

File No. 130110

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date March 18, 2013

Board of Supervisors Meeting Date _____

Cmte Board

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

OTHER (Use back side if additional space is needed)

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Completed by: Alisa Miller Date March 14, 2013

Completed by: _____ Date _____

1 [Street Artist Spaces - Market Street at Spear Street]

2
3 **Resolution approving designation of five selling spaces on Market Street, north side, at**
4 **Spear Street, for Saturday use by street artists certified by the Arts Commission;**
5 **exempting said spaces from the regulations of Police Code, Section 2405(c), relating to**
6 **street artist display size, distance from entrances, and distance between artists'**
7 **displays.**

8
9 WHEREAS, The Street Artists Ordinance adopted by the voters of San Francisco as
10 Proposition "L" at the election held on November 4, 1975, authorizes the Board of
11 Supervisors, by resolution, to designate sales areas where any street artist or craftsperson
12 previously certified may sell art or craft items; and

13 WHEREAS, The Arts Commission on February 4, 2013, unanimously voted to request
14 the Board of Supervisors for designation of five (5) spaces on the north side of Market Street
15 at Spear Street for street artists with provision for the artists to not use the spaces during large
16 events; now, therefore, be it

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

19 Spaces:

20 5 – Market Street, north side, at Spear Street; and, be it

21 FURTHER RESOLVED, That the five (5) spaces hereby designated on Market Street,
22 north side, at Spear Street, are exempt from the provisions of Police Code Section 2405(c)(1),
23 (c)(2), (c)(3), and (c)(4) which prohibit street artists from selling, offering for sale or soliciting
24 offers to purchase on any sidewalk in an area more than four and one-half (4 ½) feet from the
25

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

3 FURTHER RESOLVED, That the displays of street artists selling, offering for sale or
4 soliciting offers to purchase in the five (5) spaces on Market Street, north side, at Spear
5 Street, shall be not more than fourteen (14) feet from the curb line of the sidewalk, not within
6 four (4) feet of the curb line of the sidewalk, not more than seven (7) feet above the sidewalk,
7 and not more than ten (10) feet long; and, be it

8 FURTHER RESOLVED, That the five (5) spaces on Market Street, north side, at Spear
9 Street, are hereby exempt from the provision of Police Code Section 2405(c)(6) which
10 prohibits street artists from selling within ten (10) feet of the outer edge of any entrance to any
11 building, but not limited to, doors, driveways, emergency exits measured in each direction
12 parallel to the building line and thence at a 90-degree angle to the curb; and, be it

13 FURTHER RESOLVED, That said spaces are hereby exempt from the provision of
14 Police Code Section 2405(c)(11) which prohibits a street artist from selling within five (5) feet
15 of the display of any other artist; and, be it

16 FURTHER RESOLVED, That street artist usage of said spaces is limited to Saturdays
17 with the exception of certain Saturdays in which the area must be kept clear for large public
18 events and/or large events hosted by the adjacent Hyatt Hotel.

**San Francisco
Arts Commission**

Edwin M. Lee
Mayor

Tom DeCaigny
Director of
Cultural Affairs

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

25 Van Ness Avenue, Ste. 345
San Francisco, CA 94102
tel 415-252-2590
fax 415-252-2595
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City and County of
San Francisco

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 FEB 11 PM 1:16

Subject: Resolution approving designation of 5 selling spaces on Market Street, north side, at Spear Street, for Saturday use by street artists certified by Arts Commission; exempting spaces from Police Code Section 2405 relating to street artist display size, distance from entrances, and distance between displays

Dear Ms. Calvillo:

On behalf of the Arts Commission and its licensed street artists, we are respectfully requesting that you please submit to the Board the enclosed resolution approving designation of five (5) street artist selling spaces on Market Street, north side, at Spear Street, and exempting the spaces from the regulations of Police Code Section 2405(c)(1), (c)(2), (c)(3), and (c)(4) which relate to street artist display size; exempting the spaces from Section 1405(c)(6) which relates to street artist distance from entrances; and exempting the spaces from Section 2405(c)(11) which relates to distance between street artist booths.

On February 4, 2013, the full Arts Commission unanimously voted to request the Board of Supervisors for designation of the 5 spaces subject to their exemptions from the above Police Code section. Please see the enclosed map which shows the proposed spaces.

Ordinance No. 388-83 authorizes the Board of Supervisors in a resolution designating or re-designating spaces in a street artist area to exempt the area from one or more of the regulations of Police Code Section 2405(c) so long as the Board finds that the exemption will not

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be inconsistent with or interfere with the purposes of the regulation from which the area is exempted. (Since 1983, the Board has designated and re-designated various street artist spaces in over 40 resolutions.)

The reasons for requesting the exemptions for the proposed 5 spaces are as follows:

- 1) The extremely wide (46 feet) sidewalk can easily allow for an increased size of the artists' booths – 8 feet wide x 10 feet long x 7 feet tall – so long as the spaces are exempted from regulations that prescribe booth size as 3 feet by 4 feet x 5 feet.
- 2) While Section 2405(c)(16) mandates that a street artist maintain a pedestrian passageway of at least 8 feet, the size of this sidewalk, even with the increased size of the artists' booths, would still allow for a pedestrian passageway of 31 feet, or nearly 4 times the required passage width.
- 3) The increased size of the proposed 5 spaces would be in keeping with the same size as that of 15 existing spaces on the same sidewalk, as previously provided by Board of Supervisors Resolutions No. 142-12 and No. 270-09.
- 4) Section 2405(c)(6) requires that a street artist not sell within 10 feet of the outer edge of an entrance as measured parallel to a building line and then at a 90-degree angle to the curb. While the proposed 5 spaces would be situated opposite a public entrance and a service entrance of the Hyatt Regency hotel, they would be a distance of 31 feet opposite and away from the hotel's doors thereby permitting, as stated above, nearly 4 times the mandated size of a pedestrian passageway between the building the artists' booths.

Furthermore, the enclosed resolution specifies that the proposed 5 spaces not be occupied by artists when the hotel hosts a major event. (The hotel's General Manager has

February 7, 2013

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**San Francisco
Arts Commission**

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agreed to alert the Arts Commission's Street Artists Program in advance of any such event.)

- 5) While Section 2405(c)(11) requires street artists to not have their booths within 5 feet of each other, we are requesting an exemption from this requirement in order to allow for the increased width size (as mentioned above) of the proposed 5 booths in keeping with the increased size provided by the Board for the existing 15 spaces.

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

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

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

Sincerely,

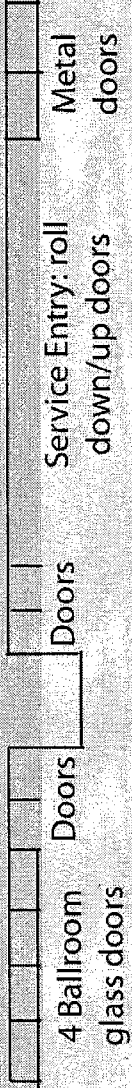
A handwritten signature in black ink that reads "Howard Lazar".

Howard Lazar
Street Artists Program Director

Attachments: (a) Original resolution draft and 3 copies
(b) Map of spaces on Market Street at Spear to Street
(includes existing spaces "B-11" and "B-12")

Cc: Arts Commissioners Greg Chew, John Calloway, Amy Chuang,
Jessica Silverman – Street Artists Program Committee
Director of Cultural Affairs Tom DeCaigny
Deputy Director Rebekah Krell
Street Artists Program Assistant Alyssa Licouris
Mr. David Lewin, General Manager, Hyatt Regency
Mr. John Tunui, Street Artist Market Manager, Justin Herman
Plaza
Mr. Tad Sky, Street Artist and former Market Manager

HYATT HOTEL

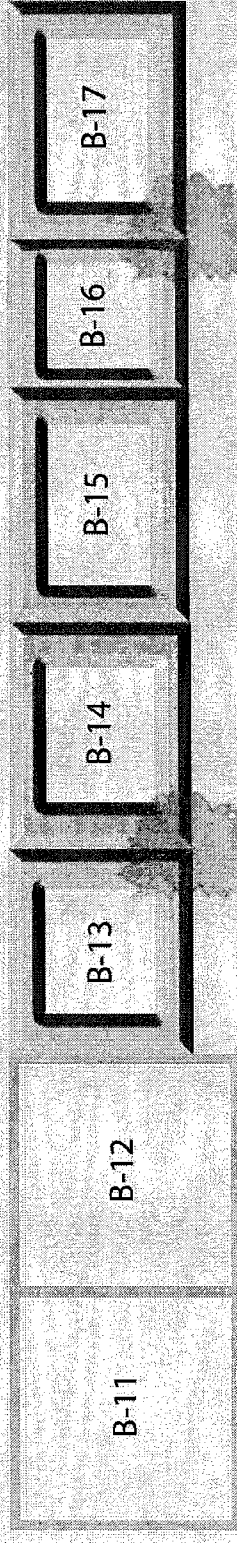


31'

46'

Proposed New Spaces

Existing Permanent Spaces



Size of Existing Spaces:
B-11 & B-12 = 8' x 10'

Size of Proposed Spaces:
B13 = 8' x 9'
B14 & B15 = 8' x 10'
B16 = 8' x 7'
B17 = 8' x 10'

1/8" = 1' 0"
HL/AL
1/22/13

Market Street

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Chief Greg Suhr, Police Department

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: March 4, 2013

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed resolution, introduced by the Arts Commission on February 26, 2013:

File No. 130110

Resolution approving designation of five selling spaces on Market Street, north side, at Spear Street, for Saturday use by street artists certified by the Arts Commission; exempting said spaces from the regulations of Police Code, Section 2405(c), relating to street artist display size, distance from entrances, and distance between artists' displays.

This matter is being forwarded to your department for informational purposes. If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Christine Fountain, Police Department