 Police, the Fire Chief, the Superintendent of Emergency Hospital Service of the Department of
9 Public Health, the Executive Director of the Entertainment Commission, and the Director of
10 Transportation. For major events, the Clerk shall transmit copies of any legislation approving a
11 temporary street closing to the Director of EMSEO.

12 * * * *

13 (l) **Late Application.** Should the applicant file an application for a proposed
14 temporary use or occupancy fewer than 30 days prior to the date of the proposed use or
15 occupancy, and not far enough in advance of the proposed use or occupancy to allow
16 ISCOTT to consider the application at a regularly scheduled meeting of ISCOTT, then the
17 Director of Transportation shall have the responsibility and duty to consider and approve or
18 disapprove the application after consulting with the members of ISCOTT. The Director of
19 Transportation shall conduct a public hearing for which notice shall be posted at least 24
20 hours in advance of the hearing at the Municipal Transportation Agency, the main library, and
21 at the Office of the Clerk of the Board of Supervisors. At the hearing, the applicant and
22 interested persons shall have an opportunity to present oral testimony and written materials in
23 support of their position. The Director of Transportation shall conduct the hearing according to
24 the same standards of review as set forth in Section 6.2(e) hereof. Notice of the Director of
25 Transportation's action of approval or disapproval shall be submitted to the Chief of Police,

1 the Chief of the Fire Department, the Director of Public Health, the Director of Public Works,
2 and the Executive Director of the Entertainment Commission, and shall be maintained as a
3 matter of record. In the event the Director of Transportation disapproves the application, the
4 applicant shall have the right to appeal the Director of Transportation's decision to the Board
5 of Supervisors in accordance with the same terms and conditions as set forth in Section
6 6.2(ej).

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

8 * * * *

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

10 (~~H~~) Upon receiving an application for permission for the temporary use of a
11 street for purposes of conducting a street fair, the Director of Transportation shall review the
12 application to determine whether the information required in the application has been
13 provided. If the Director of Transportation determines that the applicant has failed to provide
14 the information required, the Director of Transportation shall, within five business days of
15 receiving the application, notify the applicant of what additional information is required. If the
16 applicant fails to provide the additional information required within five business days of
17 notification by the Director of Transportation, the application shall be deemed to be untimely
18 filed; provided, however, that upon good cause shown, the Director of Transportation may
19 extend this five-day period. Except as provided in Section 6.18 Subsection (2) of this Section, the
20 Director of Transportation shall transmit the completed application to ISCOTT.

21 ~~(2) If, upon reviewing the application, the Director of Transportation determines~~
22 ~~that the proposed street fair will be contained within one block in such a manner that no intersections~~
23 ~~will be closed, and that the proposed street fair will not require the rerouting of Municipal Railway~~
24 ~~vehicles, the Director of Transportation may grant the street fair permit without referring the~~
25 ~~application to ISCOTT; provided, however, that the Director of Transportation shall transmit copies of~~

1 ~~the applications to the constituent members of ISCOTT for informational purposes. The Director of~~
2 ~~Transportation will calculate the fee to be charged to the sponsor using the same schedule and in the~~
3 ~~same manner as prescribed in Subsection (f) of this Section. If such a street fair will include the sale of~~
4 ~~food or beverages, the appropriate permits shall be obtained from the Department of Public Health no~~
5 ~~later than 14 days prior to the date of the event. If such a street fair will include the use of propane or~~
6 ~~butane (liquefied petroleum gas), open flames, pyrotechnics and fireworks, or tent or membrane~~
7 ~~structure, the appropriate permits shall be obtained from the Fire Chief no later than 10 days prior to~~
8 ~~the date of the event.~~

9 (e) **Review by ISCOTT; ~~Recommendation~~Recommendation.** Except as provided in
10 ~~Subsection (d)(2) of this~~ Section 6.18, no later than 60 days prior to the proposed date of the
11 street fair, ISCOTT shall review the application and shall recommend that the Director of
12 Transportation grant, deny, or grant with conditions the application for a permit. The Director
13 of Transportation may accept or reject the recommendation of ISCOTT, and may grant, deny
14 or grant with conditions the application ~~applica-tion~~ for a permit. Upon granting permission to
15 conduct a street fair, the Director of Transportation ~~Transporta-tion~~ shall cause all necessary
16 permits to be issued to the sponsor of the street fair. If the Director of Transportation denies
17 permission to conduct the street fair, the Director of Transportation shall state in writing the
18 Director's ~~his or her~~ reasons for the denial.

19
20 **SEC. 6.18 DIRECTOR OF TRANSPORTATION APPROVAL OF CERTAIN TEMPORARY**
21 **STREET USE PERMITS.**

22 (a) **Application.** Notwithstanding any other provisions of this Article 6, the Director of
23 Transportation (“Director”) may grant a permit for the temporary use or occupancy of a public street
24 under Section 6.2, or the temporary use of streets for street fairs under Section 6.6, including for events
25 that qualify as major events as defined in Section 6.3, if upon review of the application the Director

1 determines that the proposed use:

2 (1) Will be contained within 3 blocks;

3 (2) Will not close any intersections;

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

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

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

10 (c) **Fees.** The Director shall calculate the fee to be charged to the applicant in the same
11 manner that fees are prescribed in Sections 6.2 and 6.6.

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

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

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

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

22 (f) **Application Timeline.** The permit applicant must submit their application under this
23 Section 6.18 to the Director at least 30 calendar days before the date of the event. The Director may
24 accept an emergency application for a proposed temporary use or occupancy scheduled to occur fewer
25 than 30 calendar days after the application date if the Director determines that the applicant has

1 demonstrated that an extraordinary emergency exists that requires the street closure.

2 (g) **Reconsideration and Appeal.** If the Director denies an application, the applicant may
3 submit a request for reconsideration to ISCOTT within five working days of the Director’s decision. If
4 ISCOTT denies the request for reconsideration, the applicant may file an appeal with the Board of
5 Supervisors within five working days of ISCOTT’s decision under the procedures in subsection (j) of
6 Section 6.2. If the Director denies an application for emergency consideration, the applicant may file
7 an appeal directly to the Board of Supervisors within five working days of the Director’s decision
8 under the procedures in subsection (j) of Section 6.2.

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

11
12 Section 3. The Administrative Code is hereby amended by revising Sections 94D to
13 read as follows:

14
15 **SEC. 94D.2. POLICIES, OBJECTIVES, AND INTERAGENCY COORDINATION.**

16 * * * *

17 (c) San Francisco Municipal Transportation Agency. Any street closure proposed by
18 the CBD Nonprofit must be reviewed and approved by the Interdepartmental Staff Committee
19 on Traffic and Transportation (“ISCOTT”) consistent with Transportation Code, Division I,
20 Article 6, by the Director of Transportation under Transportation Code, Division I, Article 6, Section
21 6.18, or by the San Francisco Municipal Transportation Agency (“SFMTA”) Board of Directors
22 consistent with Transportation Code, Division II, Article 200.

23 * * * *

24
25 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors

1 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
2 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
3 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
4 additions, and Board amendment deletions in accordance with the "Note" that appears under
5 the official title of the ordinance.

6
7 Section 5. Undertaking for the General Welfare. In enacting and implementing this
8 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
9 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
10 is liable in money damages to any person who claims that such breach proximately caused
11 injury.

12
13 Section 6. Effective Date. This ordinance shall become effective at 12:00 a.m. on
14 the 31st day after enactment. Enactment occurs when the Mayor signs the ordinance, the
15 Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of
16 receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

17
18
19 APPROVED AS TO FORM:
20 DAVID CHIU, City Attorney

21 By: /s/ Lillian A. Levy _____
22 LILLIAN A. LEVY
23 Deputy City Attorney

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25
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