

File No. 160273

Committee Item No. 1

Board Item No. 25

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date May 2, 2016

Board of Supervisors Meeting

Date 5/10/16

Cmte Board

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| <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 checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (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"/> | Form 700 |
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OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date April 29, 2016

Completed by: _____ Date _____

1 [Street Artist Spaces - Market Street, Drumm to Spear Streets]

2
3 **Resolution approving designation of four selling spaces on the north side of Market**
4 **Street, Drumm to Spear Streets, for use by street artists certified by the Arts**
5 **Commission of the City and County of San Francisco; and exempting said spaces from**
6 **the regulations of Police Code, Section 2405, relating to street artist display size,**
7 **distance from entrances, distance from crosswalks, and distance between artists'**
8 **displays.**

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 Arts Commission on December 7, 2015, unanimously voted to
15 request the Board of Supervisors for designation of four (4) spaces on the north side of
16 Market Street, Drumm to Steuart streets, for street artists; now, therefore, be it

17 RESOLVED, That the following selling spaces are hereby designated for street artists
18 certified by the Arts Commission:

19 Spaces:

20 4 – Market Street, north side, Drumm to Spear streets; and, be it

21 FURTHER RESOLVED, That the four (4) spaces hereby designated on Market Street,
22 north side, Drumm to Spear streets, are exempt from the provisions of Police Code, Sections
23 2405(c)(1), (c)(2), (c)(3), and (c)(4), which prohibit street artists from selling, offering for sale
24 or soliciting offers to purchase on any sidewalk in an area more than four and one-half (4 ½)

1 feet from the curb line of any sidewalk, more than five (5) feet above any sidewalk, and more
2 than four (4) feet long; and, be it

3 FURTHER RESOLVED, That the displays of street artists selling, offering for sale or
4 soliciting offers to purchase in the four (4) spaces on Market Street, north side, Drumm to
5 Spear streets, shall be not more than twenty-nine (29) feet from the curb line of the sidewalk,
6 not within nineteen (19) feet of the curb line of the sidewalk, not more than seven (7) feet
7 above the sidewalk, and not more than ten (10) feet long; and, be it

8 FURTHER RESOLVED, That one (1) of the four (4) spaces on Market Street, north
9 side, Drumm to Spear streets, is hereby exempt from the provision of Police Code, Section
10 2405(c)(6), which prohibits street artists from selling within ten (10) feet of the outer edge of
11 any entrance to any building, but not limited to doors, driveways, emergency exits, measured
12 in each direction parallel to the building line and thence at a 90-degree angle to the curb; and,
13 be it

14 FURTHER RESOLVED, That two (2) of the four (4) spaces on Market Street, north
15 side, Drumm to Spear streets, are hereby exempt from the provision of Police Code, Section
16 2405(c)(9), which prohibits street artists from selling within five (5) feet of any crosswalk; and,
17 be it

18 FURTHER RESOLVED, That said spaces are hereby exempt from the provision of
19 Police Code, Section 2405(c)(11), which prohibits a street artist from selling within five (5) feet
20 of the display of any other artist.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

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2016 MAR 18 PM 12:09

BY

San Francisco Arts Commission

March 18, 2016

Edwin M. Lee
Mayor

Tom DeCaigny
Director of Cultural Affairs

401 Van Ness Avenue, Suite 325
San Francisco, CA 94102

SFAC Galleries
401 Van Ness Avenue, Suite 126
San Francisco, CA 94102

Street Artists Licensing
401 Van Ness Avenue, Suite 124B
San Francisco, CA 94102

tel 415-252-2100
fax 415-934-1022
sfartscommission.org
facebook.com/sfartscommission
twitter.com/SFAC

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

Subject: Resolution approving designation of four (4) selling spaces on Market Street, north side, Drumm to Spear streets, for street artists certified by Arts Commission; exempting spaces from Police Code Section 2405 relating to street artist display size, distance from entrances, distance from crosswalks, and distance between artists



City and County of San Francisco

Dear Ms. Calvillo:

On behalf of the Arts Commission and its licensed street artists, we are respectfully requesting that you please submit to the Board the enclosed resolution approving designation of four (4) street artist selling spaces on Market Street, north side, at Spear Street, and exempting the spaces from the regulations of Police Code Section 2405(c)(1), (c)(2), (c)(3), and (c)(4) which relate to street artist display size; exempting the spaces from Section 2405(c)(6) which relates to street artist distance from entrances; exempting two of the spaces from Section 2404(c)(9) which relates to street artist distance from crosswalks; and exempting the spaces from Section 2405(c)(11) which relates to distance between street artist booths.

On December 7, 2015, the full Arts Commission unanimously voted to request the Board of Supervisors for designation of the 4 spaces subject to their exemptions from the above Police Code section. Please see the attached map which shows the proposed spaces in relation to the existing street artist spaces on the same block of Market Street, Drumm to Steuart streets. Please also see the attached map

showing a closer view of the proposed spaces in relation to the sidewalk dimensions.

Ordinance No. 388-83 authorizes the Board of Supervisors in a resolution designating or re-designating spaces in a street artist area to exempt the area from one or more of the regulations of Police Code Section 2405(c) so long as the Board finds that the exemption will not be inconsistent with or interfere with the purposes of the regulation from which the area is exempted. (Since 1983, the Board has designated and re-designated various street artist spaces in over 40 resolutions.)

The reasons for requesting the exemptions for the proposed 4 spaces are as follows:

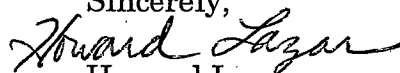
- 1) The extremely wide (48 1/2 feet) sidewalk can easily allow for an increased size of the artists' booths – 10 feet wide x 10 feet long x 7 feet tall – so long as the spaces are exempted from the regulations that prescribe booth size as 3 feet by 4 feet x 5 feet.
- 2) While Section 2405(c)(16) mandates that a street artist maintain a pedestrian passageway of at least 8 feet, the size of this 48 1/2-foot wide sidewalk, even with the increased size of the artists' booths, would still allow for a pedestrian passageway of 19 1/2 feet between the front of the booths and the adjacent Hyatt Regency Hotel (over two times the required passage width) and a pedestrian passageway of 19 feet from the rear of the booths to the sidewalk's curb (again, over two times the required passage width).
- 3) The increased size of the proposed 4 spaces would be in keeping with the same size as that of 16 of the existing spaces on the same sidewalk, as previously provided by Board of Supervisors Resolutions Nos. 050-13, 90-13, and 270-09.

- 4) Section 2405(c)(6) requires that a street artist not sell within 10 feet of the outer edge of an entrance as measured parallel to a building line and then at a 90-degree angle to the curb. One of the proposed 4 spaces would be situated opposite the entrance of a railed driveway descending to a side entrance of the Hyatt; the 1 space, therefore, would require exemption from the regulation. Nevertheless, this and the 3 other proposed spaces would be 19 ½ feet away from the hotel's railing (over two times the mandated size of pedestrian passageway).
- 5) Section 2405(c)(9) prohibits a street artist from selling within 5 feet of a crosswalk. While 2 of the proposed 4 spaces would be situated opposite a crosswalk, the 2 spaces would be 19 feet away from the crosswalk and maintaining a pedestrian passageway over twice the required size. Furthermore, opposite the crosswalk, also 19 feet away, are a tree and a lamp pole which do not hinder the flow of pedestrians emanating from or going to the crosswalk.
- 6) While Section 2405(c)(11) requires street artists to not have their booths within 5 feet of each other, we are requesting an exemption from this requirement in order to allow for the increased width size (as mentioned above) of the proposed 4 booths in keeping with the increased size provided by the Board for the existing 16 10 x 10 spaces

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

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

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

Sincerely,

Howard Lazar
Street Artists Program Director

March 18, 2016
Page 4

- Attachments: (a) Original resolution draft and 3 copies
b) Map of proposed 4 spaces with existing spaces on
on Market Street, Spear to Steuart streets
c) Map in closeup of proposed 4 spaces

Cc: Arts Commissioners Barbara Sklar, Greg Chew, Simon Frankel,
Marcus Shelby, Janine Shiota – Street Artists Program
Committee

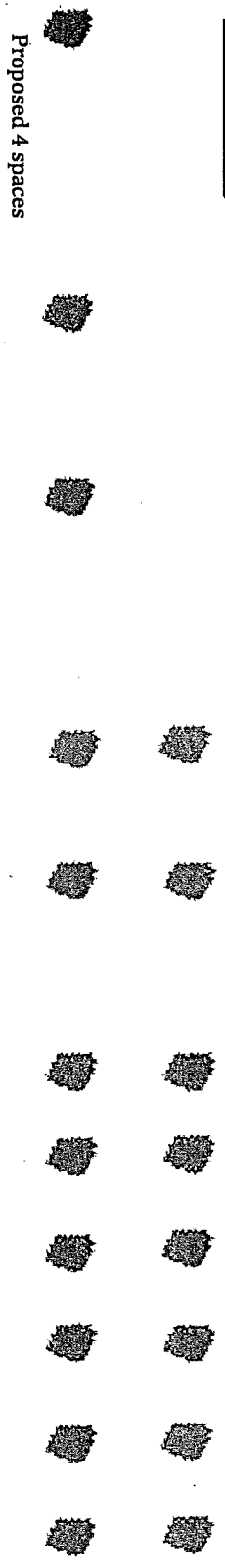
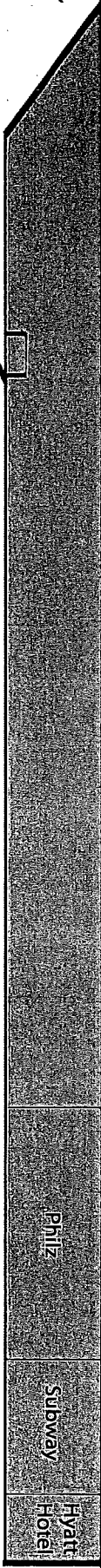
Director of Cultural Affairs Tom DeCaigny

Deputy Director Rebekah Krell

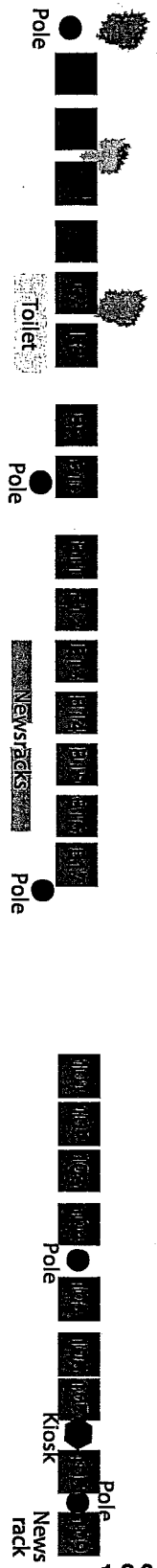
Street Artists Program Assistant Alyssa Licouris

Street Artists Clare Cade, Katie Carrin, Xiu Shi, Tad Sky, Maria
Sky

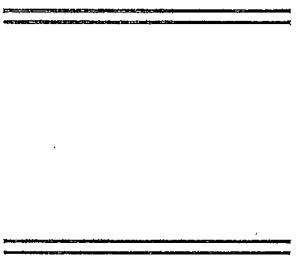
Map 33: SF Street Artists Selling Space: Market Street, Drumm to Stewart streets

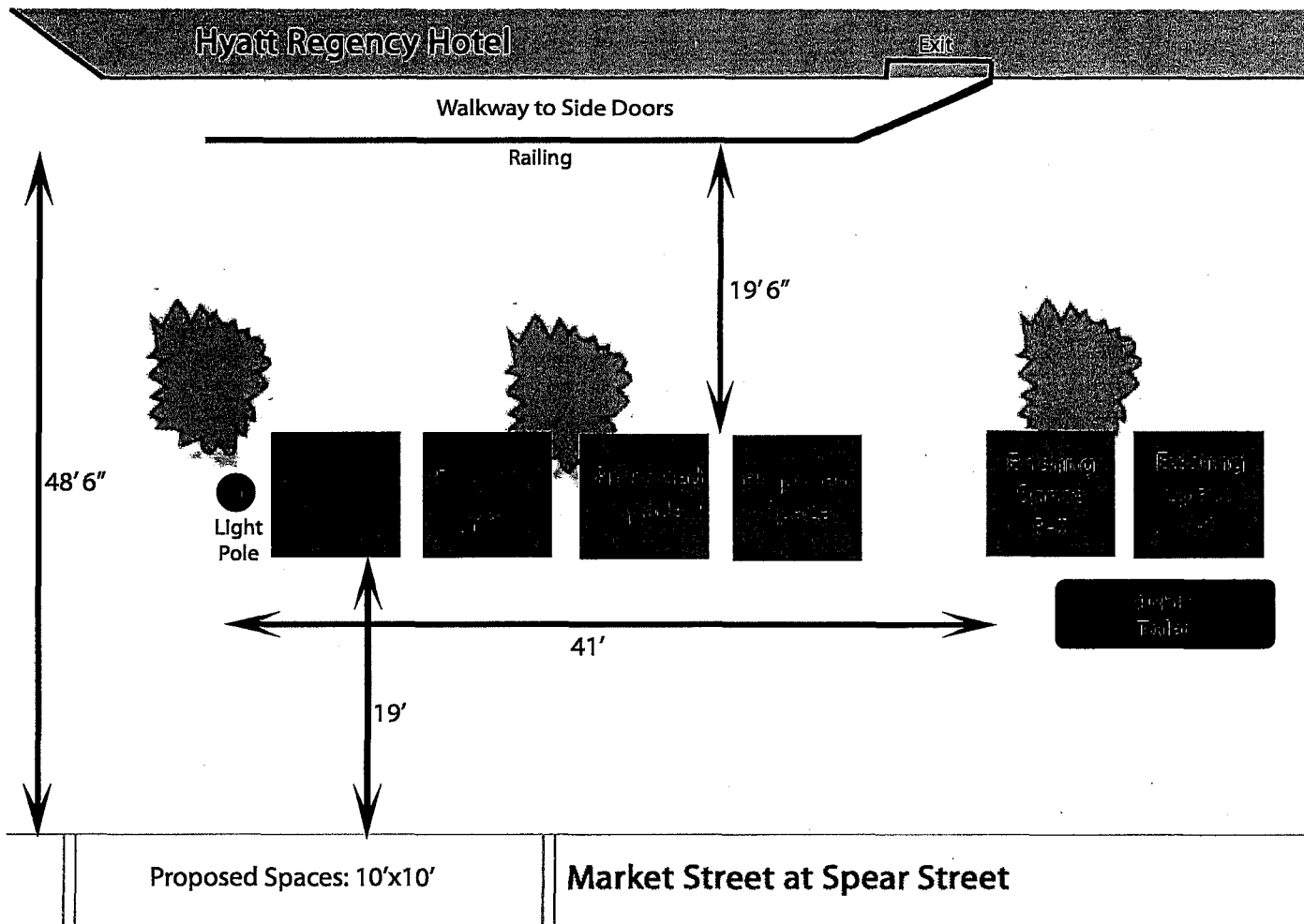


Proposed 4 spaces



Proposed Spaces: 10'x10'





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

MEMORANDUM

TO: Greg Suhr, Chief, Police Department

FROM: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

DATE: April 13, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by the Arts Commission on April 5, 2016.

File No. 160273

Resolution approving designation of four selling spaces on the north side of Market Street, Drumm to Spear Streets, for use by street artists certified by the Arts Commission of the City and County of San Francisco; and exempting said spaces from the regulations of Police Code, Section 2405, relating to street artist display size, distance from entrances, distance from crosswalks, and distance between artists' displays.

If you have 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 or by email at: andrea.ausberry@sfgov.org

c: Christine Fountain, Office Manager
Sergeant Rachael Kilshaw

BOARD of SUPERVISORS



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c: Christine Fountain, Office Manager
Sergeant Rachael Kilshaw

