

File No. 211301 Committee Item No. 1
Board Item No. 8

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee **Date** March 7, 2022
Board of Supervisors Meeting **Date** March 22, 2022

Cmte Board

<input type="checkbox"/>	Motion
<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	Introduction Form
<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	MOU
<input type="checkbox"/>	Grant Information Form
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OTHER

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Completed by: Erica Major **Date** March 3, 2022
Completed by: Erica Major **Date** March 16, 2022

1 [Administrative, Public Works Codes – Permit Review, and Limits on Fines for Shared Spaces
2 Violations]

3 **Ordinance amending the Administrative and Public Works Codes to urge departments**
4 **to review permits within 30 days, limit until April 1, 2023 the issuance of fines for**
5 **violations of shared spaces requirements except to enforce for physical access**
6 **requirements for persons with disabilities or first responder personnel, pedestrian and**
7 **vehicular safety, and removal of abandoned structures, and directing departments to**
8 **wind down the temporary program no later than March 31, 2023, subject to earlier**
9 **termination of the Local Emergency; affirming the Planning Department's**
10 **determination under the California Environmental Quality Act; and making findings of**
11 **consistency with the General Plan and the eight priority policies of Planning Code,**
12 **Section 101.1.**

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

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

21 Section 1. Environmental and Land Use Findings.

22 (a)——The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
25 Supervisors in File No. 211301 and is incorporated herein by reference. The Board affirms
this determination.

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

Section 2. General Background and Findings.

12 (b) On June 9, 2020, the Mayor issued the 18th Supplement to the Proclamation to
13 create a temporary program, known as “Shared Spaces,” for retail businesses and restaurants
14 to occupy the public sidewalk and parking lane fronting their premises, for retail businesses to
15 display and sell goods and merchandise and offer services and for restaurants to place tables
16 and chairs to offer outdoor dining, subject to certain conditions. The 18th Supplement found
17 that authorizing the use of more outdoor spaces like sidewalks, parking lanes, and other City
18 property for these purposes would allow restaurants and retail businesses to spread out their
19 wares and services to safely comply with the physical distancing requirements in the Health
20 Officer’s orders and directives. The 18th Supplement also found that temporarily allowing
21 restaurants and retail businesses to use more outdoor spaces and take greater advantage of
22 the reopening authorizations while the City waived fees associated with such uses would ease
23 the economic burden on these businesses and allow some employees to return to work, thus
24 promoting the housing and health stability of these workers.

(c) In Ordinance No. 99-21, the City enacted legislation codifying the Shared Spaces program, and creating a process to transition the program from temporary to permanent status.

(d) Shared Spaces has been, and continues to be, a lifeline for small businesses and the workers they employ across San Francisco. San Francisco has led the nation among major cities instituting effective responses to the COVID-19 pandemic, and programs like Shared Spaces have transformed underutilized space in the public realm for small business recovery, arts, and other activities.

(e) Shared Spaces has also transformed public space in ways that advance a long-term vision of enhanced pedestrian access to revitalized neighborhood commercial corridors. Among the goals set forth in Ordinance No. 99-21 was identifying City blocks that would be conducive to permanent sidewalk expansion and pedestrianization.

(f) But implementation of the Shared Spaces program has been characterized by uneven enforcement. While the early days of the program saw small business owners utilizing any resources they had on hand to cordon off adjacent sidewalks and curbside parking lanes in order to continue business operations, the City has since created extensive regulations that include ~~and physical~~ accessibility and life safety requirements to balance the needs of small businesses with ~~against~~ other public health and safety needs, including regulations seeking to ensure compliance with the Americans With Disabilities Act. While some of these requirements were the subject of public hearings and approval by legislative bodies, an overwhelming number of them were crafted administratively by departments with little input from small business owners, disability advocates, or other members of the public. The result has been a confusing web of regulations, the sources of which are frequently hard to identify.

1 (g) Until small businesses are capable of returning to pre-pandemic levels of sales
2 and service, the assessment of fines and fees related to the Shared Spaces program inhibits
3 their ability to effectively participate in that recovery. The City and all stakeholders will benefit
4 from the use of alternative means of bringing small businesses into compliance with the
5 regulations, and to exercise flexibility in the implementation of existing regulations in
6 accordance with public health and safety considerations. The assessment of administrative
7 fines should be limited to enforcing accessibility and life safety physical access requirements
8 necessary for people with disabilities or emergency responder personnel, ensuring visibility
9 (daylighting) at intersections identified in the Vision Zero High-Injury Network, or and requiring
10 removal of any abandoned if the structures has been abandoned.

11
12 Section 3. Chapter 94A of the Administrative Code is hereby amended by revising
13 Sections 94A.5, 94A.9, and 94A.12, to read as follows:

14 SEC. 94A.5. SHARED SPACE PERMIT – APPLICATION, ISSUANCE,
15 MODIFICATION, AND REVOCATION.

25 * * * *

1 **SEC. 94A.9. ENFORCEMENT OF REQUIREMENTS.**

2 * * * *

3 (c) **Enforcement of Shared Space Permit Requirements.**

4 (1) Each Core City Agency shall enforce the requirements of the Shared
5 Space Permits that are within its jurisdiction. Public Works shall be the primary point of contact
6 for any enforcement action pertaining to a Sidewalk or Curbside Shared Space; MTA shall be
7 the primary point of contact for any enforcement action pertaining to a Roadway Shared
8 Space; and the *Department*Division of Real Estate shall be the primary point of contact for any
9 enforcement action pertaining to a City Lot Shared Space. Enforcement may be exercised
10 either by (A) using the procedures of Section 94A.5 to modify conditions of the issued permit,
11 or to withdraw approval of the permit by severance or revocation, or (B) using the
12 enforcement provisions of the Code that regulates its activities: the Public Works Code for
13 Public Works; the Transportation Code for the MTA; the Planning Code for private property;
14 and the Police Code for the Entertainment Commission..- Enforcement by the Director of Real
15 Estate is set forth in subsection (c)(2) below. Until April 1, 2023, the issuance of administrative
16 fines or penalties shall be limited to: enforcing physical access requirements necessary for
17 emergency responder personnel, and people with disabilities or emergency responder
18 personnel, including but not limited to unobstructed access to the sidewalk, maintenance of an
19 accessible route with diverters, accessible tables, the provision of an appropriate platform
20 threshold and, when provided, ramps that meet accessibility requirements; ensuring visibility
21 (daylighting) at intersections identified in the Vision Zero High-Injury Network; or and requiring
22 removal of abandoned if the structures has been abandoned. Beginning on April 1, 2023, this
23 limit shall expire by operation of law and administrative fines and penalties may be issued to ensure
24 compliance with the Program in all respects.

25 * * * *

1 **SEC. 94A.12. TRANSITION OF EXISTING SHARED SPACES AND PARKLETS.**

2 **(a) Conversion of Permits Issued During the COVID-19 Pandemic.**

3 **(1) Extension of pandemic Shared Spaces Program and Permits.** Subject
4 to the wind down provisions of the Mayor's February 25, 2020 Proclamation Declaring the
5 Existence of a Local Emergency and the 18th Supplement to that Proclamation, the Core City
6 Agencies shall operate the Shared Spaces program authorized by the Mayor's Proclamation
7 until July 1, 2022March 31, 2023, unless the Shared Spaces program authorized by the
8 Mayor's Proclamation terminates sooner. Any occupancy permitted as a Shared Space under
9 that authority may continue pursuant to the terms of the applicable permit (each a "pandemic
10 Shared Spaces Permit"), subject to the revocation provisions of this Chapter 94A.

11 * * * *

12 **(d) Enforcement of pandemic Shared Spaces Permits.** ~~Prior to the conversion of a~~
13 ~~pandemic Shared Space permit to a Curbside Shared Space Permit, t~~The Core City Agencies
14 shall not use administrative fines prior to April 1, 2023 to bring a pandemic Shared Space
15 permittee into compliance with the ~~physical~~ requirements of the pandemic Shared Spaces
16 permit, unless the violations pertain to: enforcing physical access requirements ~~necessary~~ for
17 emergency responder personnel, and people with disabilities, including but not limited to
18 unobstructed access to the sidewalk, maintenance of an accessible route with diverters,
19 accessible tables, the provision of an appropriate platform threshold and, when provided,
20 ramps that meet accessibility requirements; ensuring visibility (daylighting) at intersections
21 identified in the Vision Zero High-Injury Network; or requiring removal of abandoned structures
22 emergency responder personnel.

23 * * * *

24

25

1 Section 4. Article 15 of the Public Works Code is hereby amended by revising Section
2 793.4, to read as follows:

3 **SEC. 793.4. VIOLATION OF PERMIT CONDITIONS, OPERATIONAL**
4 **REQUIREMENTS, OR ADMINISTRATIVE REGULATIONS; ENFORCEMENT ACTIONS**
5 **AND PENALTIES.**

6 (a) **Enforcement Actions; Penalties.** If any person has occupied a Shared Space
7 in violation of any Permit conditions, operating requirements, or regulations applicable to the
8 Shared Space, the Director of Public Works may take any action authorized by this Code that
9 is considered necessary to abate or correct the violation. The Director is expressly authorized
10 to:

11 (1) Modify the Shared Space Permit, withdraw the Director's approval of the
12 Permit, or request revocation of the Permit by the Core City Agencies pursuant to Section
13 94A.5(g) of the Administrative Code;

14 (2) Issue a criminal citation pursuant to the provisions of Section 792(e)(1)(A)
15 of this Code that is applicable to Street Plazas;

16 (3) Issue an administrative citation and assess the administrative penalties
17 authorized by Section 792(e)(1)(B) of this Code for Street Plazas; *provided, however, until April*
18 *1, 2023, the issuance of administrative fines or penalties shall be limited to: enforcing physical access*
19 *requirements necessary for emergency responder personnel, and people with disabilities or*
20 *emergency responder personnel, including but not limited to unobstructed access to the*
21 *sidewalk, maintenance of an accessible route with diverters, accessible tables, the provision*
22 *of an appropriate platform threshold and, when provided, ramps that meet accessibility*
23 *requirements; ensuring visibility (daylighting) at intersections identified in the Vision Zero*
24 *High-Injury Network; or and requiring removal of abandoned if the structures has been*

1 abandoned. Beginning on April 1, 2023, this limit shall expire by operation of law and administrative
2 fines and penalties may be issued to ensure compliance with the Program in all respects.

3 (4) Call upon other City officials to assist in the enforcement of this Article 15,
4 including but not limited to the Chief of Police and the City Attorney;

5 (5) Seize, remove, or demolish any structures or furniture placed in public
6 sidewalk or roadway areas.

7 (A) If a permit to place the structure or furniture has been rescinded or
8 expired, before any such structure or furniture is seized, the Permittee shall be notified and
9 given 10 business days to remove the structure or furniture. If the Permittee does not remedy
10 the underlying violation leading to the rescission of the permit and/or apply for a Shared
11 Space Permit within the time prescribed, the City may seize, remove, or demolish the
12 structure or furniture.

13 (B) Seized furniture shall be retained by the City and may be
14 recovered by the responsible party for a period of at least 30 business days following seizure.
15 As a condition of recovering any furniture seized pursuant to this Section or receiving a
16 subsequent Shared Spaces Permit, the Permittee shall pay an impound fee covering the
17 actual cost to the City of transporting and storing such furniture, unless the seizure is deemed
18 improper following a hearing under this subsection (a)(5)→.

19 (C) If the Director determines that it is practicable to do so, Public
20 Works shall retain any seized structures. As a condition of recovering any structure seized
21 pursuant to this Section or receiving a subsequent Shared Spaces Permit, the Permittee shall
22 pay an impound fee covering the actual cost to the City of transporting and storing such
23 structure, unless the seizure is deemed improper following a hearing under this subsection
24 (a)(5)→.

(D) If the Director determines that it is not practicable to do so, Public Works may demolish any unpermitted structure placed in the right-of-way. Where a Permittee is responsible for an unpermitted structure that requires demolition, the Permittee shall not be eligible for a subsequent Shared Spaces Permit until the Permittee has paid the fee covering the actual costs to the City of demolishing and disposing of the structure(s). Such recoverable costs may include those incurred by Public Works and any other City department, including the City Attorney's Office, for time and materials spent enforcing the requirements of the permit.

~~(D)(E)~~ Notwithstanding any other provision of this Section 793.4, if the Director determines that any structure or furniture is placed in public sidewalk or roadway areas in such a place or manner as to pose an immediate and serious danger to persons or property, the City may seize such structure and furniture without prior notice to the Permittee if it is impractical to remedy the danger by moving the structure or furniture to another point on the sidewalk or public right-of-way.

(F) Following any seizure, the Permittee shall be notified promptly of such seizure and shall have the right to request an informal hearing before a designated City official to determine whether the seizure was proper. The Permittee must request the hearing within 10 days of receiving notice of the seizure. Any furniture seized pursuant to this Section shall be retained by the City and may be recovered as provided herein.

Failure to provide any notice to a Permittee pursuant to this section shall not give rise to any claims or cause of action against the City; and

(6) Take any other enforcement action authorized by this Code that is applicable to occupancy of the public right-of-way.

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

Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
AUSTIN M. YANG
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(3/15/2022, Amended in Board)

[Administrative, Public Works Codes - Permit Review, and Limits on Fines for Shared Spaces Violations]

Ordinance amending the Administrative and Public Works Codes to urge departments to review permits within 30 days, limit until April 1, 2023 the issuance of fines for violations of shared spaces requirements except to enforce access requirements for persons with disabilities or first responder personnel, pedestrian and vehicular safety, and removal of abandoned structures, and directing departments to wind down the temporary program no later than March 31, 2023, subject to earlier termination of the Local Emergency; affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Currently, most Shared Spaces parklets are permitted under the Mayor's proclamation declaring a local emergency to exist in connection with the imminent spread within the City of COVID-19. Pursuant to Administrative Code Section 94A.12(d), the City may not use fines to bring permittees into compliance, unless the violations pertain to physical access requirements for persons with disabilities or first responder personnel.

Upon the expiration of the temporary Shared Spaces program, permittees will need to convert their permits to the permanent Shared Spaces program, which is authorized under Administrative Code Chapter 94A. Section 94A.9 authorizes City Agencies to use fines and penalties for violations of the permanent program. Fees for the permanent program are waived until March 31, 2023.

Public Works Code Section 793.4 authorizes Public Works to use administrative citations under Public Works Code Section 792(e) for the permanent Shared Spaces program.

Amendments to Current Law

This amendment would limit the issuance of fines to enforce violations of the permanent Shared Spaces program until April 1, 2023, except for violations related to physical access requirements for persons with disabilities or first responder personnel, or when the structure has been abandoned.

On 2/28/22, the ordinance was amended in the Land Use and Transportation Committee to urge departments to review permit applications within 30 days, and to allow for the use of administrative fines to enforce accessibility and life safety requirements for people with disabilities or emergency responder personnel, ensure visibility (daylighting) at intersections identified in the Vision Zero High-Injury Network, and require removal of any abandoned

structures. The ordinance was also amended to move the furthest wind down date for permits issued under the Mayor's emergency proclamation from July 1, 2022, to March 31, 2023, subject to earlier termination pursuant to the emergency proclamations authorizing the temporary program.

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BOARD of SUPERVISORS



City Hall

1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

December 23, 2021

File No. 211301

Lisa Gibson
Environmental Review Officer
Planning Department
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Ms. Gibson:

On December 14, 2021, Supervisor Peskin submitted the following legislation:

File No. 211301

Ordinance amending the Administrative and Public Works Codes to limit until April 1, 2023, the issuance of fines for violations of shared spaces requirements except for physical access requirements for persons with disabilities or first responder personnel; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature of Angela Calvillo.

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

1/20/2022

A handwritten signature of Joy Navarrete.

BOARD of SUPERVISORS



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File No. 211301

Ordinance amending the Administrative and Public Works Codes to limit until April 1, 2023, the issuance of fines for violations of shared spaces requirements except for physical access requirements for persons with disabilities or first responder personnel; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to read "Angela Calvillo".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

BOARD of SUPERVISORS



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December 23, 2021

Planning Commission
Attn: Jonas Ionin
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Commissioners:

On December 14, 2021, Supervisor Peskin submitted the following legislation:

File No. 211301

Ordinance amending the Administrative and Public Works Codes to limit until April 1, 2023, the issuance of fines for violations of shared spaces requirements except for physical access requirements for persons with disabilities or first responder personnel; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The proposed ordinance is being transmitted for review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink that reads "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: Rich Hillis, Director
Scott Sanchez, Deputy Zoning Administrator
Corey Teague, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
AnMarie Rodgers, Legislative Affairs
Dan Sider, Director of Executive Programs
Aaron Starr, Manager of Legislative Affairs
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



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MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: December 23, 2021

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation 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. 211301

Ordinance amending the Administrative and Public Works Codes to limit until April 1, 2023, the issuance of fines for violations of shared spaces requirements except for physical access requirements for persons with disabilities or first responder personnel; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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: _____

No Comment

Recommendation Attached

Chairperson, Small Business Commission

c: Kerry Birnbach

1 [Administrative, Public Works, Transportation Codes - Shared Spaces]

2

3 **Ordinance amending the Administrative Code to rename and modify the Places for**
4 **People program as the Shared Spaces Program, and to clarify the roles and**
5 **responsibilities of various departments regarding activation and use of City property**
6 **and the public right-of-way, streamline the application process, specify minimum**
7 **programmatic requirements such as public access, setting permit and license fees, and**
8 **provide for the conversion of existing Parklet and Shared Spaces permittees to the new**
9 **program requirements; amending the Public Works Code to create a Curbside Shared**
10 **Spaces permit fee, provide for public notice and comment on permit applications,**
11 **provide for hearings for occupancy of longer-term street closures, and supplement**
12 **enforcement actions by Public Works; and amending the Transportation Code to**
13 **authorize the Interdepartmental Staff Committee on Traffic and Transportation**
14 **(ISCOTT) to issue permits for the temporary occupancy of the Traffic Lane for**
15 **purposes of issuing permits for Roadway Shared Spaces as part of the Shared Spaces**
16 **Program, subject to delegation of authority by the Municipal Transportation Agency**
17 **Board of Directors to temporarily close the Traffic Lane, and adding the Planning**
18 **Department as a member of ISCOTT; and also amending the Transportation Code to**
19 **prohibit parking in a zone on any street, alley, or portion of a street or alley, that is**
20 **subject to a posted parking prohibition except for the purpose of loading or unloading**
21 **passengers or freight; making findings of consistency with the General Plan, and the**
22 **eight priority policies of Planning Code, Section 101.1; and affirming the Planning**
23 **Department's determination under the California Environmental Quality Act.**

24 **NOTE: Unchanged Code text and uncodified text** are in plain Arial font.
25 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 Deletions to Codes are in *strikethrough italics Times New Roman font*.
 Board amendment additions are in *double-underlined Arial font*.

Board amendment deletions are in ~~strike~~through Arial font.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 210284 and is incorporated herein by reference. The Board affirms this determination.

(b) On April 22, 2021, the Planning Department determined that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Planning Department's evaluation determined that the legislation implements the Transportation Element of the General Plan, components of the San Francisco Better Streets Plan, and the City's Curb Management Strategy by balancing the needs of the curb by ensuring the City's Transit First and Vision Zero policies remain priorities, balancing the Shared Spaces occupancies with loading, short-term parking, micromobility needs, and other curbside functions; and encouraging sharing of Shared Spaces amongst merchants on the same block. The Board adopts this determination as its own and further finds that the program implements the Transportation Element consistent with California Vehicle Code 21101(f). A copy of said determination is on file with the Clerk of the Board of Supervisors in File No. 210284, and is incorporated herein by reference.

(c) On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of

1 a novel (new) coronavirus (“COVID-19”). On March 3, 2020, the Board of Supervisors
2 concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency.

3 (d) On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency
4 to exist within the State due to the threat posed by COVID-19.

5 (e) On March 6, 2020, the City’s Health Officer declared a local health emergency,
6 and the Board of Supervisors concurred in that declaration on March 10, 2020. Since that
7 time, the City’s Health Officer had issued various health orders, including a Stay-Safer-At-
8 Home order, requiring most people to remain in their homes subject to certain exceptions
9 including obtaining essential goods such as food and necessary supplies, and requiring the
10 closure of non-essential businesses. The Health Officer has amended the Stay-Safer-At-
11 Home Order to modify the interventions needed to limit the transmission of COVID-19.

12 (f) The Stay-Safer-At-Home order encourages restaurants and retail businesses to
13 conduct their operations outside, where the risk of transmission of COVID-19 is generally
14 lower.

15 (g) Due to the density of San Francisco, many restaurants and businesses do not
16 have significant amounts of outdoor space as part of their premises. Thus, for many San
17 Francisco restaurants and businesses to receive the economic boost that often accompanies
18 outdoor operations, it is necessary to operate outdoors beyond their premises.

19 (h) On June 9, 2020, the Mayor issued the 18th Supplement to the Proclamation
20 declaring a local emergency to create a temporary program (known as “Shared Spaces”) for
21 retail businesses and restaurants to occupy the public sidewalk and parking lane fronting their
22 premises for retail businesses to display and sell goods and merchandise and offer services
23 and for restaurants to place tables and chairs to offer outdoor dining, subject to certain
24 conditions. The 18th Supplement found that authorizing the use of more outdoor spaces like
25 sidewalks, parking lanes, and other City property would allow restaurants and retail to spread

1 out their wares and services to safely comply with the physical distancing requirements in the
2 Health Officer's orders and directives. The 18th Supplement also found that temporarily
3 allowing restaurants and retail businesses to use more outdoor spaces and take greater
4 advantage of the reopening authorizations while waiving City fees associated with such uses
5 would ease the economic burden on these businesses and allow some employees to return to
6 work, thus promoting the housing and health stability of these workers.

7 (i) The Mayor issued several subsequent Supplements to the Proclamation in order
8 to expand opportunities for businesses to conduct operations in additional types of outdoor
9 places. On July 28, 2020 the Mayor issued the 23rd Supplement, which allowed for Shared
10 Spaces in outdoor areas of privately-owned parcels such as open lots, rear yards and
11 courtyards. On August 26, 2020, the Mayor issued the 26th Supplement, which allowed for
12 recurring temporary street closures. On September 25, 2020 the Mayor issued the 27th
13 Supplement, which allowed for entertainment, arts and culture activities to take places as
14 accessory to commercial activities as permitted by public health directives.

15 (j) The Shared Spaces Program adapts many proven, successful techniques for
16 safely activating the public realm in a community-focused manner. Pre-existing precedents
17 include the Parklet and Plaza Programs authorized in the Public Works Code, and
18 Administrative Code Chapter 94, respectively; and Play Streets and Neighborhood Block
19 Parties. Pre-existing commercial permits such as sidewalk merchandising and sidewalk tables
20 & chairs were also streamlined for Shared Spaces. These programs have closed portions of
21 the street to vehicular traffic while increasing the livability and safety of the streets for
22 pedestrian and economic benefit.

23 (k) The Shared Spaces Program has impacted a diverse set of small-business
24 owners. Of respondents to a survey administered to Shared Spaces applicants ("Survey"),
25

1 over 50% were women-owned enterprises, 33% were immigrant-owned small businesses,
2 and 33% identified as 'minority owned.'

3 (l) Locally-owned business perceive the Shared Spaces Program as imperative to
4 their survival during and beyond the pandemic. 84% of respondents to the Survey said that
5 the Shared Spaces Program has allowed them to reopen under public health directives, and
6 another of 80% of respondents said the Shared Spaces Program has allowed them to avoid
7 permanent closure. 94% of respondents said they would operate an outdoor Shared Space (if
8 permitted to do so) even if they are allowed to operate indoors.

9 (m) On Tuesday, July 13, 2020, the Small Business Commission issued a resolution
10 to Mayor Breed, the Board of Supervisors, and City Departments that expressed its support of
11 the Shared Spaces Program and posed a list of recommendations to aid in the expansion of
12 the Program, with a particular emphasis on the need to ensure equity participation in the
13 program.

14 (n) The Board of Supervisors has twice formally expressed its support of the Shared
15 Spaces Program. On Tuesday, October 6, 2020, the Board of Supervisors passed Resolution
16 No. 495-20, in support of Shared Spaces. On Tuesday, March 9, 2021, the Board of
17 Supervisors passed Resolution No. 105-21, urging that the Shared Spaces Program be made
18 permanent.

19 (o) In addition to its positive economic impact on small businesses, their owners,
20 employees, and owner and employee families, the Shared Spaces Program delivers multiple
21 other benefits to neighborhoods and to the City, including general civic, social, and
22 psychological wellbeing, and increased pedestrian access in areas typically used for vehicular
23 traffic.

24 (p) The Board of Supervisors finds that it is reasonable to create temporary fee
25 waivers and deferrals for business converting Shared Spaces permitted pursuant to the

1 Mayor's Proclamation. The Board of Supervisors further finds that while small businesses
2 with few locations were especially impacted by the economic downturn, Formula Retail
3 businesses, in general, were better positioned to navigate the economic downturn due to the
4 fact that Formula Retail establishments have multiple locations.

5
6 Section 2. Chapter 94A of the Administrative Code is hereby amended by revising
7 Sections 94A.1, 94A.2, 94A.3, and 94A.4; deleting existing Section 94A.5; renumbering
8 existing Sections 94A.6, 94A.7, 94A.8, 94A.9, 94A.10, and 94A.11 as Sections 94A.5, 94A.6,
9 94A.7, 94A.8, 94A.9, and 94A.10 respectively, and revising those renumbered Sections; and
10 adding new Sections§ 94A.11 and 94A.12, to read as follows:

11 **CHAPTER 94A: THE SAN FRANCISCO PLACES FOR PEOPLE SHARED SPACES
12 PROGRAM**

13 **SEC. 94A.1. THE PLACES FOR PEOPLE SHARED SPACES PROGRAM; ESTABLISHMENT
14 AND PURPOSE; CORE AGENCY JURISDICTION.**

15 (a) **Establishment and Purpose.** There is hereby created a San Francisco Places for
16 People Shared Spaces Program (“Program” or “Places for People Program”). A People Place
17 Shared Space, defined in Section 94A.2, is intended to be a temporary space on City-owned
18 property, and in some cases also on nearby privately-owned open spaces, where the public
19 can gather and participate in various commercial or non-commercial offerings and events.
20 Under the Program, a public or private entity may obtain City approval to create a People Place
21 Shared Space by occupying the location with reversible physical treatments or improvements
22 and/or activating the location with programming.

23 This Chapter 94A sets forth a streamlined process by which the Planning Department,
24 Department of Public Works, Municipal Transportation Agency, Department Real Estate
25 Division, Fire Department, Department of Public Health, and Entertainment Commission

1 (collectively, defined in Section 94A.2 as the “Core City Agencies”), and their successor
2 agencies or departments, if any, will coordinate the review and approval of a request to
3 occupy and activate such spaces and issue a permit to authorize the use.

4 (b) **Core City Agency Jurisdiction Retained.** Each Core City Agency shall retain its
5 full authority under the City Charter and applicable Codes to authorize the use, and impose
6 conditions on the “*People Place Shared Space* Permit,” as defined in Section 94A.2, and enforce
7 the Agency’s requirements. In particular, this Article I Chapter 94A is not intended to (1) to be
8 an alternative to the process in the Transportation Code for review and approval of street closures
9 and activities on public streets unrelated to the Places for People Shared Spaces Program by the
10 Interdepartmental Staff Committee on Traffic and Transportation (“ISCOTT”) or Municipal
11 Transportation Agency Board of Directors (“SFMTA Board of Directors”), contained in Article 6 of
12 the Transportation Code or (2) to preclude the Director of Public Works from exercising the
13 authority to regulate activities on the public right-of-way under sections of the Public Works
14 Code that are unrelated to the Places for People Shared Spaces Program. Consistent with the
15 definition of a Shared Spaces Permit in Section 94A.2, permits shall be issued by the designated Core
16 City Agency.

17 The procedures by which the Department of Public Works and Municipal Transportation
18 Agency will review and approve a permit issued pursuant to this Chapter 94A are set forth in Section
19 793et seq. of the Public Works Code (for Public Works) and Division II of the Transportation Code (for
20 MTA). The Department of Real Estate procedures are set forth in Section 94A.8 of this Chapter. The
21 Entertainment Commission’s jurisdiction over “Limited Live Performance Locales” is set forth in
22 Section 1060 of the Police Code.

23 **SEC. 94A.2. DEFINITIONS.**

24 For purposes of this Chapter 94A, the following definitions shall apply:

25 “City” is the City and County of San Francisco.

1 **“City Lot Shared Space”** is a Shared Space occurring on property owned by the City under the
2 administration of the Real Estate Division pursuant to Section 94A.7.

3 **“Core City Agencies”** are the City departments and agencies participating in the ~~Places~~
4 ~~for People Shared Spaces~~ Program: the Planning Department (“Planning”), Department of Public
5 Works (“Public Works”), Municipal Transportation Agency (“MTA”), ~~Department of~~ Real Estate
6 ~~Division~~ (“Real Estate”), ~~Fire Department, Department of Public Health,~~ and Entertainment
7 Commission.

8 **“Curbside Shared Space”** is a Shared Space occurring in a portion of the curbside lane of a
9 City street. Curbside Shared Spaces include occupancies of the public right-of-way previously
10 permitted by Public Works as a Parklet, or a Shared Space during the COVID-19 pandemic. For
11 purposes of the Shared Spaces Program, a Curbside Shared Space is further defined to include the
12 following types:

13 (a) **“Fixed Commercial Parklet”** is a fixed encroachment placed in the curbside lane
14 that is used principally for commercial activity during specified business hours. During daylight
15 hours. ~~When the Curbside Shared Space is not being activated for commercial use, it is open to the~~
16 public. Pursuant to Section 94A.6, when the Fixed Commercial Parklet is being activated for
17 commercial use, the Permittee must provide public seating, including but not limited to a public bench,
18 which is accessible to persons who are not patrons of the business.

19 (b) **“Movable Commercial Parklet”** is the use of the curbside lane principally for
20 commercial activity during specified business hours, where all structures and furniture are removed
21 from the right-of-way outside of the specified business hours. During daylight hours. ~~When the~~
22 ~~Movable~~ Commercial Parklet is not being activated for commercial use, it is open to the public.
23 Pursuant to Section 94A.6, when the ~~Movable~~ Commercial Parklet is being activated for commercial
24 use, the Permittee must provide public seating, including but not limited to a public bench, which is
25 accessible to persons who are not patrons of the business.

(c) “Public Parklet” is the use of the curbside lane that is fully accessible to the public during daylight hours and is at no time used for commercial activities.

“Director” is the Director of the relevant department or their designee.

“Fixed Commercial Parklet.” See definition of *Curbside Shared Space*.

“Integrated Shared Space” is a Shared Space with activities occurring on a combination of locations that are Shared Space Categories in close proximity to one another and operated by the same Permittee.

“Longer-Term Closure” has the same meaning as the term is defined in Section 101 of Division II of the Transportation Code.

“Movable Commercial Parklet.” See definition of *Curbside Shared Space*.

“Public Parklet.” See definition of *Curbside Shared Space*.

“Roadway Shared Space” is a Shared Space with activities occurring in or on the Traffic Lane, and includes street closures previously approved as part of the Shared Spaces program during the COVID-19 pandemic.

“People Place Shared Space” is a publicly-accessible location approved under the *Places for People Shared Spaces* Program and located (a) on City-owned property under the administration of the Real Estate Division, (b) on the sidewalk, and/or (c) in the curbside lane, (d) or on all or any portion of the roadway between curbs, and/or (e) on private property, where the public can gather and participate in commercial or non-commercial offerings and events. Such offerings and events may include, but are not limited to: retail, cultural events, arts activities, and entertainment; food and drink; and general recreation. A **People Place Shared Space** is managed, fully or partially, by a Steward Permittee under a **People Place Shared Space** Permit issued under the Program and may involve the temporary and reversible installation and maintenance of physical treatments, improvements, or elements.

1 “People Place Shared Space Categories” are constitute the following types of Shared Spaces,
2 as defined in this Section 94A.2: (a) “City Lot People Place-Shared Space,” which has activities
3 occurring on property owned by the City; (b) “ Curbside People Place-Shared Space,” Integrated
4 Shared Space, which has activities occurring in a portion of the curbside lane of a roadway (c)
5 “Roadway People Place Shared Space,” and which has activities occurring in or on any portion of
6 the roadway, except for activities occurring only in the curbside lane; (d) “Sidewalk People Place
7 Shared Space,” which has activities occurring on a portion of sidewalk; and (e) “Integrated People
8 Place.,” which is a single project with activities occurring on a combination of locations that are
9 People Place Categories in close proximity to one another and operated by the same Steward.

10 “People Place Shared Spaces Permit” is a permit issued under the Places for People
11 Shared Spaces Program through its Core City Agencies that allows a Steward Permittee to create
12 a People Place Shared Space by temporarily occupying and activating the location for a specified
13 period of time. Shared Spaces permits shall be issued by the Core City Agencies, as follows:

14 ____ (a) Real Estate shall review and issue permits for City Lot Shared Spaces pursuant to
15 the procedures set forth in Section 94A.7 of this Chapter.

16 ____ (b) Public Works shall review and issue permits for Curbside Shared Spaces and
17 Sidewalk Shared Spaces pursuant to the procedures set forth in Sections 793 et seq. of the Public
18 Works Code, provided that the Director of Transportation has approved closure of the curbside lane
19 pursuant to procedures set forth in Section 204 of Division II of the Transportation Code.

20 ____ (c) Where the Roadway Shared Space proposal would result in a Temporary Closure,
21 ISCOTT shall review and issue permits pursuant to the procedures set forth in Section 6.16 of Division
22 I of the Transportation Code. For Roadway Shared Space proposals requiring a Longer-Term Closure
23 of the Traffic Lane, the SFMTA Board of Directors shall evaluate the suitability of closing the street
24 pursuant to procedures set forth in Section 206 of Division II of the Transportation Code, and MTA
25 shall review and issue the Roadway Shared Space permit.

(d) The Entertainment Commission shall review and issue permits pursuant to its jurisdiction as set forth in Article 15.1 of the Police Code.

~~“People Place Proposal” is a proposed concept for a People Place project submitted to the Places for People Program by a prospective Steward prior to the submittal of an application for a People Place Permit, for the purpose of initial evaluation and determination of suitability for further development by the Core City Agencies.~~

“Steward Permittee” is, for a City Lot *People Place-Shared Space*, (a) any person or educational, recreational, or social agency, (b) any bona fide fraternal, charitable, religious, benevolent, or other nonprofit organization which is exempt from taxation under the Internal Revenue Code as a bona fide fraternal, charitable, religious, benevolent, or nonprofit organization, or (c) a public agency with programs based in San Francisco. For Curbside, *People Places*, Roadway *People Places*, and Sidewalk *People Places Shared Spaces*, a **“Steward Permittee”** may be any person or entity and is not restricted to the organizations and entities described above.

“Shared Spaces Program” or “Program” is the San Francisco Shared Spaces Program established and described in this Chapter 94A.

“Sidewalk Shared Space” is a Shared Space with activities occurring on a portion of sidewalk.

“Temporary Closure” has the same meaning as the term is defined in Section 101 of Division II of the Transportation Code.

SEC. 94A.3. *PLACES FOR PEOPLE* SHARED SPACES POLICIES AND OBJECTIVES

PROGRAM FUNCTIONS.

To achieve the purpose of the *Places for People* Program, the Core City Agencies shall perform the functions set forth below consistent with each Agency's authority under the

1 Charter and other applicable City law. The specific roles of each participating Core City
2 Agency for each *People Place Shared Space* Category are set forth in Section 94A.4.

3 (a) Coordinate principles and practices in *People Places Shared Spaces* designated under
4 the *Places for People* Program with other public agencies operating similar public realm
5 initiatives and projects in the City.

6 (b) Be responsible for development and administration of Program implementation,
7 policies, and strategies.

8 (c) Sustain strategic partnerships with stakeholders of *People Places Shared Spaces*,
9 including community organizations, nonprofit organizations, and businesses, in supporting
10 and enhancing *the Program People Places Citywide*.

11 (d) Endeavor to keep barriers to participation in the Program as low as possible,
12 including but not limited to keeping administrative and permit fees modest.

13 (e) Explore efforts to cross-subsidize approved *People Places Shared Spaces* by
14 leveraging the revenue generated in *People Places Shared Spaces* that exceeds the cost of
15 managing and operating the *People Place Shared Space* and directing a portion of the excess
16 funds to support other *People Places Shared Spaces* that have a demonstrated funding need.

17 (f) Seek *Stewards Permittees* for *People Places Shared Spaces* through a *Steward Permittee*
18 identification process that utilizes existing City partnership efforts where possible and builds
19 strong relationships with *Steward Permittees*.

20 (g) Network communication and coordinate efforts of the various *Steward Permittees*
21 within the *Places for People* Program.

22 (h) Identify opportunities to streamline permitting for active uses of *People Places and*
23 *access to Shared Spaces* so that barriers to event permitting are eliminated or minimized.

24 (i) Encourage *People Place Steward Permittees* to maximize events and activities that are
25 free to the public.

(j) Collect People Place Shared Space participation data and user feedback, and use established criteria to evaluate Steward Permittee performance outcomes in various areas, including racial equity, transportation, the environment, public access, economic impact, type of activities, and community engagement.

(k) Support development of long-term maintenance and activity partnerships for *People Places-Shared Spaces*.

(I) Strive to ensure that People Places Shared Spaces remain available to the public, while recognizing that some small number of restricted access events or time-specific commercial use of Curbside Shared Spaces by businesses in suitable locations may be helpful in supporting People Place Shared Space operations, and assisting in the City's economic recovery from the COVID-19 pandemic.

(m) Support the City's goal of continuing to be a national and international leader in public realm innovation.

(n) Support the City's values and commitments to the Transit First, Vision Zero, and Climate Action policies; access for disabled persons; and application of the Curb Management Strategy to ensure balanced curbside functionality.

(o) Provide access for people and goods (e.g. bus stop, commercial or passenger loading zone, disabled loading and parking, etc.); movement (e.g. accommodating transit and bike lanes, etc.); public accessibility; public safety (e.g. red zones for daylighting, fire hydrants, etc.); and bicycle parking and storage (e.g. bike corrals and bike sharing stations).

(p) Ensure equitable access for all who live and work in San Francisco through the implementation of regulations and requirements that account for disability and access needs.

(q) Support San Francisco's economic recovery following the COVID-19 pandemic by creating ways for the public to activate public spaces and safely engage in economic activities, like dining and retail, outdoors.

1 (r) Support San Francisco's goal of promoting equitable opportunity for businesses by
2 performing outreach in multiple languages to small businesses located in communities
3 suffering from economic, health and environmental burdens.

4 **SEC. 94A.4. INTERAGENCY COORDINATION.**

5 In coordinating their activities under the *Places for People* Program, the Core City
6 Agencies shall have the responsibilities set forth below.

7 (a) Planning Department Planning Department ~~Public Works; General~~
8 **Coordination of Program Activities.** After a prospective *Steward Permittee* submits an
9 application for a People Place Shared Space Proposal to the Program pursuant to Section 94A.5,
10 Planning Planning Public Works will coordinate ensure review and approval of the application
11 proposed People Place project. Specifically, Planning Planning Public Works will:

12 (1) Ensure that the application is routed the People Place Proposal to all Core City
13 Agencies with jurisdiction over the proposed *People Place Shared Space* for review an initial
14 evaluation of the desirability of the Proposal and provide holistic coordination of the program,
15 taking into account land use, transportation, public space and urban design considerations.

16 (2) Accept, along with the other Core City Agencies, a proposed People Place into the
17 Program if, after completion of the review and evaluation required by Section 94A.5, each Core City
18 Agency with jurisdiction over the proposed People Place has determined that the People Place
19 Proposal is suitable for further development.

20 (3) Review an application for a People Place Permit for completion and compliance
21 with Program requirements prior to its submittal and, if found complete and in compliance, direct the
22 prospective Steward to file the People Place Permit application with the appropriate Core City Agency
23 or Agencies pursuant to Section 94A.6.

(5) Collaborate with the appropriate Core City Agency in the review and approval of a People Place Shared Space permit, and guide strategic change management of the program to ensure continued equity and accessibility by all intended users.

(36) At the request of a Core City Agency with jurisdiction over a proposed ~~People Place~~ Shared Space, develop with the prospective Steward Permittee a ~~Stewardship Shared Spaces~~ Agreement pursuant to Section 94A.56(de).

(47) Oversee cross-departmental tracking systems to ensure comprehensive impact reporting and accountability, and support the monitoring of the *Steward Permittee's* compliance with any terms and conditions in the *People Place Shared Space* Permit and associated *Stewardship Shared Spaces Agreement*, report any noncompliance known to the Planning Department Public Works to the applicable Core City Agency with jurisdiction for enforcement.

(458) Coordinate Core City Agency outreach to prospective *Steward Permittees*. Such outreach shall be performed in multiple languages and include small businesses located in communities suffering from economic, health and environmental burdens. Ensure quality public education, marketing and community engagement for the program as a whole.

In performing the coordination role described in subsections (a)(1) - (458), Planning Planning Public Works shall, if necessary, obtain the recommendations of staff of the other Core City Agencies, including, among others: the Planning Director of Public Works of Public Works *or his or her designee*, the Director of Transportation *or his or her designee*, the Director of the Real Estate Department Division, the Director of Health, and/or the Executive Director of the Entertainment Commission.

(b) **Director of Real Estate; City Lot ~~People Places Shared Spaces~~**. The Director of Real Estate will administer ~~People Places Shared Spaces~~ that are solely on a City-owned lot, pursuant to Section 94A.78.

(c) Entertainment Commission; ~~People Places~~ Shared Spaces with Entertainment Activities. The Entertainment Commission will review and consider any application for a ~~People Place~~ Shared Space Permit that proposes an activity or activities *within the jurisdiction of the Entertainment Commission, consistent with fitting the description of a Limited Live Performance Locale in* Police Code, Section 1060(r) but, as applied to a ~~People Place~~ Shared Space, *the proposed activity or activities may include* ~~allows~~ the service of food and beverages for consumption on the premises. The Commission may approve an application that satisfies all the applicable requirements for creation of a Limited Live Performance Locale and authorize issuance of a ~~People Place~~ Shared Space Permit subject to the requirements stated in Police Code Section 1060.

(d) Planning, Planning, MTA, and Public Works; People Places-Shared Spaces in the Public Right-of-Way.

(1) Curbside People Places Shared Spaces

(A) Planning ~~Planning~~ Public Works will review the overall concept of the application *People Place Proposal*, approve the *Steward Permittee*'s proposed program of offerings and events that will activate the *People Place Shared Space* space, and participate in the design review of all proposed physical treatments or improvements.

(B) MTA will approve or deny the proposed closure of the curbside lane pursuant to Section 204 of Division II of the Transportation Code, including permit terms and conditions as established by the Director of Transportation, and participate, as applicable, in design review of all physical treatments or improvements proposed by a Steward Permittee, and, at the MTA's discretion, implement any approved (i) restriping of travel and parking lanes, (ii) ground surface treatments to delineate right-of-ways temporarily converted for the project, (iii) placement of upright bollards and other traffic control devices, and (iv) other reversible site improvements not included within subsection (d)(1)(C) below that are needed for the project.

1 ~~MTA will carry out its role pursuant to the process set forth in Division II of the Transportation Code,~~
2 ~~including making the determination of any necessary street closure and circulation changes.~~

3 (C) Public Works will, pursuant to the process set forth in Section ~~s~~ 793 et
4 seq. of the Public Works Code, ~~(i)~~ review the overall concept of the application, ~~(ii)~~ approve
5 the Permittee's proposed program of offerings and events that will activate the Shared Space,
6 ~~(iii)~~ participate in the design review and approval of physical treatments or improvements
7 proposed by a ~~Steward Permittee~~, ~~(iv)~~ participate in the review and approval of the ~~Steward~~
8 ~~Permittee's proposed program of events intended to activate the People Place Shared Space~~
9 ~~space, (v)~~ ~~consult with additional City agencies such as the Public Utilities Commission and the~~
10 ~~Fire Department regarding the design and construction of any proposed structure proposed to occupy~~
11 ~~the right-of-way as part of a Shared Space, (vi)~~ ~~review and approve the Stewardship Shared~~
12 ~~Spaces Agreement, and (vii)~~ ~~provide approval for the People Place Shared Space Permit along~~
13 ~~with the other Core City Agencies with jurisdiction over the proposed People Place Shared~~
14 ~~Space, and (viii)~~ ~~issue the Curbside Shared Space permit. The Director of Public Works, consistent with~~
15 ~~Sections 793 et seq. of the Public Works Code, and in collaboration with Planning, may shall issue~~
16 ~~regulations setting forth standard design and operating requirements for any Curbside Shared Space to~~
17 ~~ensure integration with existing neighborhood specific architecture and other design elements,~~
18 ~~and to minimize conflicts with existing site specific fixtures in the public right of way. In~~
19 ~~addition, Public Works, in its sole discretion, may install reversible site improvements~~
20 ~~(planters, furnishings, etc.) associated with the project.~~

21 (D) The Core City Agencies shall review the proposed Curbside Shared Space
22 for potential conflicts with future City projects, such as streetscape initiatives (including streetscape
23 redesigns, paving projects, transit improvements), on-going maintenance needs, and planned
24 improvements. Core City Agencies shall also review the proposed Curbside Shared Space for
25 potential conflicts with City projects completed in the 10 years prior to the application to

1 reduce conflicts with the purposes of those projects, including but not limited to review to
2 ensure that the Shared Space would enhance rather than undermine the City's Vision Zero,
3 Transit-First, and Better Streets Policies.

4 (E) A Permittee's right to occupy the Curbside Shared Space shall be
5 conditioned upon the obligation to remove or modify the Curbside Shared Space at any time, as
6 necessary for any City project or maintenance work, which necessity shall be determined solely by the
7 City Agency that issued the Shared Space Permit. The Permittee shall be obligated to remove or
8 modify the Curbside Shared Space at the Permittee's cost and return the right-of-way to a condition
9 that the Director of Public Works deems appropriate within 15 days of receiving notice from the
10 City, although the Director of Public Works or applicable Core Agency may require removal of
11 the Shared Space in a shorter time period where the Director of Public Works determines that
12 an emergency or other threat to public health or safety exists, or finds that any delay would
13 result in extraordinary cost to the City. If the proposed Curbside Shared Space would conflict
14 with a future City project or necessary maintenance work, Public Works may inform the
15 Permittee of any potential disruption from the conflict, but the failure to do so shall not give
16 rise to any rights to occupy, or otherwise not remove or modify the Permittee's occupancy of,
17 the Curbside Shared Space.

18 (2) **Roadway People Places Shared Spaces.**

19 (A) Planning ~~Planning~~ Public Works will review the overall concept of
20 the application People Place Proposal, approve the Steward Permittee's proposed program of
21 offerings and events that will activate the People Place space Shared Space, and participate,
22 along with other City departments with jurisdiction over the proposed Shared Space, in the
23 design review of all proposed physical treatments or improvements. Planning will also
24 ~~coordinate the collection of baseline pedestrian, bicycle, and vehicular data at the relevant location(s)~~
25 ~~(i) pre-occupancy, that is, before project implementation, (ii) during short term temporary street~~

~~closer, and (iii) post occupancy, that is, for at least six months after project implementation, or a longer time period if warranted. Planning staff, inclusive of Environmental Planning, will consult with MTA staff as necessary on collection methodology.~~

(B) MTA will carry out its role in evaluating the application People Place ~~Proposal pursuant to the process set forth in Division II of the Transportation Code~~, including making the determination of any necessary street closure and circulation changes. In its discretion, the MTA may consider ~~The MTA is urged to consider the following requirements in developing the Division II procedures:~~

(i) ~~Conduct the circulation analysis necessary for evaluating a temporary street closure and circulation changes (including full or partial width of street; full-time or part-time, over hours and days of the week).~~

(ii) Review and analyze, or oversee a contract for professional services to review and analyze, transit and vehicular circulation data from (i) baseline pre-occupancy and/or (ii) occupancy of short term temporary trial(s), and issue a technical memorandum or “Preliminary Circulation Assessment,” including MTA’s conclusion as to approval of the proposed temporary street closure.

(iii) Develop procedures for participation in design review of physical treatments or improvements proposed by a Steward.

(iv) *Review, consider, and authorize (when all requirements have been satisfied) any changes to pedestrian and vehicular circulation associated with the People Place project.*

(v) ~~Implementing~~ any approved restriping of travel and parking lanes, ground surface treatments to delineate right-of-ways temporarily converted for the project, placement of upright bollards and other traffic control devices, and other reversible site improvements that are needed for the project.

(vi) *Review and analyze, or oversee a contract for professional services to review and analyze, the pre-occupancy and post-occupancy transit and vehicular circulation data for projects that have been implemented.*

(C) If the MTA approves a temporary street closure

(i) Where the portion of the public-right-of-way to be used for the

Roadway Shared Space is proposed to be closed as a Temporary Closure, ISCOTT will, pursuant to the process set forth in Section 6.16 of Division I H of the Transportation Code, Public Works will, pursuant to the process set forth in Section 793 et seq. of the Public Works Code;:

(i)a. participate in the design review and approval of

10 physical treatments or improvements proposed by a Steward-Permittee;

(ii) b. participate in the review and approval of the *Steward Permittee*'s proposed program of events intended to activate the *People Place space Shared Space*;

(iii)c. review and approve the *Stewardship Shared Spaces*

15 ~~Agreement,; and~~

(iv) dc. provide approval for the People Place Shared Space Permit along with the other Core City Agencies with jurisdiction over the proposed People Place Shared Space;

(v) ed. *review and approve any necessary street closure and circulation changes; and*

fe. issue the Roadway Shared Space permit.

(ii) Where the portion of the right-of-way proposed to be used for the proposed to be closed as a Longer-Term Closure, the SFMTA Board of approve any necessary street closure and circulation changes pursuant to

1 the process set forth in Division II of the Transportation Code. Following any decision to close the
2 street by the SFMTA Board of Directors, MTA staff will:

3 (i)a. participate in the design review and approval of physical
4 treatments or improvements proposed by a Permittee;

5 (ii)b. participate in the review and approval of the Permittee's
6 proposed program of events intended to activate the Shared Space;

7 (iii)c. review and approve the Shared Spaces Agreement;

8 (iv)d. provide approval for the Shared Space Permit along with
9 the other Core City Agencies with jurisdiction over the proposed Shared Space; and

10 (v)e. issue the Roadway Shared Space permit.

11 (C) For all Roadway Shared Space permit applications, Public Works will (i)
12 participate in the design review and approval of physical treatments or improvements proposed by a
13 Permittee, (ii) participate in the review and approval of the Permittee's proposed program of events
14 intended to activate the Shared Space, and (iii) review and approve the Shared Spaces
15 Agreement, and (iv) provide approval for the Shared Space Permit along with the other Core City
16 Agencies with jurisdiction over the proposed Shared Space. In addition, Public Works, in its sole
17 discretion, may install reversible site improvements (planters, furnishings, etc.) associated
18 with the project.

19 **(3) Sidewalk People Places Shared Spaces.**

20 (A) Planning will review the overall concept of the application, approve
21 the Permittee's planned program of offerings and events that will activate the Shared Space
22 and participate in the design review of all proposed physical treatments or improvements. (A)
23 Planning will review the overall concept of the application People Place Proposal, approve the
24 Steward Permittee's planned program of offerings and events that will activate the People Place

1 Shared Space ~~space~~, and participate in the design review of all proposed physical treatments
2 or improvements.

3 (B) Public Works will review the overall content of the application,
4 including the Permittee's planned program of offerings and events that will activate the Shared
5 Space, and, pursuant to the process set forth in Section 793 *et seq.* of the Public Works
6 Code, (i) participate in the design review and approval of physical treatments or
7 improvements proposed by a Steward Permittee, (ii) participate in the review and approval of
8 the Steward Permittee's proposed program of events intended to activate the People Place
9 Shared Space, (iii) review and approve the Stewardship Shared Spaces Agreement, and
10 (iv) provide approval for the People Place Shared Space Permit along with the other Core City
11 Agencies with jurisdiction over the proposed People Place Shared Space, and (v) issue the
12 Sidewalk Shared Space permit. In addition, Public Works, in its sole discretion, may install
13 reversible site improvements (planters, furnishings, etc.) associated with the project.

14 (e) **Integrated People Places Shared Spaces.** Where a single application proposal involves
15 activities occurring in more than one People Place Shared Space category, each Core City
16 Agency shall:

17 (1) Participate in design review and proposal development for the People Place
18 Shared Space project with respect to those proposed elements that are within such Agency's
19 jurisdiction as is specified in this Section 94A.4 for review of the individual People Place Shared
20 Space Categories; provided, however, that the Director of one of the participating Core City
21 Agencies may authorize another participating Core City Agency to review the application
22 People Place Proposal and one or more of the design elements on its behalf.

23 (2) Implement the pertinent elements as specified in this Section 94A.4 for
24 review of the individual People Place Shared Space Categories.

1 (3) If an Integrated Shared Space proposes adjacent Curbside and Sidewalk
2 Shared Spaces, the Director of Public Works shall require that the Sidewalk Shared Space
3 consist only of stationary elements, unless the Director of Public Works makes an affirmative
4 finding in writing, in consultation with the Mayor's Office of Disability and the Public Works
5 American's with Disabilities Act Access Coordinator, and based on a review of site specific
6 conditions, that any proposed non-stationary elements are consistent with the City's Better
7 Streets Policy, would present minimal risk of encroachment into public rights of way, and
8 would not otherwise impede access for people with disabilities. For purposes of assessing
9 adequacy of access for people with disabilities, the Permittee shall strive to provide at least
10 eight feet of unimpeded access on sidewalks over twelve feet wide, and no less than six feet
11 of unimpeded access on sidewalks under twelve feet wide.

SEC. 94A.5. PEOPLE PLACE PROPOSAL.

(1) Documentation of community outreach and support.

(2) Documentary proof that all fronting property owners have been notified by the prospective Steward of the intent to submit a People Place Proposal. If the prospective Steward is not the ground floor tenant, then documentary proof of notification to the fronting ground floor tenant(s) is also required.

~~(3) A list and frequency schedule for routine maintenance tasks.~~

~~(4) A prospective activities calendar describing the frequency and types of free public
miming.~~

(5) The number of restricted access events, if any, that will be held annually. In no case may the number of restricted access events allowed exceed eight single-day events per year.

1 ~~Scheduling of any approved restricted access events shall not be concentrated during a particular time~~
2 ~~or times a year but be spread throughout the calendar year. Consistent with Section 94A.7(b)(2) P~~ublic
3 ~~access to the People Place shall not be restricted except for restricted access events approved by the~~
4 ~~Places for People Program.~~

5 ~~— (6) Photographs of existing conditions on the site.~~

6 ~~— (7) A conceptual site plan depicting how the space will be configured, including the~~
7 ~~introduction and placement of any temporary physical elements.~~

8 ~~— (A) City Lot People Places. If the space will be configured to accommodate~~
9 ~~different types of programs, the Proposal must include a series of site plans depicting proposed~~
10 ~~configurations.~~

11 ~~— (B) Curbside People Places. If the Steward is proposing multiple Curbside~~
12 ~~People Places that will be operated together under the same exact terms and time(s) of a single~~
13 ~~Curbside People Place Permit, the proposal must include a series of site plans depicting the proposed~~
14 ~~extent of each installation.~~

15 ~~— (C) Integrated People Places. If the space will be configured to accommodate~~
16 ~~different types of programs, the Proposal must include a series of site plans depicting proposed~~
17 ~~configurations.~~

18 ~~— (D) Roadway People Places. If the space will be configured to accommodate~~
19 ~~different types of programs, the Proposal must include a series of site plans depicting proposed~~
20 ~~configurations.~~

21 ~~— (E) Sidewalk People Places. If the Steward is proposing multiple Sidewalk~~
22 ~~People Places that will be operated together under the same exact terms and time(s) of a single~~
23 ~~Sidewalk People Place Permit, the proposal should include a series of site plans depicting the proposed~~
24 ~~extent of each installation.~~

(b) Initial Review and Evaluation of the Proposal. After submittal, the People Place Proposal will be reviewed by Planning for completeness and compliance with Program requirements. If the People Place Proposal is determined to be complete and in compliance with Program requirements, Planning will route the Proposal to all Core City Agencies with jurisdiction over the proposed People Place for an initial evaluation of the desirability of the Proposal. If approved by all the required Core City Agencies, the Proposal will be accepted into the Program and further developed by the Core City Agencies as appropriate.

(a) Public Funds; Solicitation and Evaluation of Proposals.

(1) *If public funds are being offered for a portion of the implementation or operation of a People Place or Places, the People for Places Program shall issue an invitation for prospective Stewards to submit a competitive People Place Proposal for the project. The Program may solicit Proposals (A) on an ongoing basis (year round), or (B) for set intervals on a recurring cycle (for example, for two weeks at the end of each quarter), or (C) for a set interval on a one-time basis depending on the People Place Category or other appropriate factors.*

(2) *All Proposals that are submitted in compliance with the requirements and within the submission deadline shall be evaluated by Planning and the Core City Agency or Agencies with jurisdiction over the People Place Category. After completion of the evaluation, Planning and the Core City Agency or Agencies may in their discretion determine that none of the Proposals submitted are acceptable.*

SEC. 94A.65. *PEOPLE PLACE SHARED SPACE* PERMIT – *APPLICATION, ISSUANCE, MODIFICATION, AND REVOCATION; STEWARDSHIP SHARED SPACES AGREEMENT.*

(a) Submission of Permit General Application Requirements. A prospective Permittee may submit an application for a Shared Spaces Permit consistent with the requirements of this Section 94A.5. After Planning Planning Public Works has reviewed the application for completeness and compliance with Program requirements, Planning Planning Public Works will circulate the

1 application to the Core City Agencies with jurisdiction over the proposed Shared Space. Each
2 proposed Shared Space application must include the following components:

3 (1) A narrative description of the proposed Shared Space, including the planned
4 activation of the space.

5 (2) Documentation of community outreach and support, including documentation of
6 any known concerns, and efforts made by the applicant to address such concerns.

7 (3) Documentation showing that all property owners of any building fronting a
8 proposed Sidewalk or Curbside Shared Space or the property owners' agents have been notified by the
9 prospective Permittee of the intent to submit an application for a Shared Space.

10 (A) Sidewalk Shared Spaces. If the prospective Permittee is not the ground-
11 floor tenant of the building fronting the sidewalk area proposed to be used as a Sidewalk Shared Space,
12 and/or the Permittee proposes to use sidewalk space other than the sidewalk fronting Permittee's
13 location, then documentary proof of consent from any ground-floor tenant(s) fronting the areas
14 proposed to be used as the Shared Space is also required. In the event there is no ground-floor tenant
15 of a building fronting the areas proposed to be used as a Shared Space, then documentary proof of
16 consent from the fronting property owner or their agent is required.

17 (B) Curbside Shared Spaces. If the prospective Permittee is not the ground-
18 floor tenant of the building fronting the parking space proposed to be used as a Curbside Shared
19 Space, and/or if half or more of a marked parking space or any portion of an unmarked parking space
20 proposed to be used for a Curbside Shared Space would be outside of Permittee's ground-floor
21 frontage, then documentary proof of consent from any ground-floor tenant(s) fronting the areas
22 proposed to be used as the Shared Space is also required. In the event there is no ground-floor tenant
23 of a building fronting the areas proposed to be used as a Shared Space, then documentary proof of
24 consent from the fronting property owner or their agent is required.

25 (4) A list and frequency schedule for routine maintenance tasks.

(5) For Roadway Shared Spaces, a prospective activities calendar describing the frequency and types of free public programming, if applicable.

(6) A description of any limitations on public use, including:

(A) The number of restricted access events, if any, that will be held annually. In no event may the number of restricted access events allowed exceed eight single-day events per year. Scheduling of any approved restricted access events shall not be concentrated during a particular time or times a year but be spread throughout the calendar year.

(B) If the Permittee intends to use a Curbside Shared Space for the exclusive benefit of a business, a description of the proposed hours of use, and proposed activities. In no event may the exclusive use of the Curbside Shared Space exceed the hours of operation of the associated business or businesses.

(7) Photographs of existing conditions on the site.

(8) A site plan depicting how the space will be configured, including the introduction and placement of any temporary physical elements, and the placement of nearby ground fixtures. The site plan shall also include at-grade roadway markings such as color curbs, lane striping, parking stall marking, and at-grade utility access panels, storm drains, manhole covers, and other utility access points. Additional site plan considerations may be articulated in regulations issued by the appropriate City Departments.

(b) **Permit Application Requirements for Specific Types of Shared Spaces.** *In addition to the general permit requirements set forth in subsection (a), the following additional permit application requirements for specific People Place Shared Space Categories shall apply are set forth as follows:*

(1) for City Lot *People Places Shared Spaces*, in Section 94A.78 of this Chapter

(2) for Sidewalk ~~People Places Shared Spaces~~, in Public Works Code Section~~s~~ 793

et seq.;

(3) for Curbside ~~People Places~~ Shared Spaces, in Public Works Code Section 793

et seq. for permit issuance, and Section 204 of Division II of the Transportation Code for roadway closure; and

(4) for Roadway ~~People Places Shared Spaces~~, in ~~Public Works Code Section 793 et seq. and Section 6.16 of Division I H~~ of the Transportation Code for permit issuance and roadway closure.

(c) ~~People Place~~ Shared Space Permit – Issuance; Conditions of Approval; Limited

Duration.

(1) **Issuance.** Issuance of a ~~People Place Permit~~ authorizes the ~~Steward Permittee~~ to create a ~~People Place Shared Space~~ by occupying the location with ~~reversible~~ physical treatments or improvements and/or activating the location with programming. For the Core City Agencies, a ~~People Place Shared Space~~ Permit shall incorporate the requirements of and substitute for a permit that would otherwise be required under other sections of the Municipal Code. ~~Copies of approved and issued People Place Permits for People Places on City Owned Lots shall be maintained by Real Estate. Copies of approved and issued People Place Permits for People Places in the public right of way shall be maintained by Public Works.~~

(2) Conditions of Approval; Liability Insurance and Indemnity Provisions.

The *People Place Shared Space* Permit sets forth the permit terms, conditions of approval, operational requirements, and duration of the *permit*, *People Place* and is approved by all the Core City Agencies with jurisdiction over the *People Place Shared Space*. In addition to any conditions that a Core City Agency is authorized to impose on a *People Place Shared Space* Permit pursuant to *the provisions of* this Chapter 94A, a participating Core City Agency with jurisdiction over the *People Place Shared Space* shall impose any condition that it would have

1 been required to impose on a permit separately issued under the Code that regulates its
2 activities; provided, however, that Public Works, with the approval of the City's Risk Manager,
3 is authorized to modify standard liability insurance and indemnification requirements for
4 Sidewalk Shared Space projects and Curbside People Place Shared Space projects. For People Place
5 Shared Space projects developed in whole or in part, or installed in whole or in part, by a City
6 Agency, the Core City Agency that issues the permit Public Works, with the approval of the City's
7 Risk Manager, may limit the Steward Permittee's required liability insurance and indemnification
8 requirements to the non-physical aspects of the People Place Shared Space. Permittees shall
9 be required to submit proof of required liability insurance and indemnification with each
10 application for a new Shared Space and with any application for renewal or extension of an
11 existing Shared Space.

12 (3) **Limited Duration.** A People Place Shared Space Permit is intended to be
13 temporary and has a limited duration. The standard maximum initial term for a Curbside
14 People Place Shared Space Permit at Roadway People Place, or a Sidewalk People Place Shared
15 Space Permit shall be for no longer than one one two years, after which it may be renewed or
16 extended upon review and approval by the Core City Agencies with jurisdiction over the
17 People Place Shared Space for additional terms of up to one two years each. Any closure of a
18 curbside lane for a Curbside Shared Space must follow the requirements of Section 204 of Division II
19 of the Transportation Code. The maximum initial term for a Roadway Shared Space shall be two
20 years, after which it may be renewed or extended upon review and approval by the Core City Agencies
21 with jurisdiction over the Shared Space, for additional terms of up to two years each, subject to any
22 necessary street closure by the SFMTA Board of Directors. The standard maximum initial term of a
23 City Lot People Place Shared Space Permit shall be no longer than five years, which may be
24 extended by the Director of Real Estate pursuant to the provisions of Section 94A.78(d) for
25 additional terms of up to five years each.

(d) Permit Cover Sheet. The approval of the People Place Permit shall be memorialized by a Permit Cover Sheet that is attached to the Permit. The Permit Cover Sheet must be signed by a person designated by the Director of each Core City Agency with jurisdiction over the proposed People Place. A Core City Agency with jurisdiction over the proposed People Place may, at its own discretion, request that a person designated by the Director of another Core City Agency involved in the review of the People Place Permit also sign the Permit Cover Sheet.

(e) *Stewardship Shared Spaces Agreement*. At the request of a Core City Agency with jurisdiction over the *People Place* Shared Space Category, the Program and *Steward* Permittee ~~will~~ shall jointly develop a *People Place Stewardship Shared Spaces Agreement* for approval by all the Core City Agencies with jurisdiction over the *People Place* Shared Space. The *Stewardship Shared Spaces Agreement* will impose conditions and operational requirements on the *People Place* Shared Space that are in addition to those set forth in the *People Place Shared Space Permit*. A copy of the *Stewardship Shared Spaces Agreement*, approved by the applicable Core City Agencies, shall be attached to the *People Place Shared Space Permit*, and its provisions shall be considered permit requirements equivalent to those set forth in the *People Place Shared Space Permit* and enforceable pursuant to Section 94A.910.

Coordination of Additional Permits Required from Other City Agencies.

Certain activities may require additional permits or approvals from another City agency, board, commission, or department that is not a Core City Agency. In such cases, the Core City Agencies shall coordinate regarding all other permits or approvals that may be necessary for or related to activities at the *People Place Shared Space*. *The issuance of a Shared Space Permit shall be conditioned upon compliance with any necessary approvals and inspections by all City Agencies with jurisdiction, including but not limited to Fire Department, Department of Building Inspection, Entertainment Commission, and Department of Public Health, or any other City agency with jurisdiction. If additional permits or approvals are required from other City agencies,*

1 ~~boards, commissions, or departments, they may be granted by the signature of an authorized~~
2 ~~representative of the entity on the Permit Cover Sheet described in subsection (d) above.~~

3 **(e)(g) Coordination of Additional Permits Required from Other Governmental**

4 **Authorities.** Certain activities in the public right-of-way may require additional review and
5 approvals from Federal or State authorities, or other County agencies, boards, commissions,
6 or departments. In such cases, the Core City Agencies shall coordinate, ~~to the extent feasible,~~
7 regarding all other review or approvals that may be necessary for or related to the activities at
8 the *People Place Shared Space*.

9 **(f)(h) Modification of a *People Place Shared Space* Permit; Withdrawal of Approval.**

10 (1) **Permit Modification.** *People Place Shared Space* Permits on public space are
11 revocable at will. Therefore, each Core City Agency that has approved issuance of a *People*
12 *Place Shared Space* Permit may at any time modify those portions of the Permit that are within
13 its jurisdiction, including any conditions. If a Core City Agency makes a determination to
14 modify the *People Place Shared Space* Permit or any conditions that it has imposed, or to
15 impose additional conditions, the Agency shall notify Planning Planning Public Works and the
16 other Core City Agencies with jurisdiction over the *People Place Shared Space*. Upon
17 notification of a modification of the Permit, Planning Planning Public Works and any Core City
18 Agency that approved issuance of the *People Place Shared Space* Permit shall determine if other
19 portions of the Permit also need to be modified, or if the entire *People Place Shared Space*
20 Permit needs to be revoked pursuant to subsection (g)(h) below. A new *People Place Shared*
21 *Space* Permit is required to be issued if Planning Planning Public Works and the other
22 participating Core City Agencies determine that the proposed modifications are major. Minor
23 modifications to a *People Place Shared Space* Permit may be made without the issuance of a
24 new Permit. The Core City Agency ~~ies that issued with jurisdiction over~~ the *People Place Shared*

25

Space Permit will notify the Steward Permittee of any permit modifications or if revocation of the entire Permit pursuant to subsection (g)(7) below is required.

(2) **Withdrawal of Approval.** A Core City Agency may at any time withdraw its approval of the *People Place Shared Space* Permit. If a Core City Agency makes a determination to withdraw its approval of the *People Place Shared Space* Permit, *any activities requiring its approval shall be severed from the Shared Space Permit.* *The Agency shall notify Planning* Planning Public Works and the Core City Agencies that approved issuance of the *People Place Shared Space* Permit of its decision to sever from the permit those portions that are within the Agency's jurisdiction. Upon receipt of a notification of severance, *Planning and any the other* Core City Agencies that approved issuance of the Permit shall determine if the severance requires revocation of the permit in its entirety pursuant to subsection (g)(i) below, or whether the permit can be modified *rather than revoked.* If the remaining Core City Agencies determine that the severance does not require revocation but requires a major modification of the permit, a new *People Place Shared Space* Permit must be issued. *In the case of a severance, the Core City Agency that issued or Agencies with jurisdiction over the People Place Shared Space Permit will send the Steward Permittee written notification of the severance and any resulting modification or revocation of the People Place Shared Space Permit.*

(g)(i) Permit Revocation. A *People Place-Shared Space* Permit issued pursuant to this Chapter 94A may be revoked at any time by the Core City Agencies that approved issuance of the Permit or, if revocation is required by a modification or withdrawal of approval by a Core City Agency pursuant to subsection (f)(4)(1) or (f)(4)(2) above, by the remaining Core City Agencies that approved issuance of the Permit. The revocation process may be initiated by:

(1) a request for revocation from one or more of the Core City Agencies that approved issuance of the *People Place Shared Space* Permit;

(2) notification of a permit modification by a Core City Agency pursuant to subsection (f)(1) above; or

(3) notification of withdrawal of approval by a Core City Agency pursuant to subsection (f)(2) above.

If the People Place Shared Space Permit is revoked, the Core City Agency ~~ies that issued with jurisdiction over the People Place Shared Space Permit~~ shall send the Steward Permittee written notification of the revocation.

(hi) Reports on Revocations. No later than 6 months following the effective date of the ordinance contained in Board of Supervisors File No. 210284, a report shall be provided to the Board of Supervisors detailing every Shared Space Permit that has been revoked, or about which a determination has been made that it will need to be revoked, in order to comply with the City's Vision Zero, Better Streets, and Transit First Policies, including revocations of Shared Spaces Permits for the purpose of restoring transit lines, to maintain safe access to public rights of way for seniors people with disabilities, and to facilitate pedestrian safety. Thereafter, a report shall be issued on a yearly basis to the Board of Supervisors listing all Shared Spaces Permits for which approvals were withdrawn pursuant to subsection 94A.5(fe)(2), or which were revoked pursuant to subsection 94A.5(gh).

SEC. 94A.76. OPERATIONAL REQUIREMENTS.

(a) **Applicability of Requirements.** The Operational Requirements set forth in subsection (b) below shall apply to all *People Places Shared Spaces* except as follows:

(1) The applicability of the Operational Requirements to a *People Place-Shared Space* within the jurisdiction of the MTA requires the MTA's approval.

(2) One or more of the Operational Requirements may not be warranted or appropriate for a particular *People Place-Shared Space* or event occurring at a *People Place Shared Space*, due to special circumstances. In such situations,:

(A) ~~t~~The Director of Real Estate (for a City Lot People Place Shared Space), or the Director of Public Works (for a Curbside Shared Space or Sidewalk People Place Shared Space on a portion of the public right of way within the jurisdiction of Public Works), or the Director of MTA (for a Roadway Shared Space) may grant a non-material exception or other minor amendment to the Good Neighbor Policies set forth in subsection (b)(8) or ~~to~~ waive or modify one or more of the other Operational Requirements if the Director finds, in ~~his or her the~~ Director's sole discretion, that the Requirement is not warranted or appropriate for a particular People Place Shared Space or event and that the public interest would be served by granting the waiver or modification or exception.

(B) Additional regulations regarding waivers, modifications, or exceptions for a City Lot *People Place* Shared Spaces may be adopted by the Director of Real Estate pursuant to the Director's authority under Section 94A.78(fg); *additional regulations for Curbside Shared Spaces or Sidewalk a People Place Shared Spaces on the public right of way may be adopted, by the Director of Public Works pursuant to the Director's authority under Section 793.3(a) of the Public Works Code; and for Roadway Shared Spaces, by the Director of MTA.*

(b) Operational Requirements.

(1) Public Accessibility. Unless authorized as a restricted access event or by the specific terms of a Curbside Shared Space Permit, all *People Places Shared Spaces* shall remain accessible to the public during daylight hours. *Fixed Commercial Parklets and Moveable Commercial Parklets shall provide alternate public seating, including but not limited to a public bench, which is accessible to persons who are not patrons of the business for any period when the Curbside Shared Space is not being activated for commercial use by the business. Alternate public seating shall include at least one public bench or other seating arrangement for every 20 15 linear feet of Curbside Shared Space, or per subdivided section of a Curbside Shared Space.*

1 This alternate public seating shall be included in the Curbside Shared Space permit. Fixed
2 Commercial Parklet and Movable Commercial Parklet Permittees shall be allowed to secure
3 the Curbside Shared Space from midnight to 7:00 a.m. The Director of Public Works is
4 authorized to issue regulations that are consistent with this section regarding use of a Curbside Shared
5 Space. In no event shall any exclusive uses provided for in this subsection (b)(1) be construed as being
6 inconsistent with the limitations on the Permittee's obligation to remove or modify the Curbside
7 Shared Space at any time use pursuant to Section 94A.4(d)(1)(DE).

8 **(2) Peddling and Vending Merchandise.** No person shall bring, or cause to be
9 brought, for the purposes of sale or barter, or have for sale, or sell in exchange, or offer for
10 sale or exchange any goods, wares, or merchandise in the *People Place Shared Space* unless
11 the City has issued any required permit or other authorization. Notwithstanding the previous
12 sentence, the sale or distribution of newspapers, periodicals, or other printed or otherwise
13 expressive material is allowed subject to the applicable requirements of the Public Works
14 Code.

15 **(3) Performance of Labor.** No person, other than authorized City personnel,
16 shall perform any labor on or upon a City Lot *People Place Shared Space*, including, but not
17 limited to, taking up or replacing soil, turf, ground, pavement, structures, trees, shrubs, plants,
18 grass, flowers, or similar activities without prior permission from (A) the Director of Real Estate
19 for City Lot *People Places Shared Spaces*, and (B) the Director of Public Works for Sidewalk,
20 Curbside, or Roadway *People Places Shared Spaces*. Such permission shall be specified in the
21 *People Place Shared Space* Permit.

22 **(4) Camping Prohibited.** The provisions of Park Code Section 3.12 concerning
23 camping shall apply to all *People Places Shared Spaces*. The Director of Real Estate shall
24 administer those provisions for City Lot *People Places Shared Spaces*, and Public Works shall
25 administer them for Sidewalk, Curbside, or Roadway *People Places Shared Spaces*.

(5) No Unpermitted Occupancy Structures Allowed. There shall be no stationing or erecting of any structure on a People Place Shared Space without prior permission from (A) the Director of Real Estate for City Lot People Place Shared Spaces, (B) the Director of Public Works for Sidewalk, or Curbside, or Roadway People Places Shared Spaces, and/or (C) Director of Transportation for any People Place Roadway Shared Space within the MTA's jurisdiction. Such permission shall be specified in the People Place Shared Space Permit.

(6) **Smoking Prohibited.** Pursuant to Article 19I of the Health Code, smoking is prohibited on any unenclosed area of property in the City that is under the jurisdiction of any City department if the property is a park, square, garden, sport or playing field, pier, or other property used for recreational purposes or as a farmers' market. Given the use of the subject areas as an outdoor public *People Place Shared Space*, this prohibition on smoking shall apply to all *People Places Shared Spaces*.

(7) Other Restrictions.

(A) No skateboarding, bicycle riding, or pets off leash is allowed without prior permission from (i) the Director of Real Estate for City Lot *People Places Shared Spaces*, or (ii) the Director of Public Works for Sidewalk *Shared Spaces and Curbside, or Roadway People Places Shared Spaces*, or (iii) the Director of Transportation for *Roadway Shared Spaces*. Such permission shall be specified in the *People Place Shared Space* Permit.

(B) No littering, feeding of wildlife, or defacing of public property is allowed.

(C) No alcohol may be consumed without prior permission from all required City and State authorities, ~~as well as from (i) the Director of Real Estate for City Lot People Places, or (ii) the Director of Public Works for Sidewalk, Curbside, or Roadway People Places. Such intent must be described in the application so that the Core City Agencies may consider the request as part of the application.~~

(D) General Advertising, as defined in Article 6 of the Planning Code, is prohibited. The Director of Planning shall provide additional guidance on the display of business signs, consistent with the intent and purpose of Planning Code Section 607.1(f).

(8) **Good Neighbor Policies.** *Steward Permittees* of all *People Place Shared Space* Categories shall manage the *People Place Shared Space* in accordance with the following good neighbor policies during the times of use set forth in the *People Place Shared Space* Permit:

(A) The safety and cleanliness of the *People Place Shared Space* and its adjacent area within a 100-foot radius shall be maintained, provided that any Permittee may request, and Public Works shall provide, any necessary assistance with the removal of hazardous waste;

(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 the immediate area of the *People Place Shared Space* so as not to be a nuisance or annoyance to neighbors;

(D) Notices shall be prominently displayed during events that urge patrons to leave the *People Place Shared Space* premises and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood. Such notices shall be removed after each event; and,

(E) The Steward Permittee or its employees or volunteers shall walk a 100-foot radius from the People Place Shared Space within 30 minutes after programmed events have concluded and/or at the conclusion of its hours of operation, and shall pick up and dispose of any discarded trash left by patrons.

(9) Additional Operational Requirements.

(A) **Sidewalk Path of Travel for Sidewalk Shared Spaces**. On any sidewalk that is twelve feet or wider, Sidewalk Shared Space Permittees shall provide a path of unimpeded access at least eight feet of unimpeded access wide across the sidewalk fronting their Shared Space, unless Public Works determines that such unimpeded access is not physically feasible due to the width of the sidewalk in relation to fixed obstacles on the sidewalk, including but not limited to trees, parking meters, garbage cans, benches, or bike parking fixtures. At a minimum, aAll Sidewalk Shared Space Permittees who cannot provide an eight-foot wide path of access as described above, and any permittee holding a valid Tables and Chairs permit pursuant to Public Works Code Article 5.2 and Public Works Order 183.188, as of the effective date of the Ordinance contained in Board of Supervisors File No. 210284, must provide a path of unimpeded access at least six feet of unimpeded access wide across the on sidewalks fronting their Shared Space. Sidewalk Shared Space Permittees must post signage stating the minimum path of travel that must be maintained at all times.

(B) Site Treatments for Curbside Shared Spaces. Any design guidelines issued by Public Works or the MTA for Curbside Shared Spaces shall include the obligation to maximize visibility for safety, including, but not limited, to installation of reflective materials or soft hit posts.

(C) Because People Places Shared Spaces are intended to be publically accessible open spaces, private dining and table service shall not be permitted in Sidewalk People Places Shared Spaces, Curbside People Places Shared Spaces, or Roadway People Places Shared Spaces, unless expressly authorized in the Shared Space Permit. Any approved use of a Sidewalk, Curbside, or Roadway Shared Space for private dining and table service is limited to the normal hours of the business's operation in the course of day-to-day operations. Any business that

1 uses a Shared Space exclusively for private dining and table service must provide public seating
2 consistent with Section 94A.6(b)(1) during the hours of commercial use.

3 (B) ~~Regulations or operational requirements required by the MTA pursuant to~~
4 ~~Article 1200, Division II of the Transportation Code shall be imposed as a condition of approval of a~~
5 ~~People Place Permit.~~

6 (C) ~~Additional operational requirements tailored to a People Place Shared Space~~
7 ~~in specific locations, including but not limited to hours of operation, may be imposed as a~~
8 ~~condition of approval of a People Place Shared Space Permit.~~

9

10 **SEC. 94A.87. SPECIAL PROCESS FOR ~~PEOPLE PLACES~~ SHARED SPACES ON CITY**
11 **LOTS.**

12 All ~~People Places Shared Spaces~~ that are solely on a City-owned lot shall be administered
13 by the Director of Real Estate, who will coordinate with and may request assistance from
14 Planning.

15 (a) *Proposal Submittal and Review.*

16 (1) ~~A concept Proposal for a City Lot People Place shall be submitted to the People~~
17 ~~Place Program for an initial review and evaluation by the Program coordinators at Planning and Real~~
18 ~~Estate. After an initial review and evaluation, the Program coordinators at Planning and Real Estate~~
19 ~~may recommend the Proposal to the Director of Real Estate for acceptance and administration.~~

20 (2) ~~Upon acceptance of the Proposal by the Director of Real Estate and at the Director's~~
21 ~~request, Program coordinators at Planning and Real Estate shall work with the prospective Steward to~~
22 ~~refine the proposed design, activities program, and management plan for the proposed People Place.~~

23 (3) ~~Upon final development of the proposed design, activities program, and management~~
24 ~~plan, the prospective Steward may submit an application for a City Lot People Place Permit to the~~
25 ~~Director of Real Estate.~~

1 **(b) Permit Application and Issuance; Public Notice.** *A prospective Permittee may*
2 *submit an application for a City Lot Shared Space Permit to the Director of Real Estate, and the*
3 *Program coordinators at Planning and Real Estate shall work with the prospective Permittee to refine*
4 *the proposed design, activities program, and management plan for the proposed City Lot Shared Space.*

5 The Director of Real Estate may elect to authorize the *People Place-Shared Space* under *the*
6 *provisions of* Chapter 23 of this Code. If the Director elects to authorize the *People Place-Shared*
7 *Space* under the *provisions of* this Chapter 94A-, the Director shall use the following procedure:

8 (1) An application for a City Lot *People Places-Shared Spaces* Permit shall include
9 the following:

10 (A) Documentation of community outreach and support.
11 (B) A list of and frequency schedule for routine maintenance tasks.
12 (C) A prospective activities calendar describing the frequency and types
13 of free public programming.

14 (D) The number of restricted access events, if any, that will be held
15 annually. In no event may the number of restricted access events allowed exceed eight
16 single-day events per year. Scheduling of any approved restricted access events shall not be
17 concentrated during a particular time or times a year but be spread throughout the calendar
18 year. Public access to the *People Place-Shared Space* shall not be restricted except for approved
19 restricted access events.

20 (E) Photographs of existing conditions on the site.
21 (F) A conceptual site plan depicting how the space will be configured,
22 including the introduction and placement of any temporary physical elements. If the space will
23 be configured to accommodate different types of programs, the *application Proposal* shall
24 include a series of site plans depicting proposed configurations.

(2) Upon submission of an application for a City Lot *People Place Shared Space* Permit, the Director of Real Estate shall post the *People Place Shared Space* site with a Notice of Application for a period of seven ~~10~~-calendar days. In addition, the Director shall post the Application for seven ~~10~~-calendar days on the websites of Real Estate and the *Places for People Shared Spaces* Program. The Director may take such other actions as the Director deems advisable to notify the public about the *application Proposal*.

(3) If there are entertainment-related activities proposed for the City Lot *People Place-Shared Space* that fall within the purview of the Entertainment Commission, the public notice may include a notice of public hearing by the Entertainment Commission.

(4) The Director of Real Estate shall accept written public comments on the application Proposal for at least seven 10-calendar days after the first day of the posting of notice of the application Proposal, and a City Lot People Place Shared Space Permit shall not be issued before the end of the written public comment period.

(5) The Director of Real Estate may, in the Director's ~~this or her~~ discretion, hold a public hearing concerning the *Proposal and* application for a *People Place Shared Space* Permit. If a public hearing is held, notice of the hearing shall be given by posting a Notice of Public Hearing at the proposed *People Place Shared Space* site for at least seven ~~10~~ calendar days before the hearing. At the Director's discretion, the public hearing notice may be combined with the Notice of Application.

(6) After approval of the Permit application by the Director of Real Estate, *and at the request of the Director, Planning Real Estate* shall issue the City Lot *People Place-Shared Space* Permit.

(be) Permit Conditions; Grant of Exceptions.

(1) Conditions. The conditions for operation, use, and maintenance of a City Lot *People Place Shared Space* shall be specified in either a City Lot *People Place Shared Space*

Permit or a Lease issued pursuant to Chapter 23 of this Code. These conditions shall include, but are not limited to:

(A) design specifications for any temporary physical treatments or improvements being introduced at the site;

(B) scope of permissible activities and uses; daily, weekly, and/or monthly time periods authorized for such permissible activities and uses;

(C) the minimum number of programmed events by day, week, month, quarter, or year;

(D) the permissible number of annual restricted access events, if any;

(E) the *Steward Permittee*'s liability for and indemnification of the City with respect to the *People Place Shared Space* and the *Steward Permittee*'s required liability insurance, which is required for activities on publicly owned space, all as approved by the City Risk Manager or any successor agency;

(F) an authorized signage program;

(G) the delineation of maintenance responsibilities between the City and the *Steward Permittee*;

(H) the expiration date of the *People Place* Shared Space Permit;

(I) remedies for violating the permit, including but not limited to revocation; and

(J) adherence to the Good Neighbor Policies in Section 94A.67(b)(8).

(2) Exceptions; Public Notice. Upon written request from a Steward Permittee, the Director of Real Estate may grant a non-material exception or other minor amendment to the conditions imposed on a City Lot People Place Shared Space Permit if the Director determines that the exception or minor amendment is reasonably within the purposes of the Places for People Shared Spaces Program and, in consultation with the City Attorney's Office,

1 further determines that such exception or amendment does not materially increase the City's
2 costs or obligations or materially decrease the benefit the City receives under the Steward
3 Permittee's City Lot People Place Shared Space Permit. Any exceptions or minor amendments of
4 the Permit conditions that the Director has granted pursuant to this subsection (b)(2) shall be
5 in writing and retained in a file available for public review. In addition, at the Steward Permittee's
6 request, the Director's letter granting the exception(s) and/or minor amendments, and any
7 other written communications relevant to the Director's determination, shall be posted on the
8 websites of Real Estate and the Places for People Shared Spaces Program.

9 (c) **Duration of Permit.** Should the Director of Real Estate elect to issue a City Lot
10 People Place Shared Space Permit pursuant to this Chapter 94A instead of a Lease under
11 Chapter 23 of this Code, the standard term of a City Lot People Place Shared Space Permit shall
12 be no longer than five years. However, in special circumstances or in cases where the Steward
13 Permittee has installed significant improvements as part of the Permit, the Director of Real
14 Estate has the discretion to extend the term of the Permit beyond five years.

15 (d) **Calendar of Events.** In addition to the requirements of Section 94A.78(b), the
16 City Lot People Place Shared Space Permit shall require the Steward Permittee to submit a
17 monthly calendar of activities and events to the local District Police station, the Director of
18 Real Estate, and the Places for People Shared Spaces Program by seven days prior to the start
19 of each month.

20 (e) **Grant of Exceptions to Standard Operational Requirements.**

21 (1) **Good Neighbor Policies.** Upon written request from a Steward Permittee,
22 the Director of Real Estate may grant a non-material exception or other minor amendment to
23 the Good Neighbor Policies in Section 94A.67(d)(8) if the Director finds, in the Director's ~~his or~~
24 ~~her~~ sole discretion, that one or more aspects of a Good Neighbor Policy are unwarranted or
25

not appropriate for a particular City Lot *People Place Shared Space* or event due to special circumstances and that the public interest would be served by granting an exception.

(2) Other Operational Requirements. Upon written request from a *Steward Permittee*, the Director of Real Estate is authorized to waive or modify one or more of the other Operational Requirements in Section 94A.67 if the Director finds, in *his or her* *the Director's* sole discretion, that the Requirement is unwarranted or not appropriate for a particular City Lot *People Place Shared Space* or event due to special circumstances and that the public interest would be served by granting an exception.

(3) Public Record. Any exceptions, minor amendments, or waivers granted by the Director pursuant to this subsection (*ef*) shall be in writing and retained in a file available for public review.

(f) Director's Regulations. The Director of Real Estate may adopt such regulations governing City Lot People Places Shared Spaces as he or she the Director deems necessary or appropriate for the proper management and use of City Lot People Places Shared Spaces. The Director may, in the Director's his or her discretion, post signage with the Regulations on a City Lot People Place Shared Space site.

SEC. 94A.98. APPEAL OF PERMIT DECISIONS.

(a) **Right of Appeal.** Any person may appeal the decision to grant or deny an application for any *People Place Shared Space* Permit, or to revoke or suspend an existing Permit, *as follows:*

(1) Permits issued by Public Works: Any appeal of a decision by Public Works or Planning shall be heard by ~~to~~ the Board of Appeals pursuant to the provisions of Charter Section 4.106 and Sections 8_et seq. of the Business & Tax Regulations Code, ~~provided, however, that any portion of the People Place Permit that has been approved by the MTA pursuant to its Charter~~

1 ~~authority may be heard and decided by the Board of Appeals only upon authorization by the MTA~~
2 ~~Board of Directors. In the absence of such authorization, those portions of the People Place Permit~~
3 ~~that fall within the MTA's Charter authority shall be severed from the appeal and heard pursuant to the~~
4 ~~process that applies to appeals of MTA approvals.~~ With respect to an appeal to the Board of
5 Appeals, it shall be filed in writing with the Clerk of the Board of Appeals within 15 days of the
6 date of issuance, denial, revocation, or suspension of the *People Place Shared Space* Permit.

7 (2) *Permits issued by ISCOTT: Any appeal of a decision by ISCOTT shall be subject to*
8 *the requirements of Division I of the Transportation Code.*

9 (3) *Permits issued by SFMTA: Any appeal of a decision by SFMTA shall be subject to*
10 *the requirements of Division II of the Transportation Code.*

11 (b) **Permit Renewal.** For purposes of an appeal to the Board of Appeals, the renewal
12 of an existing *People Place Shared Space* Permit is considered to be a new permit and may be
13 appealed in accordance with the provisions of subsection (a) above. Pursuant to Section
14 ~~8(e)(9)(E)(i)(5)~~ of the Business and Tax Regulations Code, any activities on the site would be
15 suspended during the pendency of the appeal; however, the Core City Agency or Agencies
16 with jurisdiction over the site may, in their discretion, authorize any authorized physical
17 treatments or improvements to the site to remain pending a decision by the Board of Appeals.

18 **SEC. 94A.~~109~~. ENFORCEMENT OF REQUIREMENTS.**

19 (a) **Complaints from the Public.** The 311 Customer Relationship Management
20 System is designated to receive complaints from the public and to maintain an interagency
21 complaint log. The 311 System shall route individual public complaints to the department(s) or
22 agency(ies) with jurisdiction in order for those departments or agencies to verify complaints
23 regarding the *People Place Shared Space* Program or a particular *People Place Shared Space* and
24 take any necessary enforcement actions. Public Works shall develop, and Permittees shall
25 be required to post on their Shared Space in a visible location, a public notice in English,

1 Filipino, Spanish, and Chinese, which directs members of the public on how to file complaints
2 with San Francisco 311, along with any relevant information pertaining to required disability
3 access at the Shared Space. The 311 System should provide complainants updates on the
4 status of the complaint and where applicable, how the issue was abated or why complaint was
5 closed by the responsive agency.

6 (b) **Inspection.** Throughout the year, and at a minimum interval of every other month
7 on a bimonthly basis, the each Core City Agenciesy shall conduct rolling audits of Shared
8 Spaces located in commercial corridors subject to its permitting jurisdiction, to check for
9 compliance and take necessary enforcement actions on their findings. The audits should
10 focus on Shared Spaces located in commercial corridors.

11 (c) **Enforcement of *People Place Shared Space* Permit Requirements.**

12 (1) Each Core City Agency shall enforce the requirements of the *People Place*
13 *Shared Space* Permit that are within its jurisdiction. ~~The Core City Agency that issues the~~
14 ~~permit Public Works shall be the primary point of contact for any enforcement action pertaining to a~~
15 ~~Sidewalk or Curbside Shared Space; MTA shall be the primary point of contact for any~~
16 ~~enforcement action pertaining to a Roadway Shared Space; and the Department of Real~~
17 ~~Estate shall be the primary point of contact for any enforcement action pertaining to a City Lot~~
18 ~~Shared Space.~~ Enforcement may be exercised either by (A) using the procedures of Section
19 94A.⁵⁶ to modify conditions of the issued permit, or to withdraw approval of the permit by
20 severance or revocation, or (B) using the enforcement provisions of the Code that regulates
21 its activities: the Public Works Code for Public Works; the Transportation Code for the MTA;
22 *the Planning Code for private property*; and the Police Code for the Entertainment Commission.
23 Enforcement by the Director of Real Estate is set forth in subsection (b)(2) below.

24 (2) The Director of Real Estate shall establish administrative procedures and
25 methods for verifying, addressing, and responding to any complaints concerning a City Lot

1 ~~People Place Shared Space~~. If the Director receives a verified complaint concerning violations of
2 the terms and conditions of a ~~Steward Permittee~~'s City Lot ~~People Place Shared Space~~ Permit, the
3 Director may conduct a public hearing on the ~~Steward Permittee~~'s conduct. Based on the
4 information presented at the hearing, the Director ~~or his or her designee~~ may revoke, suspend,
5 modify, or condition the ~~People Place Shared Space~~ Permit or take any other action the Director
6 deems appropriate under the terms of the ~~People Place Shared Space~~ Permit to address the
7 ~~Steward Permittee~~'s conduct.

8 If any person occupies a City Lot ~~People Place Shared Space~~ in violation of the applicable
9 requirements and regulations, the Director of Real Estate ~~or his or her designee~~ shall order the
10 violator to either correct the violation or vacate the ~~People Place Shared Space~~ site. If the
11 violation is not corrected as ordered, the violator shall be subject to enforcement pursuant to
12 the Police Code.

13 **SEC. 94A.~~H10~~. FEES.**

14 (a) **People Place Shared Space Permit and License Fees**. Pursuant to Section 94A.~~56~~
15 (c)(1), a ~~People Place Shared Space~~ Permit substitutes for a permit that would otherwise be
16 required by the Municipal Code. *Notwithstanding any other provision of the Municipal Code*
17 *including Public Works Code Section 2.1.3, the permit and license fees may be adjusted each year,*
18 *without further action by the Board of Supervisors, only to reflect changes in the relevant Consumer*
19 *Price Index, as determined by the Controller.*

20 (1) Public Works shall assess Sidewalk Shared Spaces ~~The permit and license~~
21 ~~fees~~~~s~~ ~~amounts for a~~ ~~Sidewalk People Place Shared Space~~ Permits ~~in the public right of way shall~~
22 ~~be one half the fees that Public Works is using the fees~~ are authorized ~~in~~ by Article 2.1 of the
23 Public Works Code ~~to charge for a permit granting permission to occupy a portion of the public~~
24 ~~right of way that is equivalent in scope to the People Place Permit. These fees shall be paid to Public~~
25 ~~Works pursuant to Section 793.2(b) of the Public Works Code. The fees to be imposed shall be~~

1 based on the proposed scope of the Sidewalk Shared Spaces Permit (e.g. sidewalk tables
2 and chairs, or other appropriate permit types).

3 (2) The permit and license fee amounts for Curbside Shared Space Permits are set forth
4 in Public Works Code Section 2.1.1(s) and shall be collected by the Tax Collector and due and payable
5 as follows:

6 (A) The permit fees for Curbside Shared Spaces shall be due and payable upon
7 the Tax Collector's issuance of the bill following permit approval, and the annual license fees shall be
8 due and payable annually on March 31, in accordance with Article 2, Section 76.1 of the Business and
9 Tax Regulations Code, with the initial license fee, prorated as described in Section 76.1(a), being due
10 and payable upon the Tax Collector's issuance of the bill for that fee following permit approval.

11 (B) The permit and license fees for a Curbside Shared Space shall be reduced by
12 50% for a person or combined group within the meaning of Article 12-A-1 of the Business and Tax
13 Regulations Code if the person or combined group's gross receipts within the City as determined under
14 Article 12-A-1 reflected on the person or combined group's most recently filed gross receipts tax
15 return, business registration renewal, or initial business registration application did not exceed
16 \$2,000,000, adjusted annually in accordance with the increase in the Consumer Price Index: All Urban
17 Consumers for the San Francisco/Oakland/San Jose Area for All Items as reported by the United States
18 Bureau of Labor Statistics, or any successor to that index, as of December 31 of the preceding year,
19 beginning with December 31, 2021. If no San Francisco gross receipts were reflected on a person
20 or combined group's gross receipts tax return, business registration renewal, or initial business
21 registration application, such person or combined group will be treated as having \$0 San Francisco
22 gross receipts for purposes of this subsection (B).

23 (C) If a Permittee does not pay the permit fee within 30 days after it becomes
24 due and payable, the Tax Collector shall add 10% to the amount of the permit fee as a penalty for
25 nonpayment. If the permittee does not pay the fee within 60 days after it becomes due and payable, the

1 Tax Collector shall add 15% to the amount of the permit fee as a penalty for nonpayment. If the
2 permittee does not pay the fee within 90 days after it becomes due and payable, the Tax Collector shall
3 add 25% to the amount of the permit fee as a penalty for nonpayment. If the permittee has failed for a
4 period of six months or more to pay a permit fee, the Tax Collector shall impose an additional penalty
5 of 25% on the amount of the delinquent permit fee, and shall refer the delinquent permittee to the
6 Department of Public Works for administrative action on the permit. These penalties are mandatory
7 and City officers and employees may not waive them in whole or in part. Licensees shall be subject to
8 penalties for delinquent payment of license fees as provided in Article 2, Section 76.1 of the Business
9 and Tax Regulations Code.

10 (3) The fees for Roadway Shared Space Permits shall be authorized by the
11 Transportation Code.

12 (b) ~~Other Fees. Nothing in this Section 94A.11 or in Chapter 94A is intended to preclude a~~
13 ~~Core City Agency, or other City department or agency, from charging the fees authorized to be charged~~
14 ~~for any additional permits required or for services performed in implementing the People Place~~
15 ~~Proposal, including but not limited to fees related to time and material costs of ongoing enforcement~~
16 ~~and inspection, provided, however, that due to the public nature of the improvements, no ongoing~~
17 ~~occupancy assessment fee shall be charged. Any other fee charged by a Core City Agency, or other City~~
18 ~~department or agency, in connection with a People Place Permit shall be one half the fee that the~~
19 ~~agency or department is authorized to charge for such permit.~~

20 (c) ~~Condition of Approval. Payment of all fees due shall be a condition of any permit, license,~~
21 ~~or other approval to establish and/or operate a People Place.~~

22 **Increased Renewal Fees Based On Additional Enforcement Activities.** When there have been
23 three or more verified complaints in the prior year regarding the Permittee's compliance with the terms
24 of the permit, the Core City Agency that issued the permit is authorized to develop and charge an

1 additional fee to any Permittee seeking renewal of their permit. The fee shall be based on the
2 additional time and materials spent by City staff in enforcing the terms of the permit.

3 **SEC. 94A.11. CITY REPORTING REQUIREMENTS.**

4 **(a) Report on Potential Sidewalk Extensions.** Within one year of the effective date
5 of the Ordinance contained in Board of Supervisors File No. 210284, Public Works shall, in
6 consultation with MTA, provide to the Board of Supervisors a list of opportunity sites for block-
7 scale sidewalk extensions on blocks with a moderate or high concentrations of Sidewalk or
8 Curbside Shared Spaces, including recommendations for potential sidewalk extensions on
9 commercial or mixed-use corridors with narrow sidewalks, even if there is not a moderate or
10 high concentration of Sidewalk or Curbside Shared Spaces.

11 **(b) Report on Impacts to Small Businesses Without Shared Spaces Permits.** The
12 Office of Economic and Workforce Development (“OEWD”) shall, in collaboration with the
13 Office of Small Business (“OSB”), proactively reach out to owners of small businesses who
14 have not been able to avail themselves of the benefits of the Shared Spaces Program,
15 including businesses that rely on consumer vehicle loading and unloading. Within one year of
16 the effective date of the Ordinance contained in Board of Supervisors File No. 210284, OEWD
17 and OSB shall provide feedback to the Board of Supervisors regarding impacts to those
18 businesses along with recommendations for how to mitigate any negative impact of the
19 Shared Spaces Program on those businesses.

20 **(c) Report on Impacts to Mechanical Street Sweeping.** Within one year of the
21 effective date of the Ordinance contained in Board of Supervisors File No. 210284, Public
22 Works shall provide to the Board of Supervisors a report detailing the impact of the Shared
23 Spaces program on mechanical street sweeping operations on every block where Public
24 Works has engaged in regular mechanical street sweeping in the past 5 years, including
25 blocks where mechanical street sweeping is no longer feasible because of conflicts with the

1 Shared Spaces Program, and recommendations for how to accommodate any decrease in
2 this core City service.

3 **SEC. 94A.12. TRANSITION OF EXISTING SHARED SPACES AND PARKLETS.**

4 **(a) Conversion of Permits Issued During the COVID-19 Pandemic.**

5 **(1) Extension of pandemic Shared Spaces Program and Permits.** Subject
6 to the wind down provisions Any occupancy permitted as a Shared Space under the terms of
7 the Mayor's February 25, 2020 Proclamation Declaring the Existence of a Local Emergency and the
8 18th Supplement to that Proclamation, the Core City Agencies shall operate the Shared Spaces
9 program authorized by the Mayor's Proclamation until July 1, 2022, unless the Shared Spaces
10 program authorized by the Mayor's Proclamation terminates sooner. Any occupancy
11 permitted as a Shared Space under that authority may continue to occupy the right-of-way
12 pursuant to the terms of the applicable permit (each a "pandemic Shared Spaces Permit"), subject to
13 the revocation provisions of this Chapter 94A.

14 **(2) At any time prior to the expiration of the pandemic Shared Spaces Permit, the**
15 Shared Spaces permittee may apply to convert their pandemic Shared Spaces Permit into a new Shared
16 Spaces Permit as provided herein. Conversion of a pandemic Shared Spaces Permit shall follow the
17 process set forth in this Section 94A.1112, and any pandemic Shared Spaces Permit that is converted
18 to a new Shared Spaces Permit under this Chapter 94A must comply with all of the terms of this
19 Chapter 94A, including any approvals for the closure of the curbside or roadway. The pandemic
20 Shared Spaces permit shall be converted upon the issuance of a new Shared Spaces Permit consistent
21 with the requirements of Chapter 94A. In the event of a conflict between this Chapter 94A and the terms
22 of a pandemic Shared Spaces Permit, the terms of this Chapter 94A shall prevail.

23 **(3) Upon the expiration of any pandemic Shared Spaces Permit, the permittee shall**
24 remove all structures and restore the public right-of-way to the Public Works Director's satisfaction.
25 In the event the Mayor's authorization of the Shared Spaces program expires before the Shared Spaces

1 permittee has converted the pandemic Shared Spaces Permit into a new Shared Spaces Permit
2 authorized by the terms of this Chapter 94A, if the proposed Permittee has submitted a complete
3 application for a new Shared Spaces Permit prior to earlier of 60 days after the expiration of the
4 Mayor's emergency authorization of the Shared Spaces program or July 1, 2022, the Permittee shall
5 be permitted to continue occupying the potential Shared Space pending a final determination by the
6 Core City Agencies on the proposed conversion of the pandemic Shared Spaces Permit into a new
7 Shared Spaces Permit authorized by the terms of this Chapter 94A, provided that the Permittee
8 diligently pursues such determination. If the Shared Spaces permit is not so converted, then the
9 permittee shall remove all structures and restore the public right-of-way to the Public Works Director's
10 satisfaction.

11 **(b) Conversion of Permits Issued Under the Parklets Program.**

12 (1) Any curbside occupancy currently permitted by Public Works pursuant to Public
13 Works Director's Order No. 183392 and Public Works Code section 810B or Public Works Code
14 section 793 may continue to occupy the right-of-way pursuant to the terms of the applicable permit,
15 provided, however, that upon the expiration of the Parklet Permit, Public Works shall not approve any
16 extensions of the permit.

17 (2) At any time prior to the expiration of the Parklet Permit, the Parklet Permittee may
18 apply to convert their Parklet Permit into a Curbside Shared Spaces Permit authorized by the terms of
19 this Chapter 94A. Conversion of a Parklet Permit into a Curbside Shared Space Permit shall follow the
20 process set forth in this Section 94A.~~1112~~, and any Parklet Permit that is converted to a Curbside
21 Shared Space Permit must comply with all of the terms of this Chapter 94A, including any approvals
22 for the closure of the curbside, provided that any Parklet Permittee shall not be subject to the notice
23 requirements of Public Works Code 793.2(b). The Parklet Permit shall be converted upon the issuance
24 of a Shared Space Permit. In the event of a conflict between this Chapter 94A and the terms of an

25

1 existing Parklet Permit, the terms of this Chapter 94A shall prevail over any aspect of the Parklet
2 program.

3 (3) In the event the Parklet Permit expires before the Permittee has converted the
4 Parklet Permit into a Curbside Shared Space Permit authorized by the terms of this Chapter 94A, if the
5 proposed Permittee has submitted a complete application for a Shared Space Permit prior to the
6 expiration of the Parklet Permit, the Permittee shall be permitted to continue occupying the potential
7 Shared Space pending a final determination by the Core City Agencies on the proposed conversion of
8 the Permit, provided that the Permittee diligently pursues such determination. If the Parklet Permit is
9 not converted into a Shared Space Permit authorized by the terms of this Chapter 94A, then the Parklet
10 Permittee shall remove all structures and restore the public right-of-way to the Public Works
11 Director's satisfaction.

12 **(c) Temporary Fee Waiver and Deferral for Parklet and Pandemic Shared Space Permit**
13 **Conversion.** Notwithstanding the provisions regarding permit and license fee payment set forth in
14 Section 94A.10(a)(2)(A), for any Parklet Permittee or pandemic Shared Spaces Permittee that seeks to
15 convert to a Curbside Shared Space Permit: (i) the permit fees shall be due and payable on the first
16 March 31, 2023 following the date the Curbside Shared Space Permit is approved, (ii) the
17 initial annual license fees and the first subsequent annual license fees shall be waived, and (iii) the
18 annual license fees thereafter shall be due and payable annually on March 31, in accordance with
19 Article 2, Section 76.1 of the Business and Tax Regulations Code, beginning with the second March 31
20 following the date the Curbside Shared Space Permit is approved. Establishments that are
21 considered a Formula Retail Use, as defined in Section 102 of the Planning Code, shall be
22 ineligible for the temporary fee waiver and deferral set forth in this subsection (c).

23 **(d) Enforcement of pandemic Shared Spaces Permits.** Prior to the conversion of a
24 pandemic Shared Space permit to a Curbside Shared Space Permit, the Core City Agencies
25 shall not use administrative fines to bring a pandemic Shared Space permittee into

1 compliance with the physical requirements of the pandemic Shared Spaces permit, unless the
2 violations pertain to physical access requirements necessary to provide access for people
3 with disabilities or emergency responder personnel.

4 (e) **Expiration of Section.** Unless reenacted, this Section 94A.4412 shall expire by operation
5 of law on January 1, 2024~~43~~. Upon the expiration of this Section, the City Attorney shall cause this
6 Section to be removed from the Administrative Code.

7
8 Section 3. Articles 2.1 and 15 of the Public Works Code are hereby amended by
9 revising Sections 2.1.1, 2.1.3, 793, 793.1, 793.2, and 793.3; deleting existing section 793.4;
10 renumbering existing Sections 793.5 and 793.6 as Sections 793.4 and 793.5, respectively,
11 and revising new Sections 793.4, and 793.5, to read as follows:

12 **SEC. 2.1.1. FEES.**

13 Notwithstanding the permit fee provisions listed elsewhere in this Code, the permit fee
14 and assessment schedule for the permit categories and uses specifically listed below shall be:

15 * * * *

16 (s) Curbside Parklet Fee. The permit and license fees for the types of Curbside Shared Space
17 Permits issued pursuant to Administrative Code Chapter 94A and Public Works Code Section 793 et
18 seq. are as follows, with one half of the fees allocated to the San Francisco Municipal Transportation
19 Authority, and one half of the fees allocated to Public Works. The permit and license fees shall be due
20 and payable as provided in Chapter 94A of the Administrative Code.

21 (i) Public Parklet fees

22 (A) Permit fee of \$1,000 for the first parking space and \$250 for each additional
23 parking space;

24 (B) Annual license fee of \$100 per parking space.

25 (ii) Movable Commercial Parklet fees

(A) Permit fee of \$2,000 for the first parking space and \$1,000 for each additional parking space:

(B) Annual license fee of \$1,500 per parking space.

(iii) Fixed Commercial Parklet fees

(A) Permit fee of \$3,000 for the first parking space and \$1,500 for each additional parking space:

(B) Annual license fee of \$2,000 per parking space.

SEC. 2.1.3. ADDITIONAL FEES.

9 In instances where *where* the actual costs of the administration or processing of any
10 application, approval, or permit *are* ~~is~~ *is* in excess of or will exceed the fee amount established
11 pursuant to section 2.1.1, the Director, in *his or her* ~~the~~ *the Director's* discretion, may require an
12 applicant or permittee to pay a sum in excess of the subject fee amounts. This additional sum
13 shall be sufficient to recover actual costs that the Department incurs and shall be charged on
14 a time and materials basis. The Director also may charge for any time and materials costs that
15 other agencies, boards, commissions, or departments of the City incur in connection with the
16 processing or administration of a particular application, approval, or permit. Whenever
17 additional fees are or will be charged, the Director, upon request of the applicant or permittee,
18 shall provide in writing the basis for the additional fees or an estimate of the additional fees to
19 be charged.

**SEC. 793. THE ~~PLACES FOR PEOPLE~~ SHARED SPACES PROGRAM – *PEOPLE PLACES*
SHARED SPACES IN THE PUBLIC RIGHT-OF-WAY.**

22 *Places for People* The Shared Spaces is a Program is established in Chapter 94A of the
23 Administrative Code. Under the Program, a public or private entity may obtain City approval to
24 create a *People Place Shared* ~~s~~Space and provide activities, for a limited period of time, on City-
25 owned property and in some cases nearby privately-owned spaces where the public can

1 gather and participate in commercial or non-commercial offerings and events. The space
2 created is a “*People Place Shared Space*” that is managed by the permittee, defined as a
3 “*Steward Permittee*.”

4 The *Places for People Shared Spaces* Program is a joint effort by the Planning
5 Department, Public Works, the Municipal Transportation Agency, the *Department of Real*
6 *Estate Division*, and the Entertainment Commission (defined in Section 94A.2 of the
7 Administrative Code as the “Core City Agencies”) to coordinate their review and approval of a
8 *People Place Shared Space* and streamline the permit process. The Program responsibilities of
9 the Core City Agencies in the coordination process are set forth in Section 94A.4 of the
10 Administrative Code.

11 **SEC. 793.1. PURPOSE AND SCOPE; DEFINITIONS.**

12 (a) **Purpose and Scope.** The general procedure by which the Core City Agencies
13 participating in the *Places for People Shared Spaces* Program coordinate their evaluation *and of a*
14 *proposed People Place concept proposal*, review of an application for a *People Place Shared Space*
15 Permit, and approve and issue a *People Place Shared Space* Permit is set forth in Sections
16 94A.5 *and 94A.6* of the Administrative Code. Sections 793.2 through 793.6 of this Code
17 establish the procedure for Public Works’ review and approval of a *People Place Shared Space*
18 in the public right-of-way. This procedure shall apply to any prospective “Curbside *People*
19 *Place Shared Space*,” “*Roadway People Place*,” and “*Sidewalk People Place Shared Space*” in the
20 *Places for People Shared Spaces* Program.

21 (b) **Definitions.** *The terms defined in As provided in* Section 94A.2 of the Administrative
22 *Code shall have the same meaning for purposes of Sections 793 et seq. of this Code, including, -*
23 *—“Longer-Term Closure; People Place Shared Space;” is a publicly accessible location*
24 *approved under the Places for People Program and located (a) on City owned property, (b) on the*
25 *sidewalk, and/or (c) in the curbside lane or on all or any portion of the roadway between curbs where*

1 ~~the public can gather and participate in commercial or non-commercial offerings and events. Such~~
2 ~~offerings and events may include, but are not limited to: cultural events, arts activities, and~~
3 ~~entertainment; food and drink; and general recreation. A People Place is managed, fully or partially,~~
4 ~~by a Steward under a People Place Permit issued under the Program and may involve the temporary~~
5 ~~and reversible installation of physical treatments, improvements or elements.~~

6 —“People Place Shared Space Categories, and the definitions of those categories: City Lot
7 Shared Space, Curbside Shared Space, Roadway Shared Space, and Sidewalk Shared Space;” are: (a)
8 ~~“City Lot People Place,” which has activities occurring on property owned by the City; (b) “Curbside~~
9 ~~People Place,” which has activities occurring in a portion of the curbside lane of a roadway; (c)~~
10 ~~“Roadway People Place,” which has activities occurring in or on any portion of the roadway, except~~
11 ~~for activities occurring only in the curbside lane; (d) “Sidewalk People Place,” which has activities~~
12 ~~occurring on a portion of sidewalk, and (e) “Integrated People Place,” which is a single project with~~
13 ~~activities occurring on a combination of locations that are People Place categories in close proximity~~
14 ~~to one another and operated by the same Steward.~~

15 —“People Place Shared Space Permit;” is a permit issued under the Places for People
16 Program through its Core City Agencies that allows a Steward to create a People Place by temporarily
17 occupying and activating the location for a specified period of time.

18 —“Steward Permittee; and Temporary Closure” is, for Curbside People Places, Roadway
19 People Places, and Sidewalk People Places, any person or entity who has been issued a People Place
20 Permit that authorizes the permittee, acting as a Steward, to manage and activate a People Place under
21 the Places for People Program.

22 For purposes of Sections 793.2 through 793.6, a Sidewalk People Place, a Roadway People
23 Place, and a Curbside People Place shall be referred to collectively as People Places in the Public
24 Right of Way.

25

1 **SEC. 793.2. PERMIT APPROVAL PROCESS APPLICABLE TO ALL CURBSIDE AND**
2 **SIDEWALK PEOPLE PLACES SHARED SPACES IN THE PUBLIC RIGHT-OF-WAY.**

3 (a) *Initiation of the Process.* Any prospective Steward wishing to establish a People Place in
4 the Public Right of Way may initiate the process by submitting a concept proposal to the Places for
5 People Program pursuant to Section 94A.5 of the Administrative Code (“People Place Proposal”). If
6 the People Place Proposal is accepted into the Program, the Core City Agencies shall work with
7 prospective Steward to develop the concept proposal, after which the prospective Steward may submit
8 an application for a People Place Permit to the People Place Program pursuant to the process set forth
9 in Administrative Code Section 94A.6. The application shall include the components specified in
10 Administrative Code Section 94A.6(a). The Planning Department will review the People Place Permit
11 application for completeness and compliance with Program requirements, and if found compliant will
12 direct the prospective Steward to submit the application to Public Works.

13 (b) **Public Works Application and Review Procedure; Payment of Permits Fees.** The
14 prospective Steward Permittee may submit the application for a Curbside or Sidewalk People
15 Place Shared Space Permit to Public Works for its review and approval. Public Works shall review
16 the application consistent with the interagency coordination process described in Administrative Code
17 Section 94A.4. The Shared Spaces Permit shall incorporate the requirements of and substitute for a
18 permit that would be required under other sections of the Municipal Code. Payment of the permit fees
19 is required by Administrative Code Section 94A.11 at the time of submittal.

20 (be) **Public Notice and Opportunity to Comment.**

21 (1) Upon submission of the an application for a Sidewalk People Place Shared
22 Space Permit application, or a Curbside Shared Space where the proposal would result in Temporary
23 Closure, the prospective Steward Permittee shall post the site(s) with one or more Notices of
24 Application provided by Public Works for a period of seventen 10-calendar days. The
25 Notice(s) shall be posted in a location acceptable to Public Works. The prospective Steward

1 Permittee shall submit to Public Works photographic evidence that the Notice(s) were posted
2 appropriately. The prospective Steward-Permittee shall remove the Notice of Application the
3 day after expiration of the seven ~~10~~ten day notice period. Public Works shall accept public
4 comments on the Notice of Application for ten ~~seven~~10 calendar days from the first day the
5 Notice was posted at the site(s).

6 (2) For Roadway Shared Spaces where the proposal would result in a Temporary
7 Closure, the public notice shall proceed in accordance with the applicable process set forth in
8 Transportation Code, Division I, Article 6.

9 (3) For Roadway and Curbside People Places Shared Spaces, and Curbside Shared
10 Spaces where the proposal would result in a Longer-Term Closure, the public notice shall also
11 ~~include notice of any public hearing by the Municipal Transportation Agency Board proceed in~~
12 accordance with the applicable process set forth in Transportation Code, Division II, Article
13 200, Section 202~~½~~ (Notice of Public Hearing).

14 (4) The Notice may include notice of public hearing by the Entertainment
15 Commission if proposed activities fall within the purview of the Entertainment Commission
16 described in Administrative Code Section 94A.4(c).

17 **(c)** **Public Hearing.** The Director of Public Works may ~~wish to~~ hold a public hearing
18 concerning the Sidewalk People Place Shared Space Permit application that would extend the
19 occupancy beyond 24 consecutive months. If the Director determines that a public hearing will be
20 held, the prospective Steward-Permittee shall post on the site(s) a Notice of Public Hearing
21 provided by Public Works for a period of ten ~~seven~~10 calendar days prior to the date of the
22 scheduled hearing. The Notice of Public Hearing posting shall be removed by the applicant
23 the day after the expiration of the ten ~~seven~~10-day period. Unless otherwise outlined in this
24 Section 793.2, the Notice of Public Hearing posting shall comply with Article 5.6 of the Public
25 Works Code.

(de) Permit Issuance and Conditions of Approval; *Grant of Exceptions*.

(1) *After approval by Public Works may issue any Curbside or Sidewalk a People Place Shared Space Permit consistent with Sections 793 et seq. and Administrative Code Chapter 94A is issued.* The conditions of approval required or authorized by Administrative Code Section 94A.56(c) or other applicable sections of Administrative Code Chapter 94A shall be imposed on the *People Place Shared Space Permit* and enforced pursuant to Administrative Code Section 94A.910, including the obligation to remove or modify a Curbside Shared Space at any time, as necessary for any City project or maintenance work at the Permittee's own cost consistent with Administrative Code Section 94A.4(d)(1)(DE). The Director of Public Works or designee may choose to apply additional conditions on the *People Place Shared Space Permit* that are pertinent to Public Works jurisdiction.

(2) All Sidewalk and Curbside Shared Space permits shall be conditioned upon the obligation to remove or modify the Shared Space at any time, as necessary for any City project or maintenance work, which necessity shall be determined solely by the City Agency that issued the Shared Space Permit. In the event of an emergency, the City Agency may provide 24-hours notice. It shall be the Permittee's obligation to remove or modify the Sidewalk or Curbside Shared Space at their own cost and return the right-of-way to a condition that the Director of Public Works deems appropriate. In no event shall the City be liable for reimbursing the Permittee for the costs of or restoring the Shared Space installation.

Upon written request from a Steward, the Director of Public Works may grant a non-material or other minor amendment to the conditions imposed on a People Place in the Public Right-of-Way if the Director determines that the exception or minor amendment is reasonably within the purposes of the Places for People Program and, in consultation with the City Attorney's Office, further determines that such exception or amendment does not materially increase the City's costs or obligations or decrease the benefit the City receives under the Steward's People Place Permit.

1 ——— ~~Any exceptions or minor amendments of the Permit conditions that the Director has~~
2 ~~granted pursuant to this subsection (e)(2) shall be in writing and retained in a file available for public~~
3 ~~review. In addition, at the Steward's request, the Director's letter granting the exception(s) and/or~~
4 ~~minor amendments, and any other written communications relevant to the Director's determination~~
5 ~~shall be posted on the websites of Real Estate and the Places for People Program.~~

6 **SEC. 793.3. OPERATIONAL REQUIREMENTS; EXCEPTIONS.**

7 (a) **Requirements.** Except as specified in subsection (b) below, all Curbside and
8 Sidewalk People Places Shared Space Permits in the Public Right-of-Way shall conform to the
9 Operational Requirements set forth in Administrative Code Section 94A.67. In addition, The
10 Director of Public Works may also adopt such additional regulations as ~~he or she~~ the Director
11 deems appropriate and necessary for the proper management and use of a Curbside or
12 Sidewalk People Place Shared Space in the Public Right-of-Way. The additional regulations may
13 include but are not limited to: maintenance requirements; minimum required clearances from street
14 corners, sidewalk bulb-outs, or protective bollards; appropriate clearances for paths of travel;
15 applicable standards from the Americans with Disabilities Act; and appropriate clearances for
16 stormwater and other hydrological concerns.

17 (b) **Grant of Exceptions to Standard Operational Requirements.**

18 (1) **Operational Requirements.** Upon written request from a Permittee, the Director of
19 Public Works may grant a non-material or other minor amendment to the conditions imposed on a
20 Curbside or Sidewalk Shared Space Permit, if the Director determines that the exception or minor
21 amendment is reasonably within the purposes of the Shared Spaces Program and, in consultation with
22 the City Attorney's Office, further determines that such exception or amendment does not materially
23 increase the City's costs or obligations or decrease the benefit the City receives under the Permittee's
24 Shared Space Permit.

19 SEC. 793.4. *GRANT OF EXCEPTIONS TO PERMIT TERMS.*

Upon written request from a Steward, the Director of Public Works may grant a non-material exception or other minor amendment to the conditions imposed on a permit for a People Place in the Public Right of Way if the Director determines that the exception or minor amendment is reasonably within the purposes of the Places for People Program and, in consultation with the City Attorney's Office, further determines that such exception or amendment does not materially increase the City's costs or obligations or decrease the benefit the City receives under the Steward's People Place Permit.

1 — ~~Any exceptions or minor amendments of the Permit conditions that the Director has~~
2 ~~granted pursuant to this Section shall be in writing and retained in a file available for public review. In~~
3 ~~addition, the Steward's request, the Director's letter granting the exception(s) and/or minor~~
4 ~~amendments, and any other written communications relevant to the Director's determination shall be~~
5 ~~posted on the websites of Real Estate and the Places for People Program.~~

6 **SEC. 793.5. VIOLATION OF PERMIT CONDITIONS, OPERATIONAL**
7 **REQUIREMENTS, OR ADMINISTRATIVE REGULATIONS; ENFORCEMENT ACTIONS**
8 **AND PENALTIES.**

9 (a) **Enforcement Actions; Penalties.** If any person has occupied a ~~People Place~~
10 ~~Shared Space~~ in ~~the Public Right-of-Way~~ in violation of any Permit conditions, operating
11 requirements, ~~and/or~~ regulations applicable to the ~~People Place-Shared Space~~, the Director of
12 Public Works, ~~or a designee or agent acting on the Director's behalf~~, may take any action
13 authorized by this Code that is considered necessary to abate or correct the violation. The
14 Director is expressly authorized to:

- 15 (1) Modify the ~~People Place-Shared Space~~ Permit, withdraw the Director's
16 approval of the Permit, or request revocation of the Permit by the Core City Agencies
17 pursuant to Section 94A.56(g) of ~~the Administrative Code~~ ~~this Chapter~~;
- 18 (2) Issue a criminal citation pursuant to the provisions of Section 792(e)(1)(A) of
19 this Code that is applicable to Street Plazas;
- 20 (3) Issue an administrative citation and assess the administrative penalties
21 authorized by Section 792(e)(1)(B) of this Code for Street Plazas;
- 22 (4) Call upon other City officials to assist in the enforcement of this Article 15,
23 including but not limited to the Chief of Police and the City Attorney; *and*
- 24 (5) Seize, remove, or demolish any structures or furniture placed in public sidewalk or
25 roadway areas.

(A) If a permit to place the structure or furniture has been rescinded or expired, before any such structure or furniture is seized, the Permittee shall be notified and given 10 business days to remove the structure or furniture. If the Permittee does not remedy the underlying violation leading to the rescission of the permit and/or apply for a Shared Space Permit within the time prescribed, the City may seize, remove, or demolish the structure or furniture.

(B) Seized furniture shall be retained by the City and may be recovered by the responsible party for a period of at least 30 business days following seizure. As a condition of recovering any furniture seized pursuant to this Section or receiving a subsequent Shared Spaces Permit, the Permittee shall pay an impound fee covering the actual cost to the City of transporting and storing such furniture, unless the seizure is deemed improper following a hearing under this subsection (a)(5)().

(C) If the City Engineer Director determines that it is practicable to do so, Public Works shall retain any seized structures. As a condition of recovering any structure seized pursuant to this Section or receiving a subsequent Shared Spaces Permit, the Permittee shall pay an impound fee covering the actual cost to the City of transporting and storing such structure, unless the seizure is deemed improper following a hearing under this subsection (a)(5)().

(D) If the City Engineer Director determines that it is not practicable to do so, Public Works may demolish any unpermitted structure placed in the right-of-way. Where a Permittee is responsible for an unpermitted structure that requires demolition, the Permittee shall not be eligible for a subsequent Shared Spaces Permit until the Permittee has paid the fee covering the actual costs to the City of demolishing and disposing of the structure(s). Such recoverable costs may include those incurred by Public Works and any other City department, including the City Attorney's Office, for time and materials spent enforcing the requirements of the permit.

(D) Notwithstanding any other provision of this Section 793.4, if the Director determines that any structure or furniture is placed in public sidewalk or roadway areas in such a

1 place or manner as to pose an immediate and serious danger to persons or property, the City may seize
2 such structure and furniture without prior notice to the Permittee if it is impractical to remedy the
3 danger by moving the structure or furniture to another point on the sidewalk or public right-of-way.

4 (F) Following any seizure, the Permittee shall be notified promptly of such
5 seizure and shall have the right to request an informal hearing before a designated City official to
6 determine whether the seizure was proper. The Permittee must request the hearing within 10 days of
7 receiving notice of the seizure. Any furniture seized pursuant to this Section shall be retained by the
8 City and may be recovered as provided herein.

9 Failure to provide any notice to a Permittee pursuant to this section shall not give rise to any
10 claims or cause of action against the City; and

11 (6) Take any other enforcement action authorized by this Code that is
12 applicable to occupancy of the public right-of-way.

13 **(b) Rules and Regulations; Director's Orders.** The Director may adopt such orders,
14 rules, policies, procedures, regulations, rules, or standards as the Director considers
15 appropriate in order to:

16 (1) process, verify, and respond to complaints from the public concerning a
17 ~~Curbside or Sidewalk People Place Shared Space in the Public Right of Way~~ that is routed from the
18 311 Customer Relationship Management System, as described in Administrative Code
19 Section 94A.940(a);

20 (2) abate a violation of the terms and conditions of a Sidewalk, or Curbside, or
21 Roadway Shared Space Place Permit or other requirements of Administrative Code Chapter 94A
22 that are within the jurisdiction of the Director; and

23 (3) identify specific violations that would be subject to the criminal citation
24 penalty authorized in subsection (a)(2) above.

(c) **Public Hearing.** In taking any of the above actions, the Director of Public Works may hold a public hearing on the *Steward Permittee*'s conduct. If a public hearing is held, the Director shall follow either the notice and hearing procedures for Street Encroachment Permits set forth in Section 786 *et seq.* of this Code or a codified notice and hearing procedure that is more applicable to a *People for Places Shared Spaces* Permit.

SEC. 793.56. FINANCIAL RECORDS.

The Steward Permittee shall make its financial records related to the use of the People Place-Shared Space available to the Director of Public Works for inspection upon written request of the Director.

Section 3. The Transportation Code is hereby amended by revising Sections 6.1, 6.2,

6.7, and 6.11, and adding new Section 6.16, to read as follows:

**SEC. 6.1. INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND
TRANSPORTATION (ISCOTT).**

There is hereby established a committee to be known as the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), consisting of the department or their designated representatives from the following departments and agencies: Municipal Transportation Agency, Planning, Public Works, Police, Fire, Public Health, and Entertainment Commission. The Director of Transportation shall serve as Chair of ISCOTT. The Director of Administrative Services of the City and County of San Francisco or his or her the Director's designee shall review recycling plans submitted pursuant to Section 6.5 and recommend any conditions to ISCOTT that should be imposed on any applicant. In exercising its powers ISCOTT shall consult with any other City department or agency that could be affected by any temporary use or occupancy of a public street. ISCOTT shall have the authority to take all acts reasonably necessary for it to carry out any duties imposed upon it by law. Before acting

1 on any application for temporary use or occupancy of public streets, street fair or an athletic
2 event, ISCOTT shall conduct a public hearing at a publicly noticed time and place to be
3 determined by ISCOTT.

4 **SEC. 6.2. REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY OF**
5 **PUBLIC STREETS; PROCEDURE.**

6 (a) Any person seeking permission for the temporary use or occupancy of a public
7 street within the City shall file an application with, and on a form provided by, the SFMTA, and
8 shall pay the filing fee established by the SFMTA Board of Directors.

9 (b) An application shall not be accepted or approved for a proposed temporary use
10 or occupancy scheduled to occur fewer than 30 calendar days after the application is
11 submitted to the Municipal Transportation Agency, except as follows in this subsection
12 (b)paragraph:

13 (1) An application for a proposed temporary use or occupancy scheduled to
14 occur fewer than 30 calendar days after the application date may be filed for emergency
15 consideration. The Director of Transportation shall consider the request if the applicant has
16 demonstrated that an extraordinary emergency exists that requires the closing of a street, and
17 provided that there is adequate time available for the Municipal Transportation Agency to
18 conduct the required public hearing and post notice of the scheduled hearing at least 72 hours
19 in advance of the hearing.

20 (2) The ~~Mayor's Film and Video Arts~~ Commission (~~the "Film Commission"~~), or
21 other successor commission or ~~division of the Mayor's~~ office, may file with the Director of
22 Transportation an application on behalf of a film or other video production company (which
23 company shall be responsible for the payment of all applicable fees) for a proposed temporary
24 use or occupancy scheduled to occur fewer than 30 calendar days after the application date,
25 provided that there is adequate time available for the Director of Transportation to conduct the

1 required public hearing and post notice of the scheduled hearing at least 72 hours in advance
2 of the hearing. The Film Commission (or the film company on whose behalf the application
3 was made) shall (A) notify residents, merchants and other occupants of the public street(s) to
4 be closed of the dates proposed for street closure, and (B) notify any and all affected City
5 departments, including the Police Department and the Department of Public Works.

6 (c) The completed application shall include, when applicable, maps and/or drawings
7 which identify the streets that would be affected, shall describe the scope and design of the
8 event, including illustrations of the location of staging, food booths, and seating, and shall
9 include a diagram of an emergency access plan. In addition, the Director of Transportation
10 may request such additional information as is necessary to allow ISCOTT to make an
11 informed evaluation of the proposed temporary use or street occupancy. In the case of "major
12 events," as defined in Section 6.3, applicants shall submit an emergency medical services
13 plan.

14 (d) Applicants shall be responsible for posting notice of the public hearing at least
15 seven calendar days prior to the hearing at which the application will be reviewed by ISCOTT.
16 Such notice shall include a description of the streets that would be affected and shall be
17 posted in the area of the proposed temporary use or street occupancy according to rules and
18 regulations prescribed by the Director of Transportation. The applicant shall submit a
19 declaration under penalty of perjury to the Director of Transportation attesting that the
20 required public notices have been posted.

21 (e) ISCOTT Review and Approval Process. In reviewing an application, ISCOTT
22 shall consider the impact of the temporary use or occupancy of public streets on the traffic,
23 security, health, and safety of the public; determine the traffic, security, health, and safety
24 requirements of the proposed temporary use or occupancy; and evaluate the measures
25 proposed by the applicant to satisfy those requirements. For major events, ISCOTT shall

1 forward the applicant's proposed emergency medical services plan to the Director of
2 Emergency Medical Services and Emergency Operations Section (EMSEO). ISCOTT shall
3 consider the recommendations of EMSEO regarding the proposed emergency medical
4 services plan. It shall be the duty of ISCOTT to also consider the following:

5 (1) Demonstrated ability of the applicant to comply with requirements
6 necessary to protect the safety, health, and welfare of the public, including compliance with
7 the requirements of San Francisco Health Code Article 19L, "Prohibiting Smoking at Certain
8 Outdoor Events," unless those requirements are waived pursuant to Section 1621.5(e) of the
9 Police Code.

10 (2) Duration of the temporary use or street occupancy and the City's ability to
11 accommodate such use or occupancy with the necessary resources.

12 (3) Overextension of the City's resources because of previously approved
13 temporary use or occupancy of public streets or other activities that could cause scheduling
14 conflicts during the same period.

15 (4) The availability of an appropriate emergency access plan.

16 (5) The number of major events (as defined in Section 6.3 below) scheduled
17 during the period for which the applicant seeks a permit, the nature and location of the major
18 events, and the demand these major events will have on the City's resources, including its
19 police, emergency and sanitation personnel. In considering the major events for which
20 applications have been filed and/or approved. ISCOTT should give priority based on the
21 chronological order in which the applications are received, and applicants denied permission
22 on the basis that there are too many major events already approved or pending for approval
23 shall be offered alternative dates by ISCOTT. Notwithstanding this provision, ISCOTT may, in
24 its discretion, grant preference to recurring events traditionally or historically associated with a
25 particular day or dates, provided that *other* applications, once approved, cannot be revoked

1 because of the subsequent filing of an application for a permit for an event traditionally or
2 historically associated with a particular day or dates.

3 (6) If the application is related to a filming project to be conducted by the
4 applicant, ISCOTT shall notify the Film Commission (or other successor commission or
5 division of the Mayor's office) and shall consider such conditions and criteria as the Film
6 Commission shall attach to the application.

7 (f) ISCOTT may impose additional requirements or conditions it deems necessary
8 to protect the public interest by ensuring traffic management, security of property and health
9 and safety of citizens. At the time ISCOTT reviews the application, it shall also determine the
10 necessity of and the total estimated actual costs incurred by the Municipal Transportation
11 Agency *for any adjustments to transit operations required to implement the street closure to run motor*
12 *coaches to accommodate the rerouting of electrically powered transit vehicles because of restrictions*
13 *that are imposed by the temporary street closing. The applicant shall pay a fee to the SFMTA based on*
14 *the number of electrically powered vehicle hours per line affected. For purposes of this provision,*
15 *"vehicle hour" shall mean the number of hours each coach on a line is in operation during the day of*
16 *the street closing. If the application is approved, ISCOTT shall transmit to the applicant an invoice for*
17 *the fee. If the application is approved, ISCOTT shall transmit to the applicant an invoice reflecting the*
18 *cost for making any adjustments to transit operations.* The applicant shall make full payment of the
19 fee no later than five days prior to the date of the street closing, or in accordance with a
20 schedule agreed to by the Director of Transportation. ISCOTT shall not disapprove any
21 application for a temporary use or occupancy of public streets because of the applicant's
22 political, religious, or cultural orientation.

23 (g) ISCOTT shall take action to approve or disapprove an application within 30 days
24 of receipt of a complete application. Notice of ISCOTT's action of approval or disapproval
25 shall be submitted to the Chief of Police; the Fire Chief; the Director of Public Health; the

1 Director of Public Works; and the Executive Director of the Entertainment Commission, and
2 be maintained as a matter of record. For major events, notice of ISCOTT's action of approval
3 or disapproval shall also be submitted to the Director of EMSEO.

4 (h) Appeals Process. Should the application be disapproved by ISCOTT, the
5 applicant may first appeal the decision to the Director of Transportation if the application was
6 filed at least 30 days prior to the date of the proposed temporary use or occupancy. Such
7 appeal shall be made by filing the appeal with the Director of Transportation on a form
8 provided by the Municipal Transportation Agency within five working days of disapproval.
9 Upon receipt, the Director of Transportation shall set a time and place for hearing such
10 appeal. In considering the appeal the Director of Transportation shall conduct a public hearing
11 for which notice shall be posted at least 72 hours in advance of the hearing at the Municipal
12 Transportation Agency, at the main library, and at the Office of the Clerk of the Board of
13 Supervisors.

14 (i) At the appeal hearing, the appellant and members of ISCOTT shall have an
15 opportunity to present oral testimony and written materials in support of their positions. The
16 Director of Transportation shall consider the same criteria as set forth in Section 6.2(e). Upon
17 hearing the appeal, and after any further investigation by the Director of Transportation, the
18 Director of Transportation may affirm, reverse, or modify the ISCOTT decision. Notice of the
19 Director of Transportation's action of approval or disapproval shall be submitted to the Chief of
20 Police, the Fire Chief, the Director of Public Health, the Director of Public Works, and the
21 Executive Director of the Entertainment Commission and shall be maintained as a matter of
22 record.

23 (j) If the Director of Transportation denies the application after the appeal described
24 in the preceding subsection (j) paragraph, the applicant may then appeal the decision to the
25 Board of Supervisors. Such appeal shall be made by filing the appeal with the Clerk of the

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

15 (k) Any permission for the temporary use ~~of or~~ occupancy of a public street
16 authorized pursuant to these provisions shall be subject to the conditions set forth in Sections
17 6.7 and 6.8.

18 (l) Late Application. Should the applicant file an application for a proposed
19 temporary use or occupancy fewer than 30 days prior to the date of the proposed use or
20 occupancy, and not far enough in advance of the proposed use or occupancy to allow
21 ISCOTT to consider the application at a regularly scheduled meeting of ISCOTT, then the
22 Director of Transportation shall have the responsibility and duty to consider and approve or
23 disapprove the application after consulting with the members of ISCOTT. The Director of
24 Transportation shall conduct a public hearing for which notice shall be posted at least 24
25 hours in advance of the hearing at the Municipal Transportation Agency, the main library, and

1 at the Office of the Clerk of ~~F~~the Board of Supervisors. At the hearing, the applicant and
2 interested persons shall have an opportunity to present oral testimony and written materials in
3 support of their position. The Director of Transportation shall conduct the hearing according to
4 the same standards of review as set forth in Section 6.2(e) hereof. Notice of the Director of
5 Transportation's action of approval or disapproval shall be submitted to the Chief of Police,
6 the Chief of the Fire Department, the Director of Public Health, the Director of Public Works,
7 and the Executive Director of the Entertainment Commission, and shall be maintained as a
8 matter of record. In the event the Director of Transportation disapproves the application, the
9 applicant shall have the right to appeal the Director of Transportation's decision to the Board
10 of Supervisors in accordance with the same terms and conditions as set forth in Section
11 6.2(e).

12 **SEC. 6.7. CONDITIONS.**

13 Any permission for the temporary use or occupancy of a public street authorized by the
14 City shall be subject to the following conditions:

15 (a) The temporary use or occupancy of a public street shall not unnecessarily
16 obstruct or bar public access onto said street. Sidewalks shall remain open at all times for
17 pedestrian use unless closure of the sidewalk is provided for by resolution of the Board of
18 Supervisors explaining the reason for such closure.

19 (b) No object of any nature shall be placed or maintained within 15 feet of any fire
20 hydrant or within five feet of any fire alarm box or police call box.

21 (c) No object of any nature shall be placed or maintained within any intersection or
22 pedestrian crosswalk, nor shall any vehicle be permitted to be Parked in such areas.

23 (d) A continuous passageway in the roadway for the use of emergency vehicles shall be
24 maintained as determined by the Fire Department at least 14 feet in width shall be maintained at all
25 times during the period of such use or occupancy for the use of emergency vehicles.

(e) No object of any nature shall be fastened to or erected over the surface of the street or sidewalk, and no object shall be affixed to any pole or standard upon any street or sidewalk, without prior written consent of the Director of Public Works.

(f) Painting upon any street or sidewalk surface shall be permitted only if a washable paint is used.

(g) Adequate illumination of the area shall be maintained at all times such illumination is appropriate.

(h) Official traffic-control devices and traffic signal controllers shall not be covered or blocked at any time during the period of such use or occupancy.

(i) Street barricades determined by the ~~Police Department as being necessary to protect the public's safety shall be delivered by the Police Department or the department's designee; Municipal Transportation Agency~~ shall be maintained in said locations at all times during the period of such use or occupancy by the permittee; and shall be ~~collected by the Police Department or the department's designee~~ removed promptly by the permittee upon termination of the period of said use or occupancy.

(i) All manhole covers and valve box covers shall be kept clear of any fixed object.

(k) All streets and sidewalks within the area for which such permission is granted shall be kept clean and free from dirt and debris at all times during the period of such temporary use or occupancy, and all materials and equipment used in connection with said temporary use and occupancy shall be removed from the area within 24 hours of the termination of the period of such use or occupancy. The Director of Public Works shall report any violations of this subsection to the Board of Supervisors.

(I) Applicants for permission to hold a street fair on a predominantly commercial street shall comply with the following requirements for insurance coverage. For purposes of this subsection (I), a "predominantly commercial street" shall mean a street block on which at

1 least 50% *percent* of front footage of private property on the ground floor of the street is used
2 for commercial purposes. A street block shall be measured from street intersection to street
3 intersection, but shall not include any alley intersection.

4 (1) Applicants shall maintain in force, during the full term of the permit,
5 insurance as follows:

6 (A) General Liability Insurance with limits not less than \$500,000 each
7 occurrence Combined Single Limit Bodily Injury and Property Damage, including Contractual
8 Liability, Personal Injury, Broadform Property Damage, Products and Completed Operations
9 Coverages;

10 (B) If any vehicles will be operated by the applicant in connection with
11 street fair activities under the permit, Automobile Liability Insurance with limits not less than
12 \$500,000 each occurrence Combined Single Limit Bodily Injury and Property Damage,
13 including owned, non-owned and hired auto coverages, as applicable; and

14 (C) If the applicant has employees, Workers' Compensation with
15 Employers' Liability limits not less than \$500,000 each accident.

16 (2) General Liability and Automobile Liability Insurance policies shall be
17 endorsed to provide the following:

18 (A) Name as additional insureds the City and County of San
19 Francisco, its officers, agents and employees;

20 (B) That such policies are primary insurance to any other insurance
21 available to the Additional Insureds with respect to any claims arising out of activities under
22 the permit, and that insurance applies separately to each insured against whom claim is made
23 or suit is brought.

24 (3) Certificates of insurance, in format and with insurers satisfactory to the
25 City evidencing all applicable coverages shall be furnished to the City not less than 10

1 working days prior to the date of the event and before commencing any operations under the
2 permit, with complete copies of policies to be furnished to the City upon request.

3 (4) The insurance requirement of this ~~Sub~~section *(l)* shall be waived by the
4 Board of Supervisors if the applicant certifies in writing that (A) the purpose of the street fair is
5 First Amendment expression and ~~that~~ (B) the cost of obtaining insurance is so financially
6 burdensome that it would constitute an unreasonable prior restraint on the right of First
7 Amendment expression, or that it has been impossible for the applicant to obtain insurance
8 coverage.

9 (m) Signs shall be posted pursuant to ~~San Francisco~~ Health Code Sections 265
10 through 265.3 wherever alcohol is offered for sale.

11 (n) All applicants shall comply with the requirements of ~~San Francisco~~ Health Code
12 Article 19L, "Prohibiting Smoking at Certain Outdoor Events."

13 (o) Such further conditions as may be imposed by the Department of Public Works
14 after inspection of the area involved.

15 **SEC. 6.11. ATHLETIC EVENTS; DESIGNATION OF ROUTES.**

16 (a) The increasing number of athletic events being held on City streets places a
17 significant burden on the City and its inhabitants. Athletic events provide entertainment and
18 recreation for San Franciscans and people throughout the Bay Area, as well as promoting and
19 supporting tourism in the City. But closing off several major streets at the same time to
20 accommodate a race often causes hardship in the daily lives of local residents, widespread
21 disruption of public transit service, increased litter on public streets and sidewalks, and
22 potential interference with emergency services. By adopting sections 6.10-6.14~~this ordinance~~,
23 the Board of Supervisors intends to reconcile the City's interest in promoting athletic events
24 with the right of its citizens to the quiet enjoyment of their own neighborhoods.

25

(b) Athletic events requiring temporary street closings shall be limited in location to routes previously designated as appropriate by the Board of Supervisors. These routes shall be drawn up by ISCOTT and approved by resolution of the Board of Supervisors. In designating these routes, ISCOTT and the Board shall consider the effect of the designation upon: Local traffic patterns; Municipal Railway routes; the ability of the Police Department and the Department of Public Works to provide special services to the event; the safe and efficient delivery of police, fire and emergency medical services to the affected neighborhoods; the safety of participants in the event; and, the rights of participants, residents and local businesses to the reasonable use and enjoyment of City streets.

(c) Any person seeking permission to conduct an athletic event as defined in Section 96.10 shall file an application. The filing of an application and its processing shall be governed by the same processes, application fees, appellate procedures, Municipal Railway fees, and other requirements contained in Section 96.2, which sets forth the procedures for requesting permission for temporary use or occupancy of public streets. A street closing for an athletic event shall be restricted to those routes designated pursuant to this Section. The applicant may, as part of the application, request a waiver of this restriction. In considering a request for a waiver, the City may take into account the extent to which the event has been held along a particular route prior to the application date if that same route has been in use continuously for a period of three or more years. An applicant's request for a waiver shall be granted to the extent that a change of route is required by the Police Department for reasons of public safety.

1 **SEC. 6.16. TEMPORARY STREET CLOSURES FOR ROADWAY SHARED SPACE**

2 **ACTIVITIES.**

3 (a) **Definitions.** For the purposes of this Section 6.16, the following definitions shall apply:

4 (1) **“Roadway Shared Space Activities”** means permitted activities that are
5 **authorized under the Shared Spaces Program set forth in Administrative Code Chapter 94A which**
6 **occur in the Traffic Lane, do not significantly interfere or delay a public transit service, and generally**
7 **do not exceed ten consecutive hours per day over four consecutive days per week over a total period of**
8 **time of not more than two years.**

9 (2) **“Traffic Lane”** means the portion of the Street that has been dedicated for the
10 **movement of motor vehicles exclusive of transit platforms and traffic islands.**

11 (b) **ISCOTT is authorized to issue permits for the Temporary Closure, as defined in Division**
12 **II, and occupancy of the Traffic Lane of a Street, including Roadway Shared Space permits pursuant to**
13 **the Shared Spaces Program as set forth in Administrative Code Chapter 94A, under the jurisdiction of**
14 **the Municipal Transportation Agency, provided that the Municipal Transportation Board of Directors**
15 **authorizes ISCOTT to issue such permits. Any permit issued by ISCOTT shall be limited to a period of**
16 **one-year or less. ISCOTT may renew any such permit for up to one additional year for a maximum**
17 **period of two consecutive years for the Temporary Closure.**

18 (c) **Any person seeking permission for the temporary use or occupancy of the Traffic Lane**
19 **shall file an application and follow all of the procedures set forth in Section 6.2, except for subsection**
20 **(b)(2) and (e)(6), and Section 6.5.**

21 (d) **Notwithstanding any other provision of Section 6.2, ISCOTT shall review an application**
22 **for a Roadway Shared Space permit and shall issue any approval within 30 days of receipt of the**
23 **application, for projects that are not located on Municipal Railway or other public transit lines. For**

1 permitted locations that are located on Municipal Railway or other public transit lines, approval may
2 take longer than 30 days after receipt of an application.

3 (e) In determining whether to issue a permit, ISCOTT shall follow the procedures set forth
4 in Sections 6.2 and 6.7 and all of the requirements and conditions set forth in those sections shall apply
5 notwithstanding Section 6.8. In addition to the street barricade requirement set forth in Section 6.7(i),
6 any barricades and other traffic control devices required by the Municipal Transportation Agency shall
7 be provided by that agency. If ISCOTT decides not to temporarily close the Traffic Lane, neither
8 Public Works nor any other City agency shall have the authority to issue a permit for occupancy of the
9 Traffic Lane.

10 (f) Upon the expiration of any Roadway Shared Space permits under the Shared Spaces
11 Program, ISCOTT's approval to temporarily close the Traffic Lane shall immediately expire and the
12 closed portion of the Street shall be reopened immediately. Upon revocation of any Roadway Shared
13 Space permit, the closed portion of the Street shall be reopened after fourteen days notice has been
14 given by the City, or sooner if the Director determines that the closure is resulting in an immediate
15 threat to the public health, safety, or welfare. If the closed portion of the Street is not reopened within
16 the time set by the Director, the Roadway Shared Space permittee shall be subject to fines and
17 administrative penalties as provided under Administrative Code Chapter 94A.

18 (g) The SFMTA may charge a fee to reimburse the agency for costs associated with the closure
19 of a Traffic Lane. The amount of this fee shall be the same amount as set forth in Table 902(b) for
20 "Special Events" in Division II of the Transportation Code depending on the date an application is
21 submitted.

22
23 Section 4. Article 7 of Division 1 of the Transportation Code is hereby amended by
24 adding Section 7.2.55, to read as follows:

25 **SEC. 7.2. INFRACTIONS.**

1 In addition to public offenses created by the Vehicle Code, the actions listed in this
2 Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be
3 an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as
4 necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with
5 respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant;
6 or (e) with respect to any other Public Property, except with the permission of, and subject to
7 such conditions and regulations as are imposed by the agency that owns the property that are
8 available for public inspection at the agency's offices.

9 * * * *

10 **SEC. 7.2.55. NO PARKING ZONES.**

11 *To Park in a zone on any street, alley or portion of a street or alley that is subject to a posted*
12 *Parking prohibition except for the purpose of loading or unloading passengers or freight.*

13
14
15 Section 5. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

19
20
21 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3

4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: /s/ Austin Yang
7 AUSTIN M. YANG
Deputy City Attorney

8

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City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 210284

Date Passed: July 20, 2021

Ordinance amending the Administrative Code to rename and modify the Places for People Program as the Shared Spaces Program, and to clarify the roles and responsibilities of various departments regarding activation and use of City property and the public right-of-way, streamline the application process, specify minimum programmatic requirements such as public access, setting permit and license fees, and provide for the conversion of existing Parklet and Shared Spaces permittees to the new program requirements; amending the Public Works Code to create a Curbside Shared Spaces permit fee, provide for public notice and comment on permit applications, provide for hearings for occupancy of longer-term street closures, and supplement enforcement actions by Public Works; amending the Transportation Code to authorize the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) to issue permits for the temporary occupancy of the Traffic Lane for purposes of issuing permits for Roadway Shared Spaces as part of the Shared Spaces Program, subject to delegation of authority by the Municipal Transportation Agency Board of Directors to temporarily close the Traffic Lane, and adding the Planning Department as a member of ISCOTT; amending the Transportation Code to prohibit parking in a zone on any street, alley, or portion of a street or alley, that is subject to a posted parking prohibition except for the purpose of loading or unloading passengers or freight; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

May 24, 2021 Land Use and Transportation Committee - CONTINUED

June 07, 2021 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

June 07, 2021 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

June 07, 2021 Land Use and Transportation Committee - CONTINUED AS AMENDED

July 12, 2021 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 12, 2021 Land Use and Transportation Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

July 13, 2021 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 7 - Haney, Mandelman, Mar, Melgar, Ronen, Safai and Stefani

Noes: 4 - Chan, Peskin, Preston and Walton

July 13, 2021 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 6 - Haney, Mandelman, Mar, Melgar, Safai and Stefani

Noes: 5 - Chan, Peskin, Preston, Ronen and Walton

July 13, 2021 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

July 20, 2021 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210284

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
7/20/2021 by the Board of Supervisors of
the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor



Date Approved

From: [Somera, Alisa \(BOS\)](#)
To: [Major, Erica \(BOS\)](#)
Subject: FW: Item # 17 - FILE NO. 211301 - Permit Review, and Limits on Fines for Shared Spaces Violations
Date: Tuesday, March 15, 2022 3:52:21 PM

For File 211301

Alisa Somera

Legislative Deputy Director
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
415.554.7711 direct | 415.554.5163 fax
alisa.somera@sfgov.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

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**From:** Board of Supervisors, (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>  
**Sent:** Tuesday, March 15, 2022 3:35 PM  
**To:** BOS-Supervisors <[bos-supervisors@sfgov.org](mailto:bos-supervisors@sfgov.org)>  
**Cc:** Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>; Mchugh, Eileen (BOS) <[eileen.e.mchugh@sfgov.org](mailto:eileen.e.mchugh@sfgov.org)>; Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>; Ng, Wilson (BOS) <[wilson.l.ng@sfgov.org](mailto:wilson.l.ng@sfgov.org)>; Laxamana, Junko (BOS) <[junko.laxamana@sfgov.org](mailto:junko.laxamana@sfgov.org)>  
**Subject:** FW: Item # 17 - FILE NO. 211301 - Permit Review, and Limits on Fines for Shared Spaces Violations

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**From:** zrants <[zrants@gmail.com](mailto:zrants@gmail.com)>  
**Sent:** Monday, March 14, 2022 2:11 PM  
**To:** Board of Supervisors, (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>

**Cc:** Chan, Connie (BOS) <[connie.chan@sfgov.org](mailto:connie.chan@sfgov.org)>; Stefani, Catherine (BOS) <[catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org)>; Peskin, Aaron (BOS) <[aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)>; Mar, Gordon (BOS) <[gordon.mar@sfgov.org](mailto:gordon.mar@sfgov.org)>; Preston, Dean (BOS) <[dean.preston@sfgov.org](mailto:dean.preston@sfgov.org)>; Haney, Matt (BOS) <[matt.haney@sfgov.org](mailto:matt.haney@sfgov.org)>; MelgarStaff (BOS) <[melgarstaff@sfgov.org](mailto:melgarstaff@sfgov.org)>; MandelmanStaff, [BOS] <[mandelmanstaff@sfgov.org](mailto:mandelmanstaff@sfgov.org)>; Ronen, Hillary <[hillary.ronen@sfgov.org](mailto:hillary.ronen@sfgov.org)>; Walton, Shamann (BOS) <[shamann.walton@sfgov.org](mailto:shamann.walton@sfgov.org)>; Safai, Ahsha (BOS) <[ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org)>

**Subject:** re: Item # 17 - FILE NO. 211301 - Permit Review, and Limits on Fines for Shared Spaces Violations

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

March 14, 2022

Supervisors:

re: Item # 17 - FILE NO. [211301](#) - Permit Review, and Limits on Fines for Shared Spaces Violations

Please explain to the public why there is no public notice requirement written into the new Shared Spaces ordinance that states:

"On 2/28/22, the ordinance was amended in the Land Use and Transportation Committee to urge departments to review permit applications within 30 days, and to allow for the use of administrative fines to enforce accessibility and life safety requirements for people with disabilities or emergency responder personnel, ensure visibility (daylighting) at intersections identified in the Vision Zero High-Injury Network, and require removal of any abandoned structures. The ordinance was also amended to move the furthest wind down date for permits issued under the Mayor's emergency proclamation from July 1, 2022, to March 31, 2023, subject to earlier termination pursuant to the emergency proclamations authorizing the temporary program."

So far we see no clear path for citizens to be noticed during the shared space application process in the legislation proposed. We are somewhat alarmed by a new structure on our street that appeared without notice in our neighborhood. There are no visible permits on the street and there is no explanation of what we may anticipate happening at this site. See photo below.

One of our neighbors took it upon himself to investigate and was told that the proper permits were obtained the project is going to proceed as planned. Copy of emails from our neighbors as they investigated the construction on the street, show a level of concerns that are not being taken into account by this process:

" There was a guy from DPW taking photos of the new parklet being built on Alabama at Mariposa. I asked him if permits were required and he answered, "yes". He told me that "they" had applied and were granted the permit. I asked if they were finite and he said they had to re-apply every year but had no expiration date. ...it is fully permitted. They originally applied for 40 feet and for some reason settled on 14...I just discovered that Front is planning to build stadium seating in their parklet. Why I have yet to find out, but it seems to be a lofty goal in my opinion. Will they have live music? Or some other type of entertainment like their coffee roaster explaining how he over roasts his coffee. Stay tuned..."

It is all very well and good for you to feel obligated to help struggling businesses but not at the expense of the neighbors. This is a PDR/residential neighborhood. We have a number of "legitimate theaters" in the area that are also struggling to survive who pay rents and old long time leases and have built reputations for being good community oriented entertainment spaces. How does the city plan to protect them from "unfair competition" if new sites include music or outside entrainment that conflicts with the operation of our established venues?

We are also concerned about the possibility of late night alcoholic sales on the street in take-out containers as this could also morph into disruptive behavior. This new parklette brings the total within a two block area to three in our immediate vicinity. Most have moved their operations inside at this point so the exterior buildings are not being used. Some are just taking up space and looking ugly on the streets.

We wish to associate ourselves with some of the comments presented by Telegraph Hill Dwellers referring to harmony in the neighborhood:

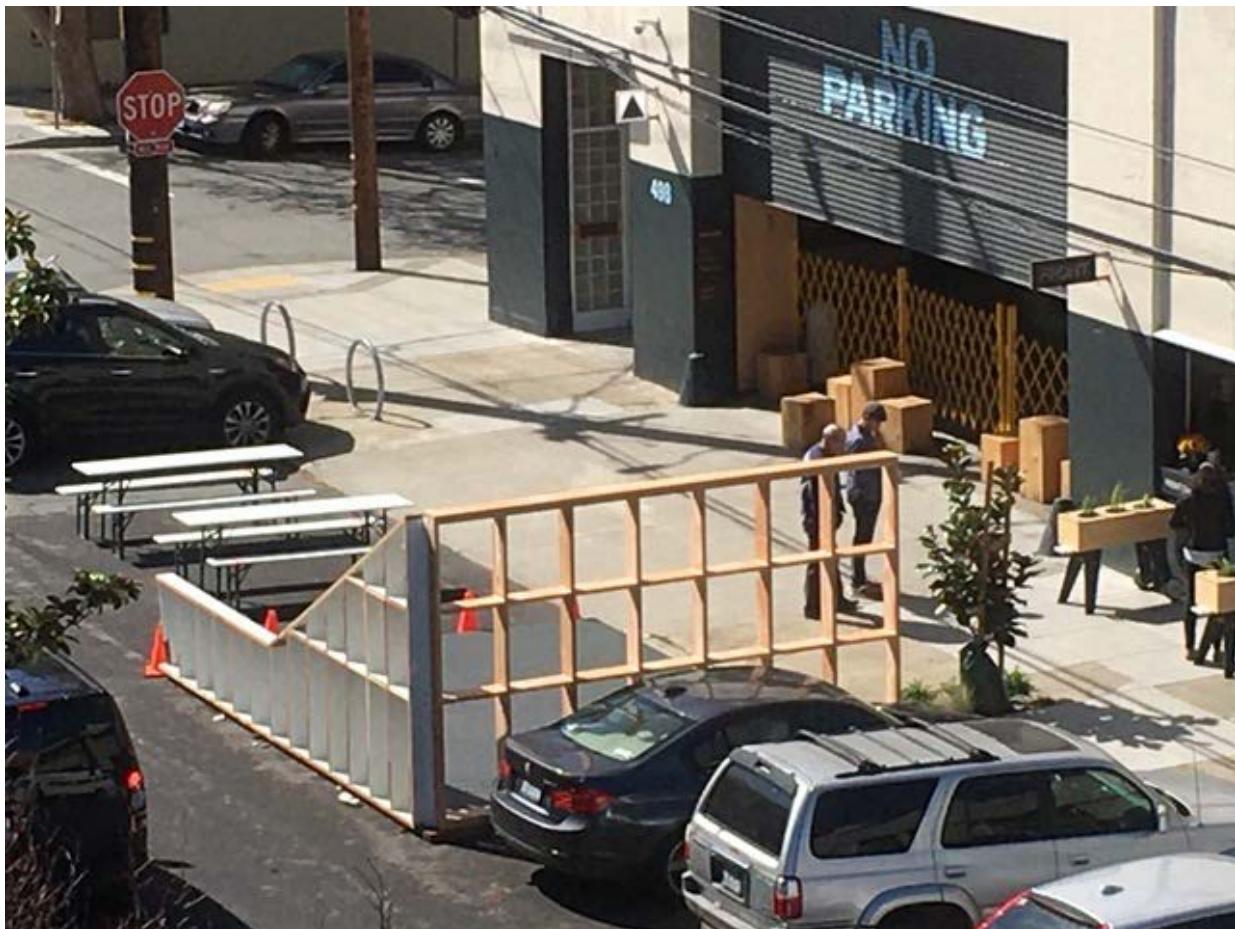
"In the long term, for shared spaces to be sustainable, they need to adapt so that they exist in harmony with the surrounding environment and local culture...any live music played outdoors must be kept at a volume low enough to allow people who live in mixed-use areas to sustain a sane, healthy existence."

We sincerely hope that our concerns will be taken into account if and when the ordinance re: shared spaces is passed. Give us notice and give us a path to handle problems that may come up with parklettes.

Sincerely,

Mari Eliza, President, East Mission Improvement Association

This is the construction outside project that we see that concerns us:



## Introduction Form

By a Member of the Board of Supervisors or Mayor

I hereby submit the following item for introduction (select only one):

Time stamp  
or meeting date

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning :"Supervisor"  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Peskin

Subject:

[Administrative, Public Works Codes - Limits on Fines for Shared Spaces Violations]

The text is listed:

Ordinance amending the Administrative and Public Works Codes to limit until April 1, 2023 the issuance of fines for violations of shared spaces requirements except for physical access requirements for persons with disabilities or first responder personnel; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

Signature of Sponsoring Supervisor: /s/ Aaron Peskin

For Clerk's Use Only