

File No. 131057

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date January 27, 2014

Board of Supervisors Meeting Date _____

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date January 23, 2014

Completed by: _____ Date _____

1 [Street Artist Space - Leavenworth Street at Jefferson Street]
2

3 **Resolution approving re-designation of one selling space on Leavenworth Street, west**
4 **side, at Jefferson Street, for six months for street artists certified by the Arts**
5 **Commission, City and County of San Francisco; exempting said space from the**
6 **regulations of Police Code, Section 2405(c)(6) and (11), prohibiting selling within ten**
7 **feet from the outer edge of any entrance to any building and prohibiting selling within**
8 **five feet of the display of any other street artist.**
9

10 WHEREAS, The Street Artists Ordinance adopted by the voters of San Francisco as
11 Proposition "L" at the election held on November 4, 1975, authorizes the Board of
12 Supervisors, by resolution, to designate sales areas where any street artist or craftsperson
13 previously certified may sell art or craft items; and

14 WHEREAS, The Board of Supervisors by Resolution No. 572-77 previously designated
15 ten (10) spaces on Leavenworth Street, west side, Jefferson to Beach streets, as a street
16 artist sales area; and

17 WHEREAS, In the 1980's the creation of a doorway in The Cannery building adjacent
18 to the first two of the above described ten spaces rendered the first two spaces in violation of
19 Police Code Section 2405(c)(6) which prohibits street artists from selling, offering for sale, or
20 soliciting offers to purchase on any sidewalk within ten (10) feet from the outer edge of any
21 entrance to any building measured in each direction parallel to the building line and thence at
22 a 90-degree angle to the curb; and

23 WHEREAS, Ordinance No. 388-83 authorizes the Board of Supervisors in a resolution
24 designating or re-designating spaces in a street artist sales area to exempt the area from one
25 or more of the regulations set forth in subsection (c) of Police Code Section 2405 if the Board

1 finds that the exemption will not be inconsistent with or interfere with the purposes of the
2 regulation from which the area is exempted; and

3 WHEREAS, The Board of Supervisors by Resolution No. 629-89 and Resolution
4 No.407-90 re-designated for one (1) year the above-described first two spaces, known as
5 space "Leavenworth-1" and space "Leavenworth-2", by exempting them from the regulation of
6 Police Code Section 2405(c)(6); and

7 WHEREAS, The Arts Commission in a review of a proposal to request re-designation
8 of one of the two spaces determined that a prohibition of street artists from selling in the
9 above-described space "Leavenworth-2" represents a severe hardship for artists, especially
10 those artists who have sold their wares in the spaces since 1977; and

11 WHEREAS, The Arts Commission on December 3, 2012 unanimously approved a
12 request to the Board of Supervisors to re-designate for a trial period of six (6) months space
13 "Leavenworth-2" only and subject to its exemption from the regulations of Police Code Section
14 2405(c)(6) and its exemption from Police Code Section 2405(c)(11) which prohibits a street
15 artist from selling within five (5) feet of the display of any other street artist; and

16 WHEREAS, The Board of Supervisors in Resolution No. 053-13 approved the re-
17 designation for a trial period of six (6) months space "Leavenworth-2" and its exemption from
18 Police Code Section 2405(c)(6) and (c)(11); and

19 WHEREAS, The Arts Commission on October 7, 2013 unanimously approved a
20 request to the Board of Supervisors to re-designate for a trial period of six (6) months space
21 "Leavenworth-2" and subject to its exemption from the regulations of Police Code Section
22 2405(c)(6) and (c)(11);

23 WHEREAS, The Board of Supervisors finds that space "Leavenworth-2" on
24 Leavenworth Street, west side, Jefferson to Beach streets, will not be inconsistent with or
25

1 interfere with the purpose of the adjacent entrance of the store in The Cannery building; now,
2 therefore be it

3 RESOLVED, That the following selling space is hereby re-designated for six (6) months
4 for street artists certified by the Arts Commission:

5
6 Spaces:

7 1 – Leavenworth Street (space “Leavenworth-2”), Jefferson to Beach streets.
8

9 FURTHER RESOLVED, That space “Leavenworth-2” is hereby exempt from the
10 provision of Police Code Section 2405(c)(6) which prohibits street artists from selling within
11 ten (10) feet of the outer edge of any entrance to any building including, but not limited to,
12 doors, driveways, emergency exits measured in each direction parallel to the building line and
13 thence at a 90-degree angle to the curb; and be it

14 FURTHER RESOLVED, That said space is hereby exempt from the provision of Police
15 Code Section 2405(c)(11) which prohibits a street artist from selling within five (5) feet of the
16 display of any other street artist.
17

18 c:\documents and settings\h1eaza\desktop\leavenworth street space exemption.doc
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25

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

OCT 22 PM 2:13

October 21, 2013

**San Francisco
Arts Commission**

Edwin M. Lee
Mayor

Tom DeCaigny
Director of
Cultural Affairs

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

25 Van Ness Avenue, Ste. 345
San Francisco, CA 94102
tel 415-252-2590
fax 415-252-2595
sfartscommission.org
facebook.com/sfartscommission
twitter.com/SFAC



City and County of
San Francisco

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

1301057

Subject: Resolution approving re-designation for 6 months 1 temporary selling space on Leavenworth Street, west side, at Jefferson Street, for street artists certified by Arts Commission; exempting space from Police Code Section 2405 relating to artists selling near an entrance and near each other

Dear Ms. Calvillo:

On behalf of the Arts Commission and its licensed street artists, we are respectfully requesting that you please submit to the Board the enclosed resolution approving re-designation for six (6) months one (1) temporary street artist selling space on Leavenworth Street, west side, at Jefferson Street.

The space was one of ten street artist spaces on the west side of Leavenworth Street at Jefferson Street previously approved by the Board of Supervisors in 1977 in Resolution No. 572-77. In the 1980's the creation of a doorway in the adjacent Cannery building rendered the first two spaces in violation of Police Code Section 2405(c)(6) which prohibits street artists from selling within ten feet from the outer edge of an entrance of a building. Subsequently, the Board of Supervisors in Resolution Nos. 629-89 and 407-90 re-designated for one year only the two spaces, known as "Leavenworth-1" and "Leavenworth-2", by exempting them from the Police Code regulation.

On December 3, 2012, the Arts Commission, after hearing a proposal from its staff and representatives of the street artists and The Cannery, unanimously voted to request the Board of Supervisors to re-designate for six months the one space known as "Leavenworth-2" subject to its exemption from Police Code Section 2405(c)(6), which prohibits artists from selling within ten feet of an entrance, as well as its exemption from Police Code Section 2405(c)(11) which prohibits a street artist from selling within five feet of another street artist (it was recommended that the space be relocated four feet from the next space, "Leavenworth-3"). Subsequently, the Board of Supervisors in Resolution No. 053-13 approved the re-designation of space "Leavenworth-2" for a trial period of six months with its exemption from Police Code Section 2405(c)(6) and (c)(11).

On October 7, 2013, the full Arts Commission unanimously voted to request the Board of Supervisors to re-designate the space for another six months with the same exemption.

We would greatly appreciate your submitting the enclosed resolution to the Board for its referral to the Land Use Committee.

An electronic version of this legislation is also being sent to you.

If you have questions, please call me: 252-2583.

Sincerely,



Howard Lazar
Street Artists Program Director

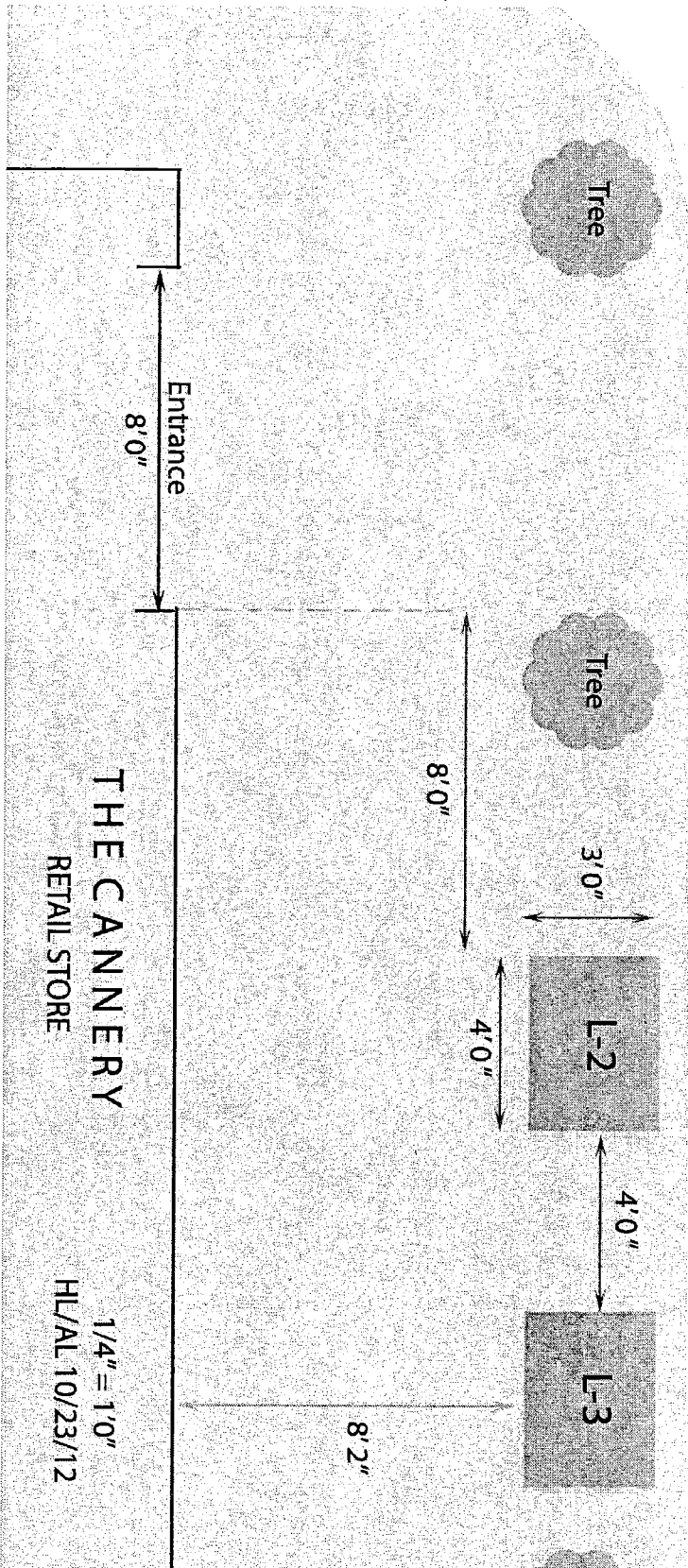
Attachments: (a) Original resolution draft and 2 copies
(b) Map of spaces on Leavenworth Street, west
side, at Jefferson Street

Cc: Arts Commissioners Greg Chew, Simon Frankel, Abby
Sadin Schnair, Marcus Shelby, Janine Shiota – Street
Artists Program Committee
Director of Cultural Affairs Tom DeCaigny
Deputy Director Rebekah Krell
Street Artists Program Assistant Alyssa Licouris

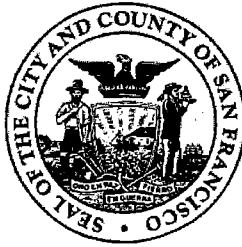
JEFFERSON STREET

LEAVENWORTH STREET

Space "L-2" previously existed 4'6" from outer edge of store entrance. It is proposed to move "L-2" to location 8'0" from entrance.



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: Chief Greg Suhr, Police Department

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

DATE: December 5, 2013

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, introduced on November 5, 2013:

File No. 131057

Resolution approving re-designation of one selling space on Leavenworth Street, west side, at Jefferson Street, for six months for street artists certified by the Arts Commission, City and County of San Francisco; exempting said space from the regulations of Police Code, Section 2405(c)(6) and (11), prohibiting selling within ten feet from the outer edge of any entrance to any building and prohibiting selling within five feet of the display of any other street artist.

If you would like to submit reports or comments prior to the hearing, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email: alisa.miller@sfgov.org and andrea.ausberry@sfgov.org.

c: Christine Fountain, Police Department

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: Regina Dick-Endrizzi, Director
Chris Schulman, Commission Secretary
Small Business Commission, City Hall, Room 448

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

DATE: December 5, 2013

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use & Economic Development Committee

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 131057

Resolution approving re-designation of one selling space on Leavenworth Street, west side, at Jefferson Street, for six months for street artists certified by the Arts Commission, City and County of San Francisco; exempting said space from the regulations of Police Code, Section 2405(c)(6) and (11), prohibiting selling within ten feet from the outer edge of any entrance to any building and prohibiting selling within five feet of the display of any other street artist.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: 1/6/14

- No Comment
- Recommendation Attached

Chairperson, Small Business Commission



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



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

January 2, 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

File No. 131057 [Street Artist Spaces - Leavenworth Street at Jefferson Street]

Small Business Commission Recommendation: N/A

Dear Ms. Calvillo:

Please be advised that the Small Business Commission will not hear the subject legislation. The nature of the proposed changes do not appear to have the potential for substantive impacts on small businesses.

The Commission and I thank you for the opportunity to review this legislation.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

Cc: Jason Elliot, Mayor's Office
Andrea Ausberry, Office of the Clerk of the Board
Tom DeCaigny, Arts Commission

