

1 [Amending Street Encroachment Permit Terms - Maiden Lane]

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3 **Resolution amending the street encroachment permit terms for Maiden Lane regarding**
4 **the designated permittee and permissible activities; amending and rescinding the**
5 **Board of Supervisors' authorization for the street closure of Maiden Lane between**
6 **Stockton and Kearny Streets and urging the San Francisco Municipal Transportation**
7 **Agency Board of Directors to modify the street closure hours for such streets; and**
8 **authorizing the Public Works Director to finalize a modified street encroachment permit**
9 **for Maiden Lane.**

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11 WHEREAS, Since 1953, the City and County of San Francisco has partnered with the
12 Maiden Lane Association and its successor, the Union Square Association, to create a
13 promenade on Maiden Lane between Stockton and Kearny Streets for the enjoyment of
14 residents and visitors and to stimulate business activity in the area; and

15 WHEREAS, The promenade was created through the closure of Maiden Lane to
16 vehicular traffic and the placement and removal of tables and chairs on certain days and
17 hours pursuant to Board of Supervisors Resolutions that have been periodically updated to
18 adapt to changed conditions and community needs, and pursuant to a Street Encroachment
19 Permit and associated Street Encroachment Agreement, dated January 8, 1974 (the "Street
20 Encroachment Permit"); and

21 WHEREAS, The Maiden Lane Association merged with the Union Square Association
22 in 1998; and

23 WHEREAS, In 2005, the Board of Supervisors by Resolution No. 80-05 changed the
24 Street Encroachment Permit permittee from the Maiden Lane Association to the Union Square
25 Association; and

1 WHEREAS, Resolution No. 80-05 and the abovementioned Street Encroachment
2 Permit are on file with the Clerk of the Board of Supervisors in File No. 041759 and
3 incorporated herein by reference; and

4 WHEREAS, The Union Square Association was dissolved in 2010, and its programs
5 and assets were merged into the Union Square Business Improvement District, also known as
6 the Union Square Alliance; and

7 WHEREAS, Pursuant to the Charter, Section 8A.102, the San Francisco Municipal
8 Transportation Agency (“MTA”) now has the authority to approve street closures in San
9 Francisco for various purposes, including longer-term or permanent changes; and

10 WHEREAS, The Board of Supervisors acknowledges the MTA’s authority over the
11 days and hours of street closure to vehicular traffic for Maiden Lane and urges the MTA Board
12 of Directors to take action to modify the current hours of closure consistent with the request of
13 the Union Square Alliance; and

14 WHEREAS, The Board of Supervisors desires to modify the revocable permission
15 granted under the Street Encroachment Permit for Maiden Lane to designate the Union
16 Square Alliance as the new permittee; and

17 WHEREAS, The Board intends that the scope of activation authorized under the Street
18 Encroachment Permit during the hours of closure include: the responsibility to open and close
19 the gates at the intersections along Maiden Lane; the requirement to post signs on the gates
20 with the hours of closure; and the ability to place and remove the café table and chairs and
21 other temporary physical elements and amenities; and

22 WHEREAS, The Board also intends to authorize the following range of activities to the
23 extent permissible under the Municipal Code and subject to the Permittee’s need to obtain
24 any other required City permits for the activities or encroachments:

- 1 (1) Mobile Food Facilities, as defined in the Public Works Code, on Maiden
2 Lane or in close proximity to its intersections with adjacent streets;
3 (2) Tables and chairs;
4 (3) String lights; and
5 (4) Temporary improvements related to activation, including but not limited to:
6 A. Canopies and event tents;
7 B. A stage;
8 C. DJ equipment;
9 D. Moveable planters;
10 E. Sports equipment;
11 F. Artificial turf; and
12 G. Dance and event flooring; and

13 WHEREAS, The Board intends to delegate authority to the Public Works Director to
14 finalize the terms of the modified Street Encroachment Permit and the associated Street
15 Encroachment Agreement so that it is consistent with the terms and provisions of Public
16 Works 2025 standard agreement, including its provisions on notification, monitoring,
17 insurance, and indemnity, and to add reasonable conditions within the Director's discretion,
18 for the anticipated use of Maiden Lane by the Permittee and the public during the hours when
19 Maiden Lane is closed to vehicular traffic; and

20 WHEREAS, In furtherance of the Board's delegated authority to modify the Street
21 Encroachment Permit, the Public Works Director shall consult with all affected City
22 departments, including the MTA, Fire Department, and City Attorney's Office, prior to
23 approving and issuing the modified Permit; now, therefore, be it

24 RESOLVED, That, in recognition of the MTA's Charter authority over street closures,
25 the Board of Supervisors rescinds the provisions of Resolution No. 80-05 authorizing the days

1 and hours of street closure on Maiden Lane between Stockton and Kearny Streets and urges
2 the MTA Board of Directors to modify the closure hours consistent with the request of the
3 Union Square Alliance, which is: daily from 10 a.m. to 8 p.m.; and, be it

4 FURTHER RESOLVED, That this Resolution's rescission of the hours for vehicular
5 closure of Maiden Lane shall not be effective unless and until the MTA Board adopts new
6 hours of vehicular closure; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors amends Resolution No. 80-05
8 to designate the Union Square Alliance as the Permittee for the Maiden Lane Street
9 Encroachment Permit; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors hereby delegates authority to
11 the Public Works Director to finalize the terms of the modified Street Encroachment Permit
12 and the associated Street Encroachment Agreement so that it is consistent with the terms and
13 provisions of Public Works 2025 standard agreement, including its provisions on notification,
14 monitoring, insurance, and indemnity, and to add reasonable conditions within the Director's
15 discretion, for the anticipated use of the Maiden Lane by Permittee and the public during the
16 hours when Maiden Lane is closed to vehicular traffic; and, be it

17 FURTHER RESOLVED, As part of the modified Street Encroachment Permit, the
18 Board of Supervisors determines that the scope of activation authorized under the Street
19 Encroachment Permit during the hours of closure shall include: the responsibility to open and
20 close the gates at the intersections along Maiden Lane; the requirement to post signs on the
21 gates with the hours of closure; the ability to place and remove the café table and chairs and
22 other temporary physical elements and amenities; and the range of authorized activities
23 described above to the extent permissible under the Municipal Code and subject to the
24 Permittee's need to obtain any other required City permits for the activities or encroachments;
25 and, be it

1 FURTHER RESOLVED, As a condition of this delegated authority to modify the Street
2 Encroachment Permit, the Board of Supervisors directs the Public Works Director to consult
3 with all affected City departments, including the MTA, Fire Department, and City Attorney's
4 Office, prior to approving and issuing the modified Permit to ensure that the authorized
5 activities are consistent with the Municipal Code and any applicable City regulations; and, be
6 it

7 FURTHER RESOLVED, That the Board of Supervisors further directs the Public Works
8 Director to ensure completion of all steps that the Board generally requires as conditions
9 precedent to finalizing and recording a street encroachment permit in accordance with Public
10 Works Code, Sections 786 et seq., including the Permittee's providing the City with proof of
11 insurance, determining that no City facilities will be damaged by the encroachments, and
12 finding that no City department shall incur any unreimbursed costs associated with the Street
13 Encroachment Permit and its associated activities; and, be it

14 FURTHER RESOLVED, That to the extent any provision or part of Resolution
15 No. 80-05 conflicts with this Resolution, that provision or part is hereby rescinded; and, be it

16 FURTHER RESOLVED, That within 30 days after the Street Encroachment Permit and
17 Agreement for Maiden Lane are approved and issued, the Public Works Director shall submit
18 a copy of the Permit and associated Agreement to the Clerk of the Board of Supervisors to be
19 placed in the file for this Resolution.
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