

BOARD of SUPERVISORS



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MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair
Land Use and Transportation Committee

FROM: John Carroll, Assistant Clerk

DATE: December 4, 2023

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, December 5, 2023

The following file should be presented as COMMITTEE REPORT during the Board meeting on Tuesday, December 5, 2023. This ordinance was acted upon during the regular Land Use and Transportation Committee meeting on Monday, December 4, 2023, at 1:30 p.m., by the votes indicated.

BOS Item No. 31

File No. 230768

[Public Works Code - Authorizing and Permitting Neighborhood Amenities]

Ordinance amending the Public Works Code to streamline and authorize the approval of certain neighborhood amenities, also known as Love Our Neighborhoods Projects, in sidewalks and other public right-of-ways within the Department of Public Works' jurisdiction, to reduce fees for certain minor encroachment permits, to waive certain annual encroachment assessments, to clarify the approval process for commemorative plaques, and to clarify the permitting, revocation, and restoration requirements for all minor encroachment permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

RECOMMENDED AS COMMITTEE REPORT

Vote: Supervisor Myrna Melgar – Aye
Supervisor Dean Preston – Aye
Supervisor Aaron Peskin – Aye

Cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Anne Pearson, Deputy City Attorney

File No. 230768

Committee Item No. 3

Board Item No. 31

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: December 4, 2023

Board of Supervisors Meeting:

Date: December 5, 2023

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance - VERSION 3
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest - VERSION 3
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<input 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 / DRAFT Mills Act 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Public Correspondence

OTHER

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PW Presentation – October 30, 2023</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CEQA Determination – June 30, October 31, 2023</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Referrals CEQA and FYI – June 30 and October 25, 2023</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Committee Report Request Memo – November 29, 2023</u>
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Prepared by: John Carroll

Date: December 1, 2023

Prepared by: John Carroll

Date: December 4, 2023

Prepared by:

Date:

[Public Works Code - Authorizing and Permitting Neighborhood Amenities]

Ordinance amending the Public Works Code to streamline and authorize the approval of certain neighborhood amenities, also known as Love Our Neighborhoods Projects, in sidewalks and other public right-of-ways within the Department of Public Works' jurisdiction, to reduce fees for certain minor encroachment permits, to waive certain annual encroachment assessments, to clarify the approval process for commemorative plaques, and to clarify the permitting, revocation, and restoration requirements for all minor encroachment permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
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 ~~strikethrough 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. Environmental Findings.

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. 230768 and is incorporated herein by reference. The Board affirms this determination.

1 Section 2. General Findings.

2 (a) Public spaces in San Francisco are integral to the economic, cultural, spiritual, and
3 social health of the City. The Department of Public Works (“Department”), commonly referred
4 to as San Francisco Public Works, is the steward of the public right-of-way and its mission is
5 to clean, “green,” and enhance the public right-of-way for residents, businesses, workers and
6 visitors. To implement this work to the greatest effect, the Department cooperates and
7 collaborates extensively with community benefit districts, community groups, merchant
8 associations, and neighborhood nonprofit organizations.

9 (b) Particularly as neighborhoods recover from the COVID-19 pandemic, various
10 stakeholders have expressed interest in innovative and creative ways to activate and enhance
11 public spaces and the public right-of-way more efficiently, effectively, and affordably.

12 (c) This ordinance seeks to establish an accessible, user-friendly, and affordable
13 approach to reviewing and approving neighborhood beautification efforts that employ sidewalk
14 and street amenities that benefit neighborhoods and commercial corridors, beautify or
15 enhance the public right-of-way, and are accessible to the public.

16 Section 3. The Public Works Code is hereby amended by revising Article 15, Sections
17 723, 723.1, 723.2, 786, 786.7, 786.9, 789.2, 789.4, 789.5, and 791, and Article 2.1, Section
18 2.1.1, to read as follows:

19
20 **SEC. 723. OBSTRUCTION OF AND ENCROACHMENT UPON PUBLIC RIGHT-OF-**
21 **WAY PROHIBITED.**

22 (a) It shall be unlawful for any person, firm or corporation, without permission from the
23 Department of Public Works (*the “Department”*), to pile, cap, or otherwise obstruct or place
24 obstructions or encroachments upon, above, or below, any public right-of-way, whether the
25 same be graded or not. “Public right-of-way” shall mean the area across, along, beneath, in,

on, over, under, upon, and within the dedicated public alleys, boulevards, courts, lanes, roadways, sidewalks, spaces, streets, and ways within the City, as they now exist or hereafter will exist and which are or will be under the permitting jurisdiction of the Department of ~~Public Works~~. The placement of any obstructions or encroachments upon, above, or below any public right-of-way shall comply with all applicable provisions of federal, State, and local disability and accessibility laws.

(b) Any violation of this Section 723, or any violation of any encroachment permit issued by or right-of-way authorization granted by the Department of Public Works, shall be deemed a public nuisance subject to enforcement actions pursuant to Administrative Code Chapter 100, which is hereby incorporated in its entirety, Administrative Code Chapter 80, and Police Code Section 39-1, and other Public Works regulations, procedures, and actions adopted by order.

* * * *

SEC. 723.1. NEIGHBORHOOD AMENITY (LOVE OUR NEIGHBORHOODS)
PROJECTSSIDEWALK BARRIERS.

(a) **Neighborhood Amenities.** The neighborhood amenities described in this Section 723.1, which are intended to facilitate residents' and civic organizations' promotion of neighborhood love, pride, and enjoyment, shall be permitted according to Section 723.2 or Section 786 based on the requirements and approvals in Section 723.1(c).

(b) **Definitions.**

"Decorative Street Light" means a pedestrian-scale street light installed upon a sidewalk.

"Department" means the Department of Public Works.

"Front Yard Bench" means a seat that can accommodate more than one person that complies with the requirements set forth in the Department's regulations.

1 “Front Yard Library” means an enclosed bookshelf that does not exceed 24 inches in
2 height (excluding the post), 25 inches in length, and 11 inches in depth and which is mounted
3 on a post placed in the sidewalk and which is used for the sole purpose of displaying and
4 sharing books with the public.

5 “Front Yard Planter” means an enclosed vessel used and maintained regularly for planting
6 vegetation that complies with the dimensional and sidewalk clearance and other requirements of
7 Public Works Orders regarding planters including but not limited to Department of Public Works
8 Order 179,231 titled “ESTABLISHING GUIDELINES FOR THE PLACEMENT OF SIDEWALK
9 LANDSCAPE CONTAINERS ON THE SIDEWALK THAT ARE LESS THAN 36 INCHES IN HEIGHT,”
10 as the Department may modify from time to time. ~~Front Yard Planters do not include bioretention~~
11 ~~planters.~~

12 “Mural” means a picture or design painted on or affixed to a sidewalk or a picture, design, or
13 two-dimensional artwork painted on or affixed to an existing City-owned bridge, retaining wall, or
14 stairway (only allowed on the riser portion) within the jurisdiction of the Department. No Mural may
15 contain or constitute advertising of any kind.

16 “Neighborhood String Lighting” means wired decorative lighting, which the Department
17 has determined to be safe for outdoor use and capable of being suspended without a
18 supporting span wire, that is suspended over public right-of-way within the Department’s
19 jurisdiction, on which motor vehicles are not permitted, and adjacent to one or more building
20 address(es) for a duration not to exceed the maximum duration set forth in the Department’s
21 regulations and at a height allowable under the Department’s regulations. Neighborhood
22 String Lighting does not include any lighting that is placed on or which extends over a
23 roadway on which motor vehicles are permitted.

24 “Seasonal Sidewalk Lighting” means raised lighting powered by electricity from one
25 building that is placed over a sidewalk at or above the height of 12 feet above the sidewalk

1 ~~surface and adjacent to one building address for a duration not to exceed 60 uninterrupted~~
2 ~~days. Seasonal Sidewalk Lighting does not include any lighting that is placed on or which~~
3 ~~extends over the roadway.~~

4 “Sidewalk Library” means an enclosed bookshelf that complies with the dimensional
5 requirements set forth in the Department’s regulations, is mounted on a post placed in the
6 sidewalk, and is used for the noncommercial purpose of displaying and sharing books with the
7 public.

8 “Tier 1 Love Our Neighborhoods Project” or “Tier 1 Project” means any of the following
9 amenities installed, attached, constructed, placed, or otherwise caused to be located on a sidewalk
10 within the jurisdiction of the Department: a Front Yard Bench, a ~~Sidewalk~~Front Yard Library, or a
11 Front Yard Planter.

12 “Tier 2 Love Our Neighborhoods Project” or “Tier 2 Project” means a Mural, a
13 commemorative plaque that is being installed according to the requirements of Public Works Code
14 Section 789 et seq., minor landscape infrastructure, a project consisting solely of maintenance of
15 dedicated public right-of-way amenities within the Department’s jurisdiction, or ~~Seasonal Sidewalk~~
16 ~~Neighborhood String Lighting~~ suspended across a sidewalk within the jurisdiction of the
17 Department. The preceding project categories shall have the meanings defined in the Public Works
18 Code and/or the Department’s orders and regulations. To qualify as a Tier 2 Project, the permit
19 applicant must be a nonprofit organization, a community benefits district, a merchants association, or
20 an established community-based organization.

21 “Tier 3 Love Our Neighborhoods Project” or “Tier 3 Project” means any of the following
22 amenities installed, attached, constructed, placed, or otherwise caused to be located on or over a
23 sidewalk or other public right-of-way within the jurisdiction of the Department in accordance with
24 Public Works Code Sections 786 through 786.9: a sculpture, a newly constructed or structurally
25 modified stairway, a fog catcher, ~~an irrigation system extending beyond the frontage of more~~

1 ~~than one real property parcel,~~ major landscape infrastructure, a newly constructed retaining wall or
2 structure, stringed lighting suspended across a roadway in a commercial corridor, or Decorative
3 Street Lighting, or a project comprised of a combination of Tier 1, Tier 2, and Tier 3
4 Projects. The preceding project categories shall have the meanings defined in the Public Works Code
5 and/or the Department's orders and regulations. To qualify as a Tier 3 Project, the permit applicant
6 must be a nonprofit organization, a community benefit district, a merchants association, or an
7 established community-based organization.

8 **(c) Requirements and Approvals.**

9 (1) Tier 1 Love Our Neighborhoods Projects. Tier 1 Projects may be authorized
10 according to the registration and compliance requirements in Section 723.2(b)(2) and the applicable
11 Department orders and regulations. The Director or the Director's designee, in their discretion, shall
12 determine whether a project constitutes a Tier 1 Project.

13 (2) Tier 2 Love Our Neighborhoods Projects. Tier 2 Projects may be permitted
14 according to the permit application and compliance requirements in Section 723.2(b)(3) and the
15 applicable Department orders and regulations. The Director or the Director's designee, in their
16 discretion, shall determine whether a project constitutes a Tier 2 Project.

17 (3) Tier 3 Love Our Neighborhoods Projects. Tier 3 Projects may be permitted
18 according to the permit application and compliance requirements in Section 786 and the applicable
19 Department orders and regulations. The Director or the Director's designee, in their discretion, shall
20 determine whether a project constitutes a Tier 3 Project.

21 ~~The Department of Public Works may grant permission, revocable at the will of the Director of~~
22 ~~Public Works, to owners of property abutting any court, alley or narrow street to install and maintain~~
23 ~~barriers of an approved design, spacing and location in the sidewalk fronting their property where~~
24 ~~necessary to control illegal vehicular parking or driving in sidewalk areas.~~

1 ~~The owner of the abutting property, or his authorized agent applying for a permit to install and~~
2 ~~maintain sidewalk barriers shall agree to hold harmless the City and County of San Francisco, its~~
3 ~~officers, agents, and employees, from any damage or injury caused by reason of the installation or~~
4 ~~maintenance of the barriers in the sidewalk, and the owner or owners or subsequent owner or owners~~
5 ~~of the respective property shall be solely liable for any damage or loss occasioned by any act or neglect~~
6 ~~in respect to the installation or maintenance of the barriers in the sidewalk.~~

7 ~~Before the issuance of the permit, the applicant therefor shall be required to pay to the said~~
8 ~~Department, as an inspection fee, the sum of \$100 for each 25 feet, or fractional part thereof, of the~~
9 ~~sidewalk frontage of the property.~~

10 ~~A copy of each permit issued under the provisions of this Section shall be recorded in the office~~
11 ~~of the Recorder of the City and County of San Francisco.~~

12 ~~The Board of Supervisors shall have the right of approval and/or revocation of any permit for~~
13 ~~the installation and maintenance of barriers on public sidewalks.~~

15 **SEC. 723.2. MINOR ~~SIDEWALK~~ ENCROACHMENTS.**

16 (a) Minor Encroachments. The Director of the Department of Public Works
17 ("Department") may grant permission, revocable at the Director's ~~his or her~~ will in accordance
18 with subsection (f), to an owner of property abutting any court, alley, or street to install and
19 maintain minor encroachments such as fences, retaining walls, steps or stairways, sidewalk
20 (pipe) barriers to control illegal vehicular parking or driving in sidewalk and public right-of-way
21 areas, and other minor structures in the sidewalk fronting such property where such
22 encroachments are desirable or convenient in conjunction with the owner's use and
23 enjoyment of the property, or required for the safety, convenience, and comfort of the public
24 using the sidewalk. Pipelines or other portions of an alternate water source system
25 constructed within the public right-of-way for the purposes set forth in Article 12C of the Health

1 Code and in accordance with Health Code Section 12C.6 are minor encroachments subject to
2 the requirements of this Section 723.2. Tier 1 Projects and Tier 2 Projects, as defined in Section
3 723.1(a), are minor encroachments subject to the requirements of Section 723.2.

4 (b) **Requirements and Conditions.**

5 (1) General. Minor ~~Such~~ encroachments shall not occupy more than 10% ~~percent~~
6 of the area of the sidewalk fronting the property nor more than 25% ~~percent~~ of the width of the
7 sidewalk (together, “Dimensional Requirements”), unless the Director ~~of Public Works~~ determines
8 that such restrictions are not applicable due to the nature of the encroachment. The Director
9 ~~may shall~~ require further restrictions or modifications and impose such requirements and conditions
10 as ~~he or she~~ the Director deems necessary or appropriate to protect the public peace, safety, health,
11 and welfare of pedestrians and other users of the sidewalks, public right-of-way, and public property
12 (“Conditions of Approval”). Conditions of Approval may include but are not limited to periodic
13 inspection, maintenance, and repair requirements. To memorialize the Conditions of Approval,
14 the Director may require the permittee to enter into a written agreement that is recorded in the Office
15 of the Assessor-Recorder. No advertisement shall be permitted on the encroachments.

16 (2) Tier 1 Love Our Neighborhoods Projects.

17 (i) Registration Requirement. The owner of real property, or the owner’s
18 authorized agent, shall not be required to obtain a permit prior to the placement of the Tier 1 Project,
19 as defined in Section 723.1, in the sidewalk adjacent to the owner’s real property provided that the
20 sidewalk is within the Department’s jurisdiction, the Tier 1 Project satisfies all of the applicable
21 requirements for the Tier 1 Project as set forth in the Department’s regulations, and the owner
22 registers the Tier 1 Project with the Department in a manner prescribed by the Department. Upon the
23 owner’s registration of the Tier 1 Project and acknowledgment of the owner’s liability for any injury or
24 Claims, as defined in Section 723.2(e)(1), caused by the Tier 1 Project, the Tier 1 Project shall be
25 presumed to be authorized to be placed on the sidewalk within the Department’s jurisdiction as long as

1 the sidewalk preserves the greater of a minimum path of travel of four feet after the installation or
2 placement of the Tier 1 Project or, with respect to sidewalks that are a minimum of twelve feet wide, a
3 minimum path of travel of six feet after the installation or placement of the Tier 1 Project.

4 (ii) Conditional Exemptions from Certain Requirements. The owner of real
5 property adjacent to a properly registered Tier 1 Project shall not be required to obtain a permit, pay
6 the permit fee and right-of-way occupancy fee set forth in Section 2.1.1(l), or furnish evidence of an
7 insurance policy set forth in subsection (e)(2) for the Tier 1 Project at the time of registration and may
8 install or place the encroachment upon the sidewalk following registration.

9 (iii) Safety Inspection. Any person may submit in writing, accompanied by
10 any pertinent documentary information or photographs, a request that the Department perform a
11 safety inspection of a Tier 1 Project at a specified street address ~~for any reason including, but not~~
12 ~~limited to,~~ due to concerns that the encroachment fails to comply with an applicable requirement or
13 such encroachment poses a threat to public health, safety, or welfare. The Department, in its sole
14 discretion, may elect to perform an inspection of the encroachment, and the Director may require that
15 the owner of the real property adjacent to the encroachment modify or remove the encroachment for
16 the purposes of public safety, health, or welfare. In addition, if the Director ~~Department~~ allows the
17 encroachment to remain in place, the Director ~~Department~~ may require the owner of the real property
18 adjacent to the encroachment to record in the office of the Assessor-Recorder the owner's
19 acknowledgment of the owner's liability for any injury or Claims, as defined in Section
20 723.2(e)(1), caused by the Tier 1 Project ~~pay a safety inspection fee and/or submit a minor~~
21 ~~encroachment permit application and comply with the requirements of this Section 723.2~~
22 ~~including but not limited to obtaining a permit, paying the permit fee and right-of-way~~
23 ~~occupancy fee set forth in Section 2.1.1(l), and furnishing evidence of an insurance policy set~~
24 ~~forth in subsection (e)(2).~~

25 (3) Tier 2 Love Our Neighborhoods Projects.

1 (i) Minor Encroachment Permits Required. Tier 2 Projects shall be required to
2 obtain a minor encroachment permit as provided in this Section 723.2. Prior to submitting a minor
3 encroachment permit application for a Tier 2 Project Mural or a commemorative plaque, the permit
4 applicant must obtain all necessary approvals from City departments and agencies including but
5 not limited to the Arts Commission and the Civic Design Review Committee, as may be applicable.

6 (ii) Neighborhood Notice for Murals; Compliance With Department
7 Specifications. A permit applicant proposing a Mural shall submit a signed declaration identifying the
8 steward of the Mural who will be responsible for maintaining, repairing, and removing the Mural for a
9 period of five years. In addition, the permit applicant shall provide mailed notice of the application to
10 the owner or owners of record of all units of real property within 250 feet of the proposed location of
11 the Mural. All Murals shall comply with all requirements and specifications determined by the
12 Department including but not limited to requirements pertaining to slip resistance, dimensions,
13 durability, and removability of media and materials.

14 (4) Sidewalk (Pipe) Barriers. The Department of Public Works may grant permission,
15 revocable at the will of the Director of Public Works, to owners of property abutting any court, alley,
16 or narrow street to install and maintain sidewalk (pipe) barriers, also referred to as bollards, of an
17 approved design, spacing, and location in the sidewalk fronting their property where necessary to
18 control illegal vehicular parking or driving in sidewalk areas. Before the issuance of a permit for
19 sidewalk (pipe) barriers, the applicant shall be required to pay to the Department, as an inspection fee,
20 the sum of \$100 for each 25 feet, or fractional part thereof, of the sidewalk frontage of the property.

21 (c) **Permit Issuance.** In considering the issuance of permits under the provisions of this
22 Section 723.2, the Director of Public Works shall give due regard to the location, neighborhood
23 pattern, anticipated pedestrian traffic, and access requirements of the Fire Department, and to
24 the convenience and necessities of the owners, occupants, or tenants of offices, stores, or
25 shops in the vicinity. Permits for Murals shall be valid for up to five years, subject to the Director's

1 discretion to grant up to two successive five-year extensions to a permittee that has complied with the
2 conditions of their permit. A permit for a Mural on a stairway shall only allow the Mural to be painted
3 or affixed to the riser portion of the stairway.

4 **(d) Liability for Minor Encroachments.**

5 (1) Adjacent Property Owners. Other than with respect to a Mural, Neighborhood
6 String Lighting, or a commemorative plaque for which the Department has issued a Tier 2 Permit to a
7 steward who is not the owner of the real property adjacent to the Tier 2 Project Mural or
8 commemorative plaque, the owner of real property adjacent to a minor encroachment shall be solely
9 and fully liable for any injury or Claims resulting from the minor encroachment, shall bear all costs of
10 such injury or Claims, shall pay all costs incurred by the City for any review and inspections of the
11 encroachment, and, if ordered by the Department to do so, and shall be required to modify and/or
12 remove the minor encroachment and restore the sidewalk or other public right-of-way to a condition
13 acceptable to the Director in the Director's sole discretion.

14 (2) Stewards. For Murals, Neighborhood String Lighting, and commemorative
15 plaques, the steward identified in the Tier 2 Project permit shall be solely and fully liable for any injury
16 or Claims, as defined in Section 723.2(e), resulting from the Mural, Neighborhood String Lighting,
17 or commemorative plaque, as applicable, and the steward shall bear all costs of such injury or Claims,
18 shall pay all costs incurred by the City for any review and inspections of the Mural or commemorative
19 plaque, and, if ordered by the Department to do so, shall be required to modify and/or remove the
20 Mural, Neighborhood String Lighting, or commemorative plaque and shall restore the sidewalk or
21 other public right-of-way to a condition acceptable to the Director in the Director's sole discretion.

22 **(e) Indemnification, Security, and Insurance Requirements.**

23 (1) For minor encroachment permits issued and Tier 1 Projects registered pursuant
24 to Section 723.2, the owner of the real property or the owner's authorized agent applying for a
25 permit or registering a Tier 1 Project under the provisions of this Section 723.2 shall agree to

1 hold harmless, defend, and indemnify the City and County of San Francisco, including, without
2 limitation, each of its commissions, departments, ~~its~~ officers, agents, and employees, from and
3 against any damage or injury all losses, liabilities, expenses, actions, claims, demands, injuries,
4 damages, fines, penalties, suits, costs, or judgments, including, without limitation, attorneys' fees and
5 costs (collectively, "Claims"), caused by reason of the installation or maintenance of the
6 encroachment in the public right-of-way ~~sidewalk~~, and the owner or owners or subsequent
7 owner or owners of the respective real property shall be solely liable for any ~~damage or loss~~
8 Claims occasioned by any act or neglect in respect to the installation or maintenance of the
9 encroachments in the sidewalk.

10 (2) The Director may require the recipient of a minor encroachment permit or the owner
11 of real property with an authorized minor encroachment to furnish a bond, or other form of security
12 that is acceptable to the Director, in an amount required to complete the installation of the
13 encroachment remove the encroachments, and restore the public right-of-way to a condition
14 satisfactory to the Director based on a cost that the City Engineer determines. The permittee shall
15 provide evidence to the Department that the bond or other security is operative on an annual basis.

16 (3) For an encroachment with construction costs equal to or greater than \$50,000, the
17 Director may require the recipient of a minor encroachment permit or the owner of real property
18 adjacent to an authorized Tier 1 Project to furnish evidence of an insurance policy that is satisfactory
19 to the City's Risk Manager. Such insurance shall in no way relieve or decrease a permittee's or its
20 agents' obligation to indemnify the City under this subsection (d).

21 (fe) **Recordation.** Each permit issued under the provisions of this Section 723.2 shall not
22 become effective until the permit has been signed by the ~~permittee owner~~ or the
23 ~~permittee's owner's~~ authorized agent and, where the permittee owns the property adjacent to the
24 encroachment, a copy thereof has been recorded in the office of the ~~Assessor-Recorder of the~~
25 ~~City and County of San Francisco.~~ The Department, in the Department's sole authority, may

1 require the owner of the real property adjacent to a Tier 1 Project who is the registrant of the
2 Tier 1 Project to record in the office of the Assessor-Recorder the owner's acknowledgment of
3 the owner's liability for any injury or Claims, as defined in Section 723.2(e)(1), caused by the
4 Tier 1 Project.

5 **(g) Revocation.**

6 *(1) The Director is authorized to initiate proceedings to revoke the permit or*
7 *authorization of a minor encroachment upon the Director's determination that a permittee, steward,*
8 *or owner of real property adjacent to the minor encroachment has failed to comply with the any of the*
9 *Conditions of Approval; that a minor encroachment, whether or not it is associated with an issued*
10 *permit, poses a threat to public safety, health, or welfare; or that all or a portion of the public right-of-*
11 *way on which a minor encroachment is located is required for a different public purpose. To initiate*
12 *revocation proceedings, the Director shall provide the permittee, the adjacent property owner, and the*
13 *steward, if applicable, with written notification of the time and date of a public hearing to consider the*
14 *grounds for revoking, modifying, or suspending the minor encroachment permit or, as may be*
15 *applicable, the City's authorization of an encroachment without issuance of a permit. This notification*
16 *may include requirements that would apply to restoration of the public right-of-way as set forth in*
17 *Section 723.2(g)(2). Following the public hearing, the Director may issue an order revoking or*
18 *modifying the minor encroachment permit and/or authorization of a minor encroachment for good*
19 *cause. If the failure to comply with the Conditions of Approval poses an imminent threat to public*
20 *safety, health, or welfare, the Director shall immediately suspend the minor encroachment permit or*
21 *authorization of a minor encroachment pending a final decision to revoke or modify the minor*
22 *encroachment permit or authorization of a minor encroachment. The Director's modification,*
23 *revocation, or suspension of a minor encroachment permit or authorization of a minor encroachment*
24 *may be appealed under subsection (g).*

1 (2) Following the revocation of a minor encroachment permit or authorization of a minor
2 encroachment, the former permittee, the owner of real property formerly authorized to place a Tier 1
3 Project on the sidewalk adjacent to the owner's real property, or the steward, as may be applicable,
4 shall restore the public right-of-way to a condition satisfactory to the Director at the sole and absolute
5 expense of the former permittee, the owner of real property formerly authorized to place a Tier 1
6 Project on the sidewalk adjacent to the owner's real property, or the steward, as may be applicable.

7 (h) Appeals. Within 15 days following the Director's approval, denial, or revocation of a
8 minor encroachment permit or revocation of the authorization of a minor encroachment~~by the~~
9 ~~Director~~, any person may file a notice of appeal as follows:

10 (1) Appeals of the revocation of the authorization of a minor encroachment or the
11 revocation or denial of a permit issued by the Director for ~~the following~~ encroachments that
12 impede or otherwise impact the Central Subway Corridor, as defined in Section 723.3(a)(3) of
13 this Code, ~~subsidewalk encroachments below the public right-of-way, or other~~
14 encroachments in, on, and/or below the public right-of-way may be appealed to the Board of
15 Supervisors by filing a notice of appeal with the Clerk of the Board of Supervisors.

16 (2) Appeals of the approval, denial, or revocation of all other permits may be
17 appealed by filing a notice of appeal with the Board of Appeals.

18 (3) In the alternative, when the encroachment is related to building construction,
19 rehabilitation, or maintenance, any person may appeal the encroachment permit decision to
20 the Building Inspection Commission. A person waives ~~his or her~~their right to appeal to the
21 Building Inspection Commission encroachment permit decisions relating to building
22 construction, rehabilitation, or maintenance by instead filing the appeal with the Board of
23 Supervisors or the Board of Appeals. No encroachment permit decision may be appealed to
24 both bodies.

1 (if) For purposes of this Section 723.2, an encroachment permit is related to building
2 construction, rehabilitation, or maintenance when the object of the encroachment permit
3 affects the applicant's ability to construct, repair, or maintain the building.

4 (jg) Pending decision by the Board of Supervisors, the Board of Appeals, or the
5 Building Inspection Commission, the Director's permit decision to approve, deny, or revoke a
6 minor encroachment permit or to revoke the authorization of a minor encroachment ~~by the Director~~
7 shall be suspended.

8 (kh) Before issuance of the permit, the applicant shall be required to pay to the
9 Department ~~of Public Works~~ all applicable fees as set forth in Section 2.1.1 et seq. and a public
10 right-of-way occupancy assessment fee as set forth in subsection (kl).

11 (li) Nothing in this Section 723.2 shall be construed as authorizing the Director ~~of~~
12 ~~Public Works~~ to grant a permit for any encroachment which the Director ~~he or she~~ determines to
13 be inimical to the health, welfare, safety, and best interest of the general public, or in violation
14 of the Charter or laws of the City ~~and County of San Francisco~~ or laws of the State of California.

15 (mj) The Board of Supervisors, the Board of Appeals, or the Building Inspection
16 Commission may affirm, reverse, or modify any permit decision made by the Director ~~of Public~~
17 ~~Works~~ under the provisions of this Section 723.2. The decision by the Board of Supervisors,
18 the Board of Appeals, or the Building Inspection Commission is final.

19 (nk) Unless otherwise provided in this Section 723.2, the Department ~~Board of Supervisors~~
20 ~~reserves the right to exact~~ shall collect a public right-of-way occupancy assessment fee for the
21 use of the sidewalk or other public right-of-way space permitted under the provisions of this
22 Section 723.2.

23 (1) In accordance with this subsection (nk) the public right-of-way occupancy
24 assessment fee for minor ~~sidewalk~~ encroachments, whether permitted or unpermitted and as
25 specified in subsection (nk)(2), shall be an annual fee of \$3.00 per square foot of occupancy of

1 the sidewalk or other public right-of-way space. For purposes of calculating the assessment
2 fee, the Department shall charge no less than \$100.00 per year even though the calculated
3 square footage charge for the encroachment may result in a smaller assessment fee.

4 (2) The following categories of minor ~~sidewalk~~ encroachments are subject to the
5 public right-of-way occupancy assessment fee:

6 (A) Encroachments in, on, above, or below the public right-of-way that are
7 affixed or appurtenant to any building whose owner obtained a site permit for new
8 construction on or after August 29, 2005. This subsection (~~n~~)(2)(A) also shall apply to any
9 commercial, industrial, or mixed-use building whose owner obtained a site permit for new
10 construction prior to August 29, 2005; provided, however, that such building is not located in
11 any Neighborhood Commercial District as designated in Planning Code Article 7 and that the
12 encroachment associated with such building was installed or encroachment permit obtained
13 prior to August 29, 2005. This subsection (~~n~~)(2)(A) shall specifically include, but not be
14 limited to, doors that open over the public right-of-way and subsidewalk basements; provided,
15 however, that this subsection shall exclude encroachments for shoring and tiebacks. This
16 subsection (~~n~~)(2)(A) shall not apply to a building that has been converted from a commercial,
17 industrial, or mixed-use building into a building containing only residential use.

18 (B) Encroachments associated with a commercial, industrial, or mixed-use
19 building that change the vertical or horizontal plane of an existing sidewalk and modify the
20 existing sidewalk slope pattern in order to provide access necessary to comply with the
21 Americans with Disabilities Act; provided, however, that the building obtained a site permit for
22 new construction on or after August 29, 2005.

23 (C) Any enclosure of the public right-of-way that is used exclusively for private
24 benefit and was installed on or after August 29, 2005. This subsection (~~n~~)(2)(C) also shall
25 apply to any enclosure installed prior to August 29, 2005 that is associated with a commercial,

1 industrial, or mixed-use building; provided, however, that the building is not located in any
2 Neighborhood Commercial District as designated in Planning Code Article 7.

3 (D) Underground storage tanks.

4 (3) For purposes of subsection (~~n~~)(2), the term "site permit" also shall mean
5 "building permit."

6 (4) Notwithstanding subsection (~~n~~)(2), no public right-of-way occupancy
7 assessment fee shall be charged against the owner of an historic or architecturally significant
8 building who has installed or seeks a permit to install a minor sidewalk encroachment for the
9 sole purpose of in order to conforming with an applicable Municipal Code requirement; provided,
10 however that this exception shall not apply if the encroachment is a sub-sidewalk basement.
11 For purposes of this subsection (~~n~~)(4), an historic or architecturally significant building shall be
12 a building so designated pursuant to Planning Code Article 10 or specifically identified as an
13 architecturally significant building on the Planning Department's database or on a list
14 maintained by the Planning Department.

15 (5) Notwithstanding subsection (~~n~~)(2), no public right-of-way occupancy
16 assessment fee shall be charged against the owner of a property for elements installed as a
17 requirement under Planning Code Section 138.1.

18 (6) Notwithstanding subsection (~~n~~)(2), if a minor ~~sidewalk~~ encroachment permit is
19 necessary for the development of a project including residential units, all of which are
20 affordable to low- or moderate-income households as defined by the United States Housing
21 and Urban Development Department, then such project shall be exempt from payment of the
22 public right-of-way occupancy assessment fee.

23 (7) The public right-of-way occupancy assessment fee shall be subject to the
24 review and adjustment procedures as set forth in Sections 2.1.1 et seq.

1 (8) The public right-of-way occupancy assessment fee shall not be charged to any
2 federal, state, or local governmental agencies, commissions, or departments.

3 (9) Notwithstanding this subsection (~~n~~k), the public right-of-way assessment fee
4 for underground vaults shall be as specified in Section 2.1.1 et seq.

5 (10) Notwithstanding subsection (~~n~~k)(2), no public right-of-way occupancy
6 assessment fee shall be charged for pipelines or other portions of an alternate water source
7 system constructed within the public right-of-way for the purposes set forth in Article 12C of
8 the Health Code and in accordance with Health Code Section 12C.6.

9 (11) Notwithstanding subsection (~~n~~k)(2), no public right-of-way occupancy
10 assessment fee shall be charged to an owner of property that obtains a minor encroachment
11 permit to construct and maintain a floodwater management project that is located in public
12 rights of way and funded with San Francisco Public Utilities Commission grant funds.

13 (12) Notwithstanding subsection (~~n~~k)(2), no public right-of-way occupancy assessment fee
14 shall be charged for a Tier 1, Tier 2, or Tier 3 Project.

15 (~~o~~) Notwithstanding the fees specified ~~herein~~ in this Section 723.2, if a project involves
16 voluntary seismic retrofit upgrades to soft-story, wood-frame buildings, as defined by the
17 Director of the Department of Building Inspection, such project applicant shall be exempt from
18 the proportionate share of fees specified under this Section 723.2 and Sections 2.1.1 et seq.
19 that is related to such retrofit work.

20 (p) The Director may issue regulations setting forth standard design, safety, and operating
21 requirements for minor encroachment permits (“Regulations”) consistent with the Public Works
22 Code. The Director may, in the Director’s discretion, require an encroachment agreement that
23 provides additional detail on the permittee’s rights and obligations under a minor encroachment
24 permit, including maintenance of the encroachment, and establishes the regulatory relationship
25 between Public Works and the permittee for implementation of the permit.

1 **SEC. 786. STREET (MAJOR) ENCROACHMENT PERMIT.**

2 * * * *

3 (g) For purposes of Sections 786 et seq., except as otherwise provided in this subsection
4 (g), a street encroachment permit shall include, but is not limited to, an encroachment above
5 and/or below ground that extends beyond the centerline of the public right-of-way, one or
6 more encroachments that occupy the public right-of-way adjacent to more than one property
7 owner and the applicant(s)/permittee(s) proposes it collectively as a single permit, an
8 encroachment where the applicant/permittee is not the property owner adjacent to the
9 encroachment, an encroachment that exceeds one or both of the occupation limits specified in
10 Section 723.2 governing minor sidewalk encroachments or its successor Section, and any
11 encroachment that the Director determines to have significant impacts to the public right-of-
12 way. A Tier 1 or Tier 2 Love Our Neighborhoods Project, as defined in Section 723.1(b), shall not be
13 required to obtain a street encroachment permit pursuant to Sections 786 et seq.

14 * * * *

15
16 **SEC. 786.7. PUBLIC RIGHT-OF-WAY OCCUPANCY ASSESSMENT FEE FOR**
17 **STREET ENCROACHMENTS.**

18 * * * *

19 (f) Notwithstanding Subsection (b), no public right-of-way occupancy assessment fee
20 shall be charged against the permittee for elements installed: (1) as a requirement under
21 Planning Code Section 138.1, or (2) that the Department determines are consistent with any
22 Board of Supervisors adopted Neighborhood Plan or streetscape plan as identified in the
23 General Plan or Planning Code, or (3) as a condition of a City-approved development
24 agreement or a disposition and development agreement authorized by the City or the
25 Successor Agency to the San Francisco Redevelopment Agency, or (4) for improvements

1 associated with a Planning Commission approved in-kind agreement in accordance with the
2 Planning Code, or (5) pursuant to a street encroachment permit issued under Section
3 786.9(a) or (b), or (6) for a People Place permit associated with the Places for People
4 Program established under Administrative Code Chapter 94A, or (7) for improvements
5 associated with a Tier 1, Tier 2, or Tier 3 Love Our Neighborhoods Project, as defined in Public Works
6 Code Section 723.1.

7
8 **SEC. 786.9. PERMITS FOR CITY DEPARTMENTS, ~~OR~~ OTHER GOVERNMENTAL**
9 **ENTITIES, TIER 3 LOVE OUR NEIGHBORHOODS PROJECTS, AND TEMPORARY**
10 **ENCROACHMENTS.**

11 (a) If a City agency, department, or commission, a Tier 3 Love Our Neighborhoods permit
12 applicant, a State agency, or the federal government applies for a street encroachment permit,
13 the Public Works Director may approve, conditionally approve, or deny in writing the
14 application administratively without action from the Board of Supervisors after the applicant
15 satisfies the requirements of Sections 786 et seq. The Department of Public Works shall submit
16 a quarterly report to the Clerk of the Board of Supervisors that includes a description of all of the
17 complete Tier 3 Love Our Neighborhoods Project applications the Department received during the
18 applicable quarter.

19 * * * *

20
21 **SEC. 789.2. COMMEMORATIVE STREET PLAQUE APPLICATION, DESIGN,**
22 **PLACEMENT, AND INSTALLATION PROCEDURES.**

23 This Section 789.2 shall govern the procedures ~~governing~~ for commemoration of
24 historical sites, events, and persons in locations upon a public street or place as defined in
25 Section 244 of this Code.

1 (a) The Board of Supervisors may, by resolution, designate a ~~specific~~ location on a
2 public street or place to commemorate a site, event, or person of historical interest to San
3 Francisco, subject to the requirements of subsection (b) below.

4 (b) Any person seeking to commemorate a site, event, or person of historical interest
5 to San Francisco by placement and installation of a commemorative plaque on a specific location
6 on a public ~~sidewalk~~~~street~~ or place shall file an application with the Department of Public
7 Works, shall obtain all necessary permits and approvals for the commemorative plaque, including any
8 applicable major or minor sidewalk encroachment permits, and shall provide the Department with any
9 security and/or evidence of insurance, as may be required by the Department following the
10 Department's review of the application. Such application shall be filed upon forms prescribed by
11 the Department, include all information required by the Department including, but not limited to,
12 the applicant's preferred locations for plaque installation and alternative locations for plaque
13 installation, and be accompanied by all required fees set by the Department.

14 15 **SEC. 789.4. DESIGNATION BY BOARD OF SUPERVISORS.**

16 (a) Within 30 days after close of the Department's hearing, the Department shall
17 forward the application, and its own report and recommendation to the Clerk of the Board of
18 Supervisors. The record of the hearing thereon and a list of all parties notified of the hearing
19 shall be attached to the Department's recommendation.

20 (b) The Board of Supervisors shall hold a public hearing on any proposal so
21 transmitted. The Board may approve, disapprove, or modify and approve, the designation of a
22 specific location on a public street or place to commemorate a site, event, or person of
23 historical interest to San Francisco.

24 (c) In the alternative, notwithstanding subsections (a) and (b), the Board of Supervisors may
25 elect to hold a hearing on a proposal to commemorate a site, event, or person of historical interest to

1 San Francisco, prior to the submittal of a complete application to the Department, and may elect to
2 pass a resolution approving the commemoration of a site, event, or person, and authorizing the
3 Director, following the Arts Commission's approval of the plaque design and the Director's review of
4 all permit application materials, to approve the installation of commemorative plaques at precise
5 locations that comply with the applicable engineering, installation, safety, and siting criteria, and to
6 designate these precise locations for commemoration of a site, event, or person.
7

8 **SEC. 789.5. ENGINEERING, INSTALLATION, SAFETY, AND SITING CRITERIA;**
9 **AND DESIGN REQUIREMENTS AND GUIDELINES.**

10 The Department shall develop engineering, installation, safety, and siting criteria for the
11 commemorative plaques and may adopt such criteria through departmental orders and/or
12 regulations. The Department shall also develop design requirements and guidelines for the
13 commemorative plaques after consulting with the Arts Commission.
14

15 * * * *

16 **SEC. 791. PUBLIC IMPROVEMENTS GIFT ACCEPTANCE AND PUBLIC**
17 **DEDICATION.**

18 (a) Definitions.

19 "Furnishing Zone" shall be defined in the Better Streets Plan as defined in
20 Administrative Code Section 98.1.

21 "Immediate Property Frontage" refers to that portion of the public right-of-way
22 from the back of curb to the adjacent property line for the length of the entire property.

23 "Public Improvements" shall be defined as physical improvements to the public
24 right-of-way intended to promote pedestrian and bicycle safety, to provide increased sidewalk
25 area for pedestrians, and to promote environmentally sound street design, and to enhance the

1 aesthetic appeal of streets. Such improvements include, but shall not be limited to, sidewalk
2 widening, sidewalk widening at corners, medians, raised pedestrian crossings, and bicycle
3 facilities, and are generally described in the Better Streets Plan or its successor document,
4 Neighborhood Plans, or neighborhood streetscape plans. In addition, Public Improvements shall
5 include commemorative plaques installed in the Furnishing Zone according to a Tier 2 Love Our
6 Neighborhoods Permit.

7 (b) Gift Acceptance of Public Improvements. Notwithstanding the limit on
8 administrative acceptance of public gifts in Administrative Code Section 10.100-305, the
9 Director of Public Works is authorized to accept as gifts on behalf of the City and County of
10 San Francisco certain Public Improvements within the Department's permitting and
11 maintenance jurisdiction subject to the limitations as set forth in this Section 791. Such gift
12 acceptance is subject to all other laws, rules, and regulations governing acceptance of public
13 gifts. All such gifts shall be made by an irrevocable offer of dedication.

14 (c) Location of Public Improvements and Consistency with Applicable Plans.

15 (1) The subject Public Improvements shall be located on the public right-of-way
16 outside of the Immediate Property Frontage of the property owner and be consistent with the
17 Better Streets Plan or applicable Neighborhood Plan or neighborhood streetscape plan.
18 Generally, such Public Improvements shall be within 500 feet of the Immediate Property
19 Frontage.

20 (2) Notwithstanding the locational requirement of Subsection (c)(1) above, a gift
21 of Public Improvements also may be made if the owner constructs a sidewalk bulb-out within
22 the Immediate Property Frontage. Such sidewalk bulb-out shall satisfy all other provisions of
23 this Section. Any such gift shall be applicable only to that additional portion of sidewalk
24 necessary to construct the sidewalk bulb-out in relation to the: (a) then existing official
25 sidewalk width if the sidewalk width remains unchanged within the Immediate Property

1 Frontage or (b) new official sidewalk width if the sidewalk width within the Immediate Property
2 Frontage has been expanded. With the exception of that additional portion of sidewalk
3 necessary to construct the sidewalk bulb-out as set forth above, the property owner shall be
4 solely responsible for such Improvements in accordance with Public Works Code Section 706.
5 In such instances, the Department of Public Works official maps shall delineate the division of
6 responsibility between the City and the property owner.

7 (3) Notwithstanding the locational requirement of Subsection (c)(1) above, a gift of
8 Public Improvements also may be made if the owner constructs a commemorative plaque within the
9 Furnishing Zone in accordance with a Tier 2 Love Our Neighborhoods Permit.

10 * * * *

11
12 (g) Gift to Include Cost of Maintenance. The gift for such Public Improvements shall
13 be accompanied by a maintenance endowment of at least 20% of the estimated cost of
14 construction of the Improvements as determined by the City Engineer; provided however, that
15 the Director may reduce the cost of this endowment, but in no case shall the reduction be less
16 than 10% of the cost of construction of the Improvements except that the Director may waive the
17 cost of this endowment entirely with respect to a commemorative plaque that is installed in the
18 Furnishing Zone according to a Tier 2 Love Our Neighborhoods Permit. The Department shall
19 deposit all required ~~such~~ maintenance funds into a public improvement gift maintenance
20 account.

21
22 **SEC. 2.1.1. FEES.**

23 * * * *

24 (g) [Reserved] Pipe Barrier Permit pursuant to Section 723.1

25 —(i) Standard Permit: \$969.30 permit fee; and

1 —~~(ii) Security Bollard Barrier: \$1,943.80 permit fee;~~

2 (h) Minor Sidewalk Encroachment Permit~~s~~ (also known as ~~a~~ Minor Encroachment

3 Permit~~s~~) pursuant to Section 723.2

4 (i) Standard Minor Encroachment Permit: \$938.39 permit fee, and, if applicable

5 pursuant to Section 723.2(~~nm~~), the annual public right-of-way occupancy assessment fee;

6 (ii) Underground Storage Tank Abandonment: \$275.80 permit fee; ~~and~~

7 (iii) Underground Vault, which shall be comprised of (A) a permit fee of \$973.80

8 and (B) an annual public right-of-way occupancy assessment fee of \$12.58 per square foot of

9 occupied space;

10 ~~(iv) Inspection Fee: \$314 conformity and safety inspection fee; and~~

11 ~~(v) Permits for Tier 1 Love Our Neighborhoods Projects pursuant to Section 723.1:~~

12 ~~\$200 permit application fee for a permit applicant that is a community-based organization,~~

13 ~~nonprofit organization, community benefits district, or merchants association.~~

14 ~~(vi) Permits for Tier 2 Love Our Neighborhoods Projects pursuant to Section 723.1: \$500~~

15 ~~permit application fee for a permit applicant that is a community-based organization, nonprofit~~

16 ~~organization, community benefits district, or merchants association.~~

17 ~~(vii) Pipe Barrier Permit pursuant to Section 723.1~~

18 ~~(A) Standard Permit: \$969.30 permit fee; and~~

19 ~~(B) Security Bollard Barrier: \$1,943.80 permit fee;~~

20 * * * *

21 (j) Street Encroachment Permit (also known as a Major Encroachment Permit)

22 pursuant to Section 786:

23 (i) \$3,643.66 permit fee and the annual public right-of-way occupancy

24 assessment fee in Section 786.7; and

1 (ii) Permits for Tier 3 Love Our Neighborhoods Projects pursuant to Section 723.1:
2 \$1,000 permit application fee for a permit applicant that is a community-based organization, nonprofit
3 organization, community benefits district, or merchants association.

4 * * * *

5 Section 4. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor's veto of the ordinance.

9
10 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the "Note" that appears under
15 the official title of the ordinance.

16
17 APPROVED AS TO FORM:
18 DAVID CHIU, City Attorney

19 By: /s/ Christopher T. Tom
20 CHRISTOPHER T. TOM
21 Deputy City Attorney

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23
24
25

REVISED LEGISLATIVE DIGEST
(Amended in Committee – November 27, 2023)

[Public Works Code - Authorizing and Permitting Neighborhood Amenities]

Ordinance amending the Public Works Code to streamline and authorize the approval of certain neighborhood amenities, also known as Love Our Neighborhoods Projects, in sidewalks and other public right-of-ways within the Department of Public Works' jurisdiction, to reduce fees for certain minor encroachment permits, to waive certain annual encroachment assessments, to clarify the approval process for commemorative plaques, and to clarify the permitting, revocation, and restoration requirements for all minor encroachment permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Presently, obstructions or encroachments upon the public right-of-way within the regulatory jurisdiction of the Department of Public Works ("Department") require a permit or other authorization from the Department.

Amendments to Current Law

This ordinance would amend Sections 723, 723.1, 723.2, 786, 786.7, 786.9, 789.2, 789.4, 789.5, 791, and 2.1.1 of the Public Works Code to facilitate the improvement and beautification of the public right-of-way through fee reductions and streamlined authorization for certain neighborhood amenities that constitute a "Love Our Neighborhoods Project," as described below.

- *Public Works Code Section 723.*
 - States expressly that the placement of any obstructions or encroachments upon, above, or below any public right-of-way must comply with all applicable provisions of federal, State, and local disability and accessibility laws.
 - Provides that any violation of any encroachment permit issued or right-of-way authorization granted by the Department shall be deemed a public nuisance.
- *Public Works Code Section 723.1.* Establishes three tiers of neighborhood amenity projects intended to facilitate residents' and civic organizations' promotion of neighborhood love, pride, and enjoyment, each a "Love Our Neighborhoods Project." To qualify as a Love Our Neighborhoods Project, the project must qualify as a Tier 1, Tier 2, or Tier 3 Project. For Tier 2 or Tier 3 Projects, the permit applicant must be a

nonprofit organization, a community benefits district, a merchants association, or an established community-based organization.

- “Tier 1 Projects” consist of Front Yard Benches, Front Yard Planters, and Sidewalk Libraries, as defined in the ordinance.
 - “Tier 2 Projects” consist of Murals, as defined in the ordinance, painted on or affixed to sidewalks, stairways (on the riser portion), retaining walls, or bridges within the right-of-way jurisdiction of the Department; commemorative plaques installed according to Public Works Code Section 789 et seq.; minor landscape infrastructure; projects consisting solely of maintenance of dedicated public right-of-way amenities; and Neighborhood String Lighting suspended across public right-of-way within the jurisdiction of the Department.
 - Permits for Murals shall be valid for 5 years and shall be eligible for successive five-year extensions. Prior to the permit expiration, the Steward of a Mural shall paint over the Mural according to the Department’s standards and specifications.
 - “Tier 3 Projects” consist of sculptures, projects involving construction of new or structurally modified stairways, fog catchers, major landscape infrastructure, newly constructed retaining walls or structures, stringed lighting suspended across roadways in commercial corridors, and Decorative Street Lights, as defined in the Public Works Code and/or the Department’s regulations, or a project comprised of a combination of Tier 1, Tier 2, and Tier 3 Projects.
 - Requirements for sidewalk (pipe) barriers, currently codified in Public Works Code Section 723.1, would be relocated to Public Works Code Section 723.2.
- *Public Works Code Section 723.2.*
 - Regulates Tier 1 and Tier 2 Projects as minor encroachments.
 - Authorizes the Director to impose Conditions of Approval on minor encroachments in order to protect the public peace, safety, health, and welfare of pedestrians and other users of sidewalks, public right-of-way, and public property.
 - Authorizes the Director to require minor encroachment permittees to enter into an encroachment agreement that memorializes a permittee’s rights and obligations under a minor encroachment permit.
 - Provides that Tier 1 Projects may be authorized according to specified registration and compliance requirements; Tier 1 Projects would not be required to obtain a minor encroachment permit, but could be subject to other requirements or modifications following a compliance and safety inspection that any person may request in writing due to concerns that the encroachment fails to comply with an applicable requirement or such encroachment poses a threat to public health, safety, or welfare. The Department may elect to perform an inspection of the encroachment, and the Director may require the modification or removal of the encroachment for the purposes of public safety, health, or welfare. In addition, the Director may require the owner of the real property adjacent to a Tier 1 Project to record in the office of the Assessor-Recorder the

- owner's acknowledgment of the owner's liability for any injury or Claims, as defined in Section 723.2(e)(1), caused by the Tier 1 Project.
- Provides that Tier 2 Projects may be permitted according to the minor encroachment permit application and compliance requirements in the Public Works Code and the applicable Department orders and regulations. Permit applicant must obtain all necessary approvals from City departments and agencies including but not limited to the Arts Commission and the Civic Design Review Committee, as may be applicable.
 - Provides that Tier 3 Projects may be permitted according to the major encroachment permit application and compliance requirements in the Public Works Code and the applicable Department orders and regulations.
 - Establishes indemnification, insurance, and security requirements; procedures for revoking the minor encroachment permits and authorizations; and additional clarifications.
- *Public Works Code Section 786.*
Provides that Tier 1 or Tier 2 Love Our Neighborhoods Projects shall not be required to obtain a street (or "major") encroachment permit.
 - *Public Works Code Section 786.7.*
 - Exempts improvements associated with Tier 1, Tier 2, and Tier 3 Projects from the public right-of-way occupancy assessment fee.
 - *Public Works Code Section 786.9.*
 - Requires Director to provide quarterly report to the Clerk of the Board of Supervisors regarding the submittal of complete Tier 3 Love Our Neighborhoods Project applications.
 - Authorizes Director to approve, conditionally approve, or deny a Tier 3 Love Our Neighborhoods permit application administratively without action of the Board of Supervisors.
 - *Public Works Code Section 789.2.*
 - Clarifies that any person seeking to commemorate a site, event, or person of historical interest to San Francisco by way of placement and installation of a commemorative plaque on a specific public sidewalk or place shall be required to obtain all necessary permits and approvals for the commemorative plaque including any applicable major or minor encroachment permits, and may be required to provide any security and/or evidence of insurance
 - *Public Works Code Section 789.4.*
 - Authorizes the Board of Supervisors to elect to hold a hearing on a proposal to commemorate a site, event, or person of historical interest to San Francisco prior to the submittal of a complete application to the Department.

- The Board of Supervisors may elect to pass a resolution approving the commemoration of a site, event, or person, and authorizing the Director, following the Arts Commission's approval of the plaque design and the Director's review of all permit application materials, to approve the installation of commemorative plaques at precise locations that comply with Department's technical criteria.
- *Public Works Code Section 789.5.*
 - Provides that Department will develop engineering, installation, safety and siting criteria for commemorative plaques. In addition, the Department will develop design requirements and guidelines in consultation with the Arts Commission.
- *Public Works Code Section 791.*
 - Defines "Furnishing Zone" to mean the portion of the sidewalk used for street trees, landscaping, transit stops, street lights, and site furnishings.
 - Amends definition of Public Improvements to include commemorative plaques installed in the Furnishing Zone according to a Tier 2 Love Our Neighborhoods Permit.
 - Provides that the Director of Public Works, on behalf of the City, may accept a gift of Public Improvements within the Department's permitting and maintenance jurisdiction, including a commemorative plaque constructed within the Furnishing Zone in accordance with a Tier 2 Love Our Neighborhoods Permit.
 - Authorizes the Director to waive entirely the cost of the maintenance endowment with respect to a commemorative plaque that is installed according to a Tier 2 Love Our Neighborhoods Permit.
- *Public Works Code Section 2.1.1.*
 - Subsection (iv) establishes a reduced minor encroachment permit application fee of \$500 for Tier 2 Projects for a permit applicant that is a community-based organization, nonprofit organizations, community benefits district, or merchants association.
 - Subsection (j)(ii) establishes a reduced major encroachment permit application fee of \$1,000 for Tier 3 Projects for a permit applicant that is a community-based organization, nonprofit organizations, community benefits district, or merchants association.

Background Information

The Department of Public Works, commonly referred to as San Francisco Public Works, is the steward of the public right-of-way in the City and County of San Francisco and its mission is to clean, "green," and enhance the public right-of-way for residents, businesses, workers and visitors. Particularly as neighborhoods recover from the COVID-19 pandemic, various

stakeholders have expressed interest in innovative and creative ways to activate and enhance public spaces and the public right-of-way more efficiently, effectively, and affordably. This ordinance seeks to establish an accessible, user-friendly, and affordable approach to reviewing and approving neighborhood beautification efforts that employ sidewalk and street amenities that benefit neighborhoods and commercial corridors, beautify or enhance the public right-of-way, and are accessible to the public. Funding for the Love Our Neighborhoods program was included in the fiscal year 2023-2024 and fiscal year 2024-2025 budgets.

This updated Legislative Digest includes amendments that were passed at a hearing of the Land Use and Transportation Committee of the Board of Supervisors on November 27, 2023.

This Legislative Digest was updated on December 4, 2023 to include a correction to the prior version, pertaining to Public Works Code Section 723.1. This Legislative Digest clarifies that a project may qualify as a Tier 1 Project without the submittal of a permit application from a nonprofit organization, a community benefits district, a merchants association, or an established community-based organization.

n:\legana\as2023\2300389\01721341.docx

Love Our Neighborhoods Permit Update

The Love Our Neighborhoods Permit will support community-driven, community-benefit projects that enhance and beautify the public right of way while upholding Public Works' responsibility of maintaining safety and accessibility for all.

The goals of the new permit are to create a process that is user-friendly, inexpensive, better coordinated with other City departments and streamlines approvals.



Developing the Permit

The new permit legislation was developed in consultation with City government staff from multiple departments, Community Benefit Districts, the Council of District Merchants and other community organizations.

The consensus was that the permit needs these characteristics:

- **An accessible process** that's easy to interface with.
- **One point of entry and exit for applicants.** Applicant should know what to expect during the process and not have unexpected surprises.
- **Inter-agency coordination** and increased effectiveness during permit process.
- **Streamlined and transparent permit timeline** accompanied by timely communication between Public Works staff and applicants.
- **Coordination** of timeline with City funding streams like Community Challenge Grants.
- **Low financial barriers** for community benefit projects.
- **Eliminate redundancy** or unnecessary reviews in approval processes.



Tier One Projects

Tier One projects are for projects in front of one property owner.

Types of projects:

- Little Libraries
- Sidewalk benches
- Planter

Applicant:

- Single property owner

Fees:

- There are no fees for registering Tier One projects

City department partners:

- No other City department involved



Tier Two Projects

Types of projects:

- Painted and tiled murals on retaining walls and bridges
- Sidewalk murals
- Tiled staircases
- Sidewalk commemorative plaques
- Minor landscape infrastructure
- String lights in alleys and along commercial districts (not crossing streets)
- Multiple sidewalk benches

Applicants:

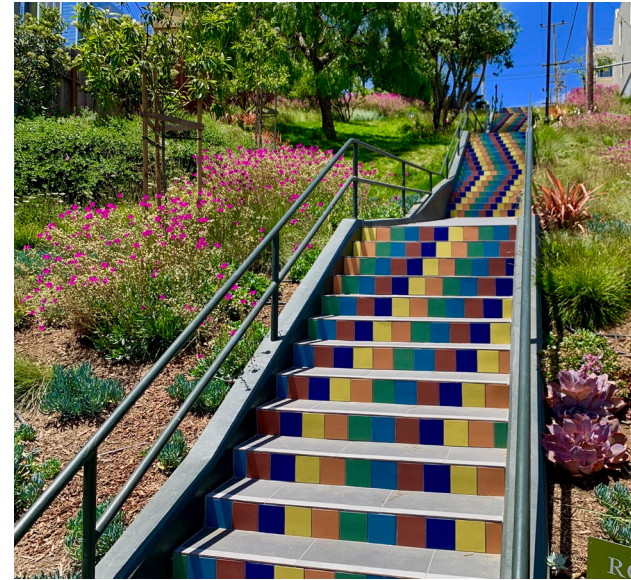
- Nonprofit org., CBD, merchant assoc., established community-based org.

Fees:

- \$500; no annual assessment

City department partners:

- Depending on the project: Arts Commission, MTA, PUC, SFFD



Tier Three Projects

Types of projects:

- Major landscape infrastructure
- Sculptures
- Fog catchers
- Irrigation systems
- String lights across street
- Multi-amenity projects

Applicants:

- Nonprofit org., CBD, merchant assoc., established community-based org.

Fees:

- \$1,000; no annual assessment

City department partners:

- Depending on the project: Arts Commission, SFMTA, SFPUC, SFFD



Love Our Neighborhoods permit components

Legislation

Regulations

- Develop specific processes, requirements and guidelines that support legislation
- Coordinate with other City departments and their guidelines

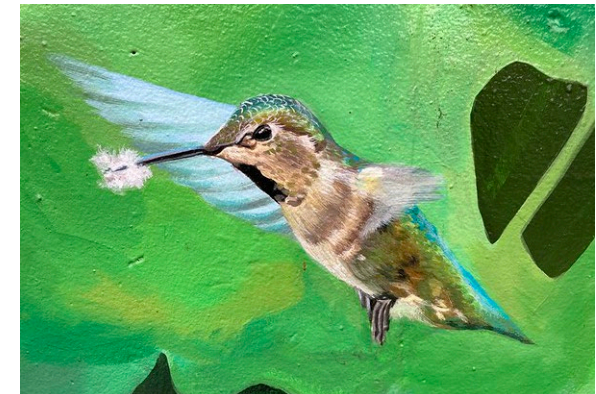
Communications

- Community outreach
- Multi-lingual
- Brochures and posters
- User-friendly web portal



Timeline

- February/March/April: Community outreach.
- June: Advocated with Board of Supervisors for budget to support staff necessary for Love Our Neighborhoods Permit.
- June 27: Draft legislation introduced by Supervisor Melgar. Co-sponsored by Supervisors Stefani, Mandelman, Ronen and Engardio.
- July 27: Budget signed by Mayor Breed that includes two years of funding for positions in support of Love Our Neighborhoods Permit.
- August/September: Public Works, City Attorney and Supervisors' offices refine legislation.
- October/November/December:
 - Develop regulations.
 - Develop communications and outreach campaign.
- October 17: Supervisor Melgar introduced substitute legislation. Supervisor Chan joined as co-sponsor.
- October 30: Hearing at Land Use Committee.



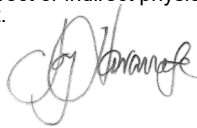
BOARD of SUPERVISORS



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

MEMORANDUM

Date: October 25, 2023
To: Planning Department / Commission
From: John Carroll, Clerk of the Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 230768 - SUBSTITUTED
Public Works Code - Authorizing and Permitting Neighborhood Amenities

- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
☒ Ordinance / Resolution
☐ Ballot Measure
- 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.
10/31/2023 
- ☐ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
☐ General Plan ☐ Planning Code, Section 101.1 ☐ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
☐ Landmark (*Planning Code, Section 1004.3*)
☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
☐ Mills Act Contract (*Government Code, Section 50280*)
☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.


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TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: June 30, 2023
To: Planning Department / Commission
From: Erica Major, Clerk of the Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 230768
Public Works Code - Authorizing and Permitting Neighborhood Amenities

- ☒ California Environmental Quality Act (CEQA) Determination 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.
(California Public Resources Code, Sections 21000 et seq.)
☒ Ordinance / Resolution 06/30/2023 
☐ Ballot Measure
- ☐ Amendment to the Planning Code, including the following Findings:
(Planning Code, Section 302(b): 90 days for Planning Commission review)
☐ General Plan ☐ Planning Code, Section 101.1 ☐ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(Board Rule 3.23: 30 days for possible Planning Department review)
- ☐ General Plan Referral for Non-Planning Code Amendments
(Charter, Section 4.105, and Administrative Code, Section 2A.53)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
☐ Landmark (Planning Code, Section 1004.3)
☐ Cultural Districts (Charter, Section 4.135 & Board Rule 3.23)
☐ Mills Act Contract (Government Code, Section 50280)
☐ Designation for Significant/Contributory Buildings (Planning Code, Article 11)

Please send the Planning Department/Commission recommendation/determination to Erica Major at Erica.Major@sfgov.org.

BOARD of SUPERVISORS



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Tel. No. (415) 554-5184
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MEMORANDUM

TO: Carla Short, Interim Director, Public Works
Joaquín Torres, Assessor Recorder, Office of the Assessor Recorder
Ralph Remington, Director of Cultural Affairs, Arts Commission

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: October 25, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced as a substitute by Supervisor Melgar on October 17, 2023.

File No. 230768

Ordinance amending the Public Works Code to streamline and authorize the approval of certain neighborhood amenities, also known as Love Our Neighborhoods Projects, in sidewalks and other public right-of-ways within the Department of Public Works' jurisdiction, to reduce fees for certain minor encroachment permits, to waive certain annual encroachment assessments, to clarify the approval process for commemorative plaques, and to clarify the permitting, revocation, and restoration requirements for all minor encroachment permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: Erica.Major@sfgov.org.

cc:
Office of Chair Melgar
David Steinberg, Public Works
Ian Schneider, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Kurt Fuchs, Office of the Assessor Recorder
Holly Lung, Office of the Assessor Recorder
Alyssa Ventre, Arts Commission
Mary Chou, Arts Commission
Joanne Lee, Arts Commission

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MEMORANDUM

TO: Carla Short, Interim Director, Public Works
Joaquín Torres, Assessor Recorder, Office of the Assessor Recorder
Ralph Remington, Director of Cultural Affairs, Arts Commission

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

DATE: June 30, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Melgar on June 27, 2023.

File No. 230768

Ordinance amending the Public Works Code to streamline and authorize the approval of certain neighborhood amenities in sidewalks and other public right-of-ways within the Department of Public Works' jurisdiction, to reduce the fees for certain minor encroachments, and to clarify the permitting, revocation, and restoration requirements for all minor encroachment permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: Erica.Major@sfgov.org.

cc: David Steinberg, Public Works
Ian Schneider, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Kurt Fuchs, Office of the Assessor Recorder
Holly Lung, Office of the Assessor Recorder
Alyssa Ventre, Arts Commission
Mary Chou, Arts Commission
Joanne Lee, Arts Commission



MYRNA MELGAR

DATE: November 29, 2023

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, December 5, 2023, as Committee Reports:

- | | |
|------------------------|--|
| File No. 230701 | Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
Sponsors: Mayor; Engardio, Dorsey, Melgar, Stefani and Mandelman |
| File No. 230768 | Public Works Code - Authorizing and Permitting Neighborhood Amenities
Sponsors: Melgar; Stefani, Mandelman, Ronen, Engardio and Chan |
| File No. 231091 | Initiating Landmark Designation - Gregangelo & Velocity Art & Entertainment - 225 San Leandro Way
Sponsor: Melgar |
| File No. 230948 | Commemorative Street Name Designation - "Panos Place" - 100-200 Block of Corbett Avenue
Sponsor: Mandelman |
| File No. 231142 | Planning and Subdivision Codes, Zoning Map - Housing Production
Sponsors: Mayor; Engardio |
| File No. 231175 | Urging the City Attorney and the Mayor to Respond to HCD's "Policy and Practice Review" by Seeking Extensions of Deadlines for Required Actions, and Certain Revisions and Corrections; and Setting City Policy for Implementation of the Housing Element
Sponsors: Peskin; Chan and Mandelman |
| File No. 231165 | Fire Code - Lithium-Ion Batteries in Powered Mobility Devices]
Sponsor: Peskin |

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, December 4, 2023, at 1:30 p.m.

From: [alec.hawley](#)
To: [Carroll, John \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Kilgore, Preston \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Groth, Kelly \(BOS\)](#); [Melgar, Myrna \(BOS\)](#)
Subject: Love Your Neighborhood legislation
Date: Monday, December 4, 2023 1:46:59 PM

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

Hi SF gov supervisors & clerk,

Alec Hawley, d1 representative, and landscape professional.

I am emailing my comment for today's meeting regarding the revised legislation for the Love Your Neighborhood modifications which makes good changes to minor encroachment permits.

I am very much in favor of this legislation, and the idea that many more San Franciscans could easily participate in improving the public realm without an immense amount of work and finances.

However, I do want to stipulate that I find the sole discretion of SFDPW director problematic not just for San Francisco, but for the director as well.

Numerous public reports have come out highlighting discrepancies in material placed in minor encroachment zones on sidewalks that jeopardize ADA accessibility and allow the use of planters and fencing to displace unhoused populations in San Francisco. I do not believe this will reflect well on SFDPW, or the effort to green our cities, and potentially backfire leading to its undoing.

The ability of SFDPW director's sole discretion could potentially allow "bad actors" to place items in the right of way while targeting "good actors" from completing projects under the Love Your Neighborhood legislation, and lead to this effort's undoing and investigation fees for well meaning neighbors.

I also believe limitations on percentage of total street frontage should be placed on the Tier 1 projects which only allow 50% of street to have planters maximum for property owners who own entire blocks.

I believe in this way you may encourage people to obtain a very simple tier 1 application while ensuring that sfdpw, the supervisors & the community of san francisco can be assured of a more streamlined / even process for what was once a heavy burden to improve conditions on the public right of way for all San Franciscans.

Warm regards, al
A l e c H a w l e y
(415)418-9073

From: [Carroll, John \(BOS\)](#)
To: [alec.hawley](#)
Cc: [Preston, Dean \(BOS\)](#); [Ronen, Hillary](#); [Melgar, Myrna \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Kilgore, Preston \(BOS\)](#)
Subject: RE: Love your neighborhood legislation - BOS File No. 230768
Date: Tuesday, October 31, 2023 12:15:00 PM
Attachments: [image001.png](#)

Thank you for your comment letter.

I am adding your commentary to the file for this ordinance matter, on agenda for consideration during the October 30, 2023 regular meeting.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 230768](#)

John Carroll
Assistant Clerk

Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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From: alec.hawley <ahawleyla@gmail.com>
Sent: Monday, October 30, 2023 12:20 PM
To: Preston, Dean (BOS) <dean.preston@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; asha.safai@sfgov.org; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Kilgore, Preston (BOS) <preston.kilgore@sfgov.org>
Subject: Love your neighborhood legislation

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

To SF supervisors & clerk John Carroll,

I am writing to discourage support for the current legislative changes entitled 'Love your Neighborhood' regarding allowing free placement of planters, seating & libraries. I do believe neighbors should be able to improve their streets to gather, green and learn for free.

I am a huge advocate for allowing this type of tactical improvement to neighborhoods, but fear that this legislation as it stands will allow corruption through SFDPW review process to target individuals while ignoring their own process.

The placement of planters to deter homeless encampments is abounding throughout San Francisco & instead of adding to community vibrancy, allowing a clear channel for a gathering space for folks to meet, share and grow from knowledge of each other this legislation with sole discretion by SFDPW and investigation fees of 100\$ or more is ill placed.

Trust me, I yearn for this type of work and I laud Myrna for bringing it forwards. However, this legislation needs further work and the removal of sole discretion from SFDPW to avoid potential corruption. This means that all of the planters currently placed which do not meet SFDPW's own guidelines could be ignored while well meaning individuals could be targeted by sf311 reports leading to a fine (investigation fee) of at minimum of 100\$. This seems fraught and needs revision.

I look forwards to revised legislation which provides a free o super low cost route for individuals to add green, amenity and rest to their neighborhoods without the potential for more corruption in city hall.

Warm regards, al

Alec Hawley



(415)418-9073

ahawleyla@gmail.com

<http://www.fauvescraperstudio.com/>

From: [Carroll, John \(BOS\)](#)
To: [Sara Barz](#)
Cc: [SNA Board](#); [Slow Hearst](#); [Rosaura Valle](#); [Rosaura Valle](#); [Mike Fleming](#); [Jennifer Bauer](#); [Patrick Linehan](#); [Heiken, Emma \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Ronen, Hillary](#); [ChanStaff \(BOS\)](#)
Subject: RE: Letter of Support for Love Our Neighborhoods Legislation - BOS File No. 230768
Date: Tuesday, October 31, 2023 12:15:00 PM
Attachments: [Love Our Neighborhoods - Support Letter Slow Hearst.pdf](#)
[image001.png](#)

Thank you for your comment letter.

I am adding your commentary to the file for this ordinance matter, on agenda for consideration during the October 30, 2023 regular meeting.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

- [Board of Supervisors File No. 230768](#)

John Carroll
Assistant Clerk

Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445



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From: Sara Barz <skbarz@gmail.com>
Sent: Monday, October 30, 2023 10:15 AM
To: MelgarStaff (BOS) <melgarstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>
Cc: SNA Board <board@sunnysideassociation.org>; Slow Hearst <info@slowhearst.org>; Rosaura Valle <detroitstepsproject@gmail.com>; Rosaura Valle <rpcvalle@gmail.com>; Mike Fleming <mikef@warble.org>; Jennifer Bauer <bauer.jennifer.ann@gmail.com>; Patrick Linehan <plinehan@gmail.com>; Heiken, Emma (BOS) <emma.heiken@sfgov.org>

Subject: Letter of Support for Love Our Neighborhoods Legislation

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

Hello,

Please find attached Slow Hearst's letter of support for the Love Our Neighborhood Legislation, which will be reviewed in today's Board of Supervisors Land Use and Transportation Committee meeting.

Thank you for your consideration,
Sara Barz

--

Sara K. Barz

skbarz@gmail.com

+1 (415) 935-0738

[LinkedIn](#) | [Twitter](#)



Attn: MelgarStaff@sfgov.org, Dean.Preston@sfgov.org, Aaron.Peskin@sfgov.org,
John.Carroll@sfgov.org, Catherine.Stefani@sfgov.org, Hillary.Ronen@sfgov.org,
ChanStaff@sfgov.org

October 30th, 2023

Subject: Support for Love Our Neighborhood

To Whom It May Concern at the Land Use and Transportation Committee,

Slow Hearst is a group of neighborhood volunteers who activate and care for Hearst Avenue, our local Slow Street. Slow Hearst volunteers produce 6-8 public events per year with the goal of using our street to connect the Sunnyside neighborhood and provide a space that puts people first.

The Love Our Neighborhoods legislation will go a long way toward helping our group contribute to our neighborhood. Simplifying the permitting process will enable more neighbors to improve their communities by creating amenities ranging from little free libraries and tiled stairways, to murals and rain gardens.

For far too long it has been a burden to contribute to the spaces outside of our front doors. While many neighbors like ourselves desire to do so, the challenges presented by the encroachment permit process are daunting, demoralizing, and in many cases, they have only prevented community-supported projects from happening. This legislation is a huge step forward to addressing these challenges, and we strongly support it.

Beautifying our communities should be celebrated and encouraged, not mired in a bureaucratic quagmire. Groups like ours are often improving spaces that have been abandoned and neglected, and by making it easier for us to do so, our entire city benefits.

With all of this in mind, Slow Hearst strongly urges you to support the Love Our Neighborhoods legislation.

Thank you,

Sara Barz

Slow Hearst "Mayor"

Slowhearst.org

From: [Carroll, John \(BOS\)](#)
To: [Scott Feeney](#)
Cc: [RonenStaff \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)
Subject: RE: Amendments needed to "Love Our Neighborhoods Projects" - BOS File No. 230768
Date: Tuesday, October 31, 2023 12:15:00 PM
Attachments: [image001.png](#)

Thank you for your comment letter.

I am adding your commentary to the file for this ordinance matter, on agenda for consideration during the October 30, 2023 regular meeting.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 230768](#)

John Carroll

Assistant Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445



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From: Scott Feeney <scott@oceanbase.org>

Sent: Monday, October 30, 2023 12:55 PM

To: Carroll, John (BOS) <john.carroll@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>

Cc: RonenStaff (BOS) <ronenstaff@sfgov.org>

Subject: Amendments needed to "Love Our Neighborhoods Projects"

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

Hello Land Use & Transportation Committee members,

I'm asking you to please not pass the "Love Our Neighborhood Projects" legislation out of committee today, file #230768, but rather, please continue it and give time to make needed amendments.

It's great that this helps with pro-social projects like benches, libraries, murals, art, and sidewalk gardens. But it doesn't do enough to curtail increasing abuse of so-called "planter boxes" as hostile architecture that obstructs sidewalks and is more of a barricade than a planter. Proliferating all over the city, but especially my own neighborhood the Mission, as well as along the Van Ness corridor, these planters-as-barricades are hurting walkability, accessibility, and transit ridership by obstructing far more space on the sidewalk than the tents they are intended to deter ever did.

Here is a bus stop almost completely blocked by a recently placed barricade:



This is no way to help Muni recover and promote transit and walking in our city, nor is it respectful to senior and disabled pedestrians who especially struggle to get around these obstacles. We need more assurance that DPW, which is already not enforcing its own order #179,231 (under which the above installation is illegal for being in a bus zone), is not going to facilitate more abusive obstruction of public space as we see in the above scene.

It's great that this legislation makes the adjacent property owner explicitly responsible for planters -- that should increase accountability, if enforced. But that's a big if. So here are the amendments I suggest:

1. Incorporate the requirements of DPW order 179,231 directly into the legislation's definition of

planters, and apply them to *both* Tier 1 "Front Yard Planters" *and* Tier 2 "minor landscaping infrastructure." Putting these access, walkability, and public safety protections in code will ensure they can't be removed unilaterally by DPW in the future.

2. Require DPW to investigate complaints that credibly accuse a violation, instead of being able to ignore complaints "in its sole discretion" (723.2.(b)(2)(iii)). That discretion is being abused today.
3. Remove DPW director discretion over width/area limits of encroachments (723.2(b) as amended, "unless the Director of Public Works determines that such restrictions are not applicable due to the nature of the encroachment"). There shouldn't be exceptions to the clear-cut rule that puts reasonable limits on the width and area of encroachment, or any exceptions should be explicitly enumerated.
4. Require DPW to make Tier 1 project registrations (723.2(b)(2)(i)) public on a website, so neighbors can look up whether or not a planter is registered and therefore legal. Otherwise hard to see how enforcement can work in practice.
5. Improve on the requirements of DPW order 179,231 with additional clarifications:
 1. Clarify that small planters must be under 36" wide *or long*, so no one can try to use the excuse that they're 68" long but 24" wide and therefore qualify.
 2. Add an explicit maximum weight, such as "not over 75 pounds filled," so we don't have to litigate whether or not planters being 1,200 lbs. and immovable without specialized equipment makes them permanently affixed.
 3. Don't allow a planter within 10 feet of an existing sidewalk garden basin that is weedy and unmaintained or that contains no plants. In that case, people should care for the existing garden basin before adding redundant containers. Alternatively: no planters within 5 feet of any sidewalk garden basin or tree basin.
6. Technical fix: Clarify 723.2.(b)(2)(i), "the sidewalk preserves the greater of a minimum path of travel of four feet after the installation or placement of the Tier 1 Project or, with respect to sidewalks that are a minimum of twelve feet wide, a minimum path of travel of six feet after the installation" -- it's not clear that this means four or six feet *wide*, and it also doesn't specify whether the path of travel has to be in a straight line. It would be better to use the Better Streets Plan definition of "throughway zone."
7. Technical fix: The liability section looks like it has a loophole where it doesn't apply to Tier 1 projects including planters. 723.2(e)(1) begins, "For minor encroachment permits issued pursuant to Section 723.2...", but tier 1 projects don't require a permit. 723.2(b)(2)(i): "The owner of real property... shall not be required to obtain a permit..." Once registered, a tier 1 project is "authorized," but a permit isn't issued as such.

This is based on a quick reading, but this is complex legislation that's making major changes. So it would be ideal to continue this legislation and give time for more public input and a full discussion of the effects of this legislation. I'm hopeful that with amendments, this can both curtail abuses, *and* give SF neighbors more ways to build pro-social projects that truly do show our love for our neighborhoods. Please continue this legislation so we there's time to make those amendments and get it right.

Thank you,
Scott Feeney

District 9 resident
646-662-0841

From: [Carroll, John \(BOS\)](#)
To: [Michael Smith](#)
Cc: [Smeallie, Kyle \(BOS\)](#); [Ronen, Hillary](#); [Preston, Dean \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Rubenstein, Beth \(DPW\)](#); [Gordon, Rachel \(DPW\)](#); [Peskin, Aaron \(BOS\)](#)
Subject: RE: Support Neighbor Amenities legislation, with needed amendments - BOS File No. 230768
Date: Monday, October 30, 2023 9:40:00 AM
Attachments: [image001.png](#)

Thank you for your comment letter.

I am adding your commentary to the file for this ordinance matter, on agenda for consideration during the October 30, 2023 regular meeting.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 230768](#)

John Carroll
Assistant Clerk

Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

From: Michael Smith <msmithtransit@gmail.com>
Sent: Sunday, October 29, 2023 6:15:56 PM
To: Preston, Dean (BOS) <dean.preston@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>
Cc: Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>
Subject: Support Neighbor Amenities legislation, with needed amendments

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

Land Use and Transportation Committee,

Thank you for pushing forward legislation Authorizing and Permitting Neighborhood Amenities. My neighborhood already benefits greatly from nearby welcoming amenities such as sidewalk gardens, little libraries, murals, and benches. Proper ones should be further encouraged by the City while hostile ones, those that block accessibility, generate liability to the city, or are simply a blight, should be modified to instead provide a benefit to all.

The legislation is a great step forward but the current wording has several serious flaws, though ones that can be easily corrected. Please make these simple changes so that the legislation achieves our goals:

* 723.2(e)(1) appears to be a significant mistake. Tier 1 Projects will not require a permit. 723.2(b)(2)(i) states that liability for these projects without permits is defined in 723.2(e)(1), but that section incorrectly states it only applies for *permitted* projects. Simple fix is to change “For minor encroachment permits issued...” to “For minor encroachment permits **or registrations** issued...”. Only with this change will the City not be liable for Tier 1 Projects.

* The legislation should be amended to require Front Yard Planters to actually contain plants and to be maintained in order to be compliant. Far too often planters can be barren, resulting in them becoming trash receptacles. To address this important issue 723.2(b)(2) should be amended to require that Planters actually contain plants and are maintained, just as required by the legislation for other types of projects like murals.

* 723.2(b)(2)(i) does not sufficiently state the requirements for registration for Tier 1 Front Yard Planters. The 723.1(b) Definitions section states that Front Yard Planters must abide by DPW Order 179,231. Therefore to be registered Planters must both comply with the minimum width for path of travel requirements **and** DPW Order 179,231.

723.2(b)(2)(i) should therefore be amended to specify that Planters must abide by **both** sets of guidelines.

* 723.2(b)(2)(iii) gives DPW “sole discretion” for doing safety inspections, which is unworkable. The DPW has repeatedly been shown to not undertake its responsibilities. It has far too often been subject to corruption. We simply cannot trust it with “sole discretion”. Safety is important. The legislation needs to be amended to “require” the DPW to do safety inspections when called upon.

* 723.2(d)(1) appears to incorrectly state that encroachments should not occupy more than “10% of the **area**” of the sidewalk fronting the property. 10% of the area could still mean that a Tier 1 Project could extend 90% of the width of the sidewalk, which of course is not the intent. Should likely simply change the wording to “10% of the **width**”.

Thank you for trying to implement legislation that, once the details are addressed, will beautify our city while eliminating liability issues.

Michael Smith
Nopa/Western Addition

From: [Carroll, John \(BOS\)](#)
To: [Rosaura Valle](#)
Cc: [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Carroll, John \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Ronen, Hillary](#); [ChanStaff \(BOS\)](#)
Subject: FW: Love our Neighborhoods-Letter of Support from DSP - BOS File No. 230768
Date: Monday, October 30, 2023 9:39:00 AM
Attachments: [Love Our Neighborhoods - Support Letter from DSP.pdf](#)
[image001.png](#)

Thank you for your comment letter.

I am adding your commentary to the file for this ordinance matter, on agenda for consideration during the October 30, 2023 regular meeting.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 230768](#)

John Carroll

Assistant Clerk

Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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From: Rosaura Valle <detroitstepsproject@gmail.com>

Sent: Sunday, October 29, 2023 8:11 PM

To: MelgarStaff (BOS) <melgarstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>

Subject: Love our Neighborhoods-Letter of Support from DSP

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

Please find attached the Letter of Support for the Love our Neighborhood legislation on behalf of the DETROIT STEPS PROJECT (DSP) and the Sunnyside community in District 7.

Please do not hesitate to reach out for any further questions you may have.
Thank you for your consideration and support in favor of this legislation.

Rosaura P.C. Valle,
DSP Project Lead
541 Hearst Avenue
San Francisco, CA 94112 (District 7)
415-310-5480
detroitstepsproject@gmail.com
rpcvalle@gmail.com



Attn: MelgarStaff@sfgov.org, Dean.Preston@sfgov.org, Aaron.Peskin@sfgov.org,
John.Carroll@sfgov.org, Catherine.Stefani@sfgov.org, Hillary.Ronen@sfgov.org,
ChanStaff@sfgov.org

October 29th, 2023

Subject: Support for Love Our Neighborhoods

To Whom It May Concern at the Land Use and Transportation Committee,

The DETROIT STEPS PROJECT is a multi-year multi-faceted project that aims at improving the infrastructure and beautifying with landscaping and tiling a 185 step stairway in Sunnyside (District 7). The project was launched within the Sunnyside Neighborhood Association in November 2018, and is fiscally sponsored by San Francisco Parks Alliance since November 2020.

The stairway is an unaccepted street under SFPW jurisdiction. We have transformed a neighborhood illegal dumping site into a California native plant garden, replaced chain link fences with decorative steel fences, worked with SFPW and SFPUC to install a water meter and backflow device at the site, and have engaged a diverse community around monthly maintenance days at the Steps.

We know first hand how the new Love our Neighborhoods legislation will be benefiting community groups volunteering their time to beautify their neighborhood, as we have been diligently working through the challenging process of a Major Encroachment Permit with SFPW since August 2022 in order to install a decorative archway at the steps.



This legislation will go a long way toward helping our group contribute to our neighborhood. Simplifying the permitting process will enable more neighbors to improve their communities by creating amenities ranging from little free libraries and tiled stairways, to murals and rain gardens.

For far too long it has been a burden to contribute to the spaces outside of our front doors. While many neighbors like ourselves desire to do so, the challenges presented by the encroachment permit process are daunting, demoralizing, and in many cases, they have only prevented community-supported projects from happening. This legislation is a huge step forward to addressing these challenges, and we strongly support it.

Beautifying our communities should be celebrated and encouraged, not mired in a bureaucratic quagmire. Groups like ours are often improving spaces that have been abandoned and neglected, and by making it easier for us to do so, our entire city benefits.

With all of this in mind, we strongly urge you to support Love Our Neighborhoods.

Thank you,

Rosaura P.C. Valle

DSP Project Lead

415-310-5480

detroitstepsproject@gmail.com

Please see attached signatures in the following pages.

DetroitStepsProject		List of signatures in support of the Love our Neighborhood Legislation and attached DETROIT STEPS PROJECT Support Letter. DATE: 10/29/23 • EVENT: MAINTENANCE DAY AT DETROIT STEPS			
#	First & Last Name	EMAIL- (please write LEGIBLY)	Sign Up for Maintenance Days	Sign Up for GoogleGroup News	Address
1	FLORA CLERGE	flora.clerge@gmail.com	Yes	Yes	439 Detroit St CA 94131 SF
2	Donna McNamara	dmlmcnamara@gmail.com	Yes	Yes	111 HEARST AVE SF CA 94131
3	Mrs. LAUREZZO	digthesky@outlook.com	Yes	NO	442 Detroit streets F-CA 94131
4	DARIL BROWNE	browndc@att.net	Yes	Yes	106 MELROSE AVE 94124
5	Joy Dwighello	jdwhighe@ccsf.edu	Yes	Yes	62 Martha Ave. 94131
6	CHRISTINA FISCHER	kina.fischer@gmail.com	Yes	Yes	1481 14th Ave 94122
7	Susan Evans	ske1@pacbell.net	Yes	Yes	279 Managla 94131
8	DYLAN BOU	bouylan30@gmail.com	Yes		
9	TAD SKY	tadsky7@gmail.com	Yes	Yes	215 HEARST AVE 94131
10	Anthony Cystanos	anthonycystanos@gmail.com	Yes	Yes	370 Monterey Blvd
11	Brian Murphy	brianmurphy11@yahoo.com	Yes	Yes	325 Detroit St. SF CA 94131
12	Paul Murphy	Paul@PaulParackProperties.com	Yes	Yes	325 Detroit St 94131
13	Elliot Ryan	ElliotARyan@gmail.com	Yes	Yes	74 Staples Ave 94131
14	MARIA HAUGHT	Maciayhaught@gmail.com	Yes	Yes	340 Foerster St 94118
15	Erica Hymen	AREN.ERICA@gmail.com	Yes	Yes	2227 Flood Ave 94112
16	Aruna Prabhala	aruna.prabhala@gmail.com	Yes	Yes	274 Staples Ave
17					
18					
19					

DetroitStepsProject		List of signatures in support of the Love our Neighborhood Legislation and attached DETROIT STEPS PROJECT Support Letter. DATE: 10/29/23 - EVENT: PUMPKIN FESTIVAL OF THE DETROIT STEPS			
#	First & Last Name	EMAIL: (please write LEGIBLY)	Sign Up for Maintenance Days	Sign Up for GoogleGroup News	Address
1	Margaret Hase	margaret.hase@gmail.com		X	506 Foster St
2	Ken Hollenbeck	kenneth.hollenbeck@gmail.com		X	658 Jost
3	Barry Purovik	barry.purovik@yahoo.com		x	112 Baden
4	Stefan Koenig	stfkng@aol.com			423 Melrose Ave
5	EVAN BAUER	evanjbauer@gmail.com			270 Hearst Ave
6	Jennifer Bauer	bauerjenniferann@gmail.com			270 Hearst Ave
7	Monica Collins	376 Hearst St #112		←	lizz42@gmail.com
8	MAUREEN MASON	399 JOST 94131			mmason@iminet.com
9	Brandy Dondrio	313 Hearst ave 94112			brandydondrio@gmail.com
10	Phillip Oertel	phillipao@gmail.com		X	300 Richmond
11	Mary Skinner	skinner.smith318@gmail.com			588 Monterey Blvd.
12	TRISTAN LOPES	TRISTAN@LOPES.CO		X	207 CONGO ST
13	Andru Pempel	AndruPempel@gmail.com	X		983 paris st.
14	Narmata Kelle	mukelle@gmail.com	X	X	638 Mangels Ave
15	Szu-Yu Wang	Szu-Yu.Wang@gmail.com	X		428 Antwerp
16					
17					
18					
19					

From: raberger@sfteamworks.com
To: [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Carroll, John \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Ronen, Hillary](#); [ChanStaff \(BOS\)](#)
Cc: ["Savannah Schoelen"](#)
Subject: Support for Love Our Neighborhoods
Date: Thursday, October 26, 2023 1:30:03 PM
Attachments: [image001.png](#)
[image002.png](#)

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

October 25, 2023

Subject: Support for Love Our Neighborhoods

To Whom It May Concern at the Land Use and Transportation Committee,

Burnside Mural+ is a volunteer effort, started in 2021, to create a mural and tiled stairway that would beautify an area in Glen Park, and serve as a teaching tool about the neighborhood's extraordinary history and its treasure, Glen Canyon.

This legislation will go a long way toward helping our group contribute to our neighborhood. Simplifying the permitting process will enable more neighbors to improve their communities by creating amenities ranging from little free libraries and tiled stairways to murals and community gardens. For far too long it has been a burden to contribute to the spaces outside of our front doors. While many neighbors like us desire to do so, the challenges presented by the encroachment permit process are daunting, demoralizing, and in many cases, they have only prevented community-supported projects from happening.

Specific to our tiled stairway project, we started our application process for the required permit (MEP), in September 2022 with a request to waive fees that otherwise would have been impossible for us to bear (over \$10,000 initially with annual fees that would have exceeded \$5,000). It took four months to receive the interim waiver, followed by the submission of incredibly burdensome paperwork for a volunteer effort, which is still working its way through the permit process one year after starting. This legislation is a huge step forward to addressing these challenges, and we strongly support it.

Beautifying our communities should be celebrated and encouraged, not mired in a bureaucratic quagmire. Groups like ours are often improving spaces that have been abandoned and neglected, and by making it easier for us to do so, our entire city benefits.

With all of this in mind, we strongly urge you to support Love Our Neighborhoods.

Thank you,

Renee Berger, Project Leader, Burnside Mural+



Renee

Fiscal sponsor: SF Parks Alliance

Renee A. Berger

(415) 203-3021

www.sfteamworks.com

I'm a San Francisco City Guide. Join me for a walking tour (it's free).

Applause! SF's Performing Arts Hub

<https://sfcityguides.org/tour/applause-sfs-performing-arts-hub/>

Mission Dolores Neighborhood

<https://sfcityguides.org/tour/mission-dolores-neighborhood/>

Mission Murals

<https://sfcityguides.org/tour/mission-murals/>

From: [Ruth Wallace](#)
To: [Preston, Dean \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Carroll, John \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Ronen, Hillary; ChanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Ferrigno, Jennifer \(BOS\)](#); [Lerma, Santiago \(BOS\)](#)
Cc: [Savannah Schoelen](#); [Luke Spray](#); [Beck Trebesch](#)
Subject: Support for Love My Neighborhood Legislation
Date: Thursday, October 26, 2023 2:09:36 PM
Attachments: [To BOS Support for Love My Neighborhood Leg.docx](#)

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

Dear Supervisors,

I am in support of the Love My Neighborhood Legislation, but feel it needs carve outs for special consideration for groups like ours that have worked for years to obtain the necessary permits to start work on a community project.

If this legislation is replacing current policy, it needs written inclusion of instructions for projects currently in the pipeline such as the Goettingen Neighbors Group (GNG) Steps to Wisdom Art-tiled Stairway and The Burnside Stairs. We do not want to be in the position (after more than two years of work to start work on our project) of needing to get an additional permit, pay more fees, or bring our project up for further review, We have already been granted a Major Encroachment Permit, have over \$5,000 of permit fees waived, and been approved by the BOS, DPW and the Planning Commission.

Make it easier for all community groups to enhance and improve their neighborhoods, but do not add further roadblocks to projects currently underway.

Thank you for your consideration. Please see our letter of support attached and below.

Ruth Wallace

GNG

415-420-6185

October 26th, 2023

Subject: Support for Love Our Neighborhoods

To Whom It May Concern at the Land Use and Transportation Committee,

The Goettingen Neighbors Group has been stewarding the stairway at Goettingen and Dwight in the Portola Neighborhood in District 9 since 2007.

In 2017, we decided to go a step further to create an art-tiled stairway. We were awarded a Budget Add-Back in 2017 to do some infrastructure work. We stabilized the hillside adjacent to the stairs, increased lighting, and added a public space for neighbors and all San Franciscans to enjoy. This was a predecessor of our plan to create, Steps to Wisdom, another art-tiled stairway to add to San Francisco's palette.

In 2020, we were awarded a large Community Challenge Grant to make Steps to Wisdom a reality. Since then, we have been trying to secure a permit to create it. Art-tiled stairways in San Francisco have proven to be very popular with residents and tourist alike. The City has encouraged community groups to create them as they reduce maintenance costs to the City and encourage pedestrian usage of the stairways which makes them safer for all by increasing a presence on what was once seldom-used passageways.

Our group has been thwarted by regulations and requirements that have made progress arduous and nonexistent. We have met every requirement asked of us; have neighborhood support; continued to fundraise and maintain the stairway by cleaning the stairway and hillside and removing graffiti. We have contractors at the ready to fabricate our colorful and reflective custom tiles with quotes neighbors would give to their younger selves, in six different languages. We have an experienced tile installation contractor in place to order ADA compliant stair treads and install them. We have learned how to affix the art-tiles on the risers and found volunteers to help us do so. We have engaged neighbors throughout this years, and now miles, long red-tape.

The Love our Neighborhood proposal is great and should have been implemented some time ago. We hope that other neighborhood groups will not have to go through what we have had to moving forward. The process until now has been disincentivizing for people trying to make the City a better place for all. Simplifying the permitting process will enable more neighbors to improve their communities by creating amenities ranging from little free libraries and tiled stairways, to murals and rain gardens. This legislation will go a long way toward helping group to contribute to their neighborhoods.

For far too long it has been a burden to contribute to the spaces outside of our front doors. While many neighbors like ourselves desire to do so, the challenges presented by the encroachment permit process are daunting, demoralizing, and in many cases, they have only prevented community-supported projects from happening. This legislation is a huge step forward to addressing these challenges, and we strongly support it.

Beautifying our communities should be celebrated and encouraged, not mired in a bureaucratic quagmire. Groups like ours are often improving spaces that have been abandoned and neglected, and by making it easier for us to do so, our entire city benefits.

That being said, we believe that our project and others who have been going through the process of getting a permit, such as the Burnside Stairs, should not have to start over, pay more in fees, request additional waivers, or bring our project in front of the Board of Supervisors or any city agency or department. We have already done that. We request that the legislation fast track the permit, waive any additional applications, and not add an additional \$500 fee to the cost of our project or others in a similar position.

With all of this in mind, we strongly urge you to support Love Our Neighborhoods with special considerations, listed above, for the Goettingen Stair Project, Steps to Wisdom and others in our position.

Thank you,

Ruth Wallace
Project Manager and Development Chair
Goettingen Neighbors Group (GNG)

October 26th, 2023

Subject: Support for Love Our Neighborhoods

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Thank you,



Ruth Wallace

Project Manager and Development Chair
Goettingen Neighbors Group (GNG)



Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

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

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

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

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: