

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

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

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

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

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

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

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

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

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

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

16 WHEREAS, The Board of Supervisors finds that space “Leavenworth-2” on
17 Leavenworth Street, west side, Jefferson to Beach streets, will not be inconsistent with or
18 interfere with the purpose of the adjacent entrance of the store in The Cannery building; now,
19 therefore, be it

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

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23 Spaces:

24 1 – Leavenworth Street (space “Leavenworth-2”), Jefferson to Beach streets.

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

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

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