

1 [Transportation, Administrative, Fire Codes - Temporary Street Use Permits and Closures]

2

3 **Ordinance amending Division I of the Transportation Code to authorize the Director of**

4 **Transportation to approve temporary street use permits under certain circumstances;**

5 **amending the Administrative Code to authorize the Director of Transportation to**

6 **approve certain street closures proposed by Community Benefits Districts under the**

7 **Downtown Entertainment Event Activation Program; make nonsubstantive**

8 **organizational changes to the provisions governing the Interdepartmental Staff Council**

9 **on Traffic and Transportation and remove outdated provisions concerning the**

10 **temporary use of streets for school uses; amending the Administrative and Fire Codes**

11 **to update cross-references; and affirming the Planning Department’s determination**

12 **under the California Environmental Quality Act.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.

14 **Additions to Codes** are in *single-underline italics Times New Roman font*.

15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.

16 **Board amendment additions** are in double-underlined Arial font.

17 **Board amendment deletions** are in ~~strikethrough Arial font~~.

18 **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

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

20 Section 1. Environmental Findings.

21 (a) The Planning Department has determined that the actions contemplated in this

22 ordinance comply with the California Environmental Quality Act (California Public Resources

23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

24 Supervisors in File No. 260449 and is incorporated herein by reference. The Board affirms

25 this determination.

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Section 2. Division I of the Transportation Code is hereby amended by revising Sections 6.1, ~~6.2, and 6.6~~ and by adding Section 6.18 ~~deleting Sections 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, 6.17, and 6.18,~~ and by adding Sections 6.2, 6.3, 6.3.1, 6.3.2, 6.3.3, 6.3.4, 6.3.5, 6.4, 6.4.1, 6.4.2, 6.4.3, 6.4.4, 6.5, 6.6, 6.7, 6.8, 6.9, and 6.10 to read as follows:

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

(a) ISCOTT. There is hereby established a committee to be known as the Interdepartmental Staff Council on Traffic and Transportation (ISCOTT); to address temporary use or occupancy of the streets as provided in this Article 6.

(b) Membership. ISCOTT shall ~~consisting of designated representatives from the following designated departments and agencies~~ or their designated representatives from the following departments and agencies:

- (1) Municipal Transportation Agency (MTA);
- (2) Planning;
- (3) Public Works;
- (4) Police;
- (5) Fire;
- (6) Public Health; and
- (7) Entertainment Commission.

(c) Chair. The Director of Transportation or their designee shall serve as Chair of ISCOTT.

~~(d) Recycling Plans.~~ The City Administrator or their designee shall review

1 recycling plans submitted pursuant to Section 6.5 and recommend any conditions to ISCOTT
2 that should be imposed on any applicant.

3 (ed) Consultation. In exercising its powers ISCOTT shall consult with any other City
4 department or agency that could be affected by any temporary use or occupancy of a public
5 street.

6 (fe) Authority. ISCOTT shall have the authority to take all acts reasonably
7 necessary for it to carry out any duties imposed upon it by law.

8 (gf) Public Hearing. Except for applications reviewed under Section 6.48, before
9 acting on any application for temporary use or occupancy of public streets, sStreet fFair or an
10 aAthletic eEvent, ISCOTT shall conduct a public hearing at a publicly noticed time and place
11 to be determined by ISCOTT.

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13 **~~SEC. 6.2. REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY~~**
14 **~~OF PUBLIC STREETS; PROCEDURE.~~**

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

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

21 (1) ~~An application for a proposed temporary use or occupancy scheduled to occur~~
22 ~~fewer than 30 calendar days after the application date may be filed for emergency~~
23 ~~consideration. The Director of Transportation shall consider the request if the applicant has~~
24 ~~demonstrated that an extraordinary emergency exists that requires the closing of a street, and~~
25 ~~provided that there is adequate time available for the Municipal Transportation Agency to~~

1 conduct the required public hearing and post notice of the scheduled hearing at least 72 hours
2 in advance of the hearing.

3 (2) ~~The Film Commission, or other successor commission or office, may file with~~
4 ~~the Director of Transportation an application on behalf of a film or other video production~~
5 ~~company (which company shall be responsible for the payment of all applicable fees) for a~~
6 ~~proposed temporary use or occupancy scheduled to occur fewer than 30 calendar days after~~
7 ~~the application date, provided that there is adequate time available for the Director of~~
8 ~~Transportation to conduct the required public hearing and post notice of the scheduled~~
9 ~~hearing at least 72 hours in advance of the hearing. The Film Commission (or the film~~
10 ~~company on whose behalf the application was made) shall (A) notify residents, merchants and~~
11 ~~other occupants of the public street(s) to be closed of the dates proposed for street closure,~~
12 ~~and (B) notify any and all affected City departments, including the Police Department and the~~
13 ~~Department of Public Works.~~

14 (c) ~~The completed application shall include, when applicable, maps and/or drawings~~
15 ~~which identify the streets that would be affected, shall describe the scope and design of the~~
16 ~~event, including illustrations of the location of staging, food booths, and seating, and shall~~
17 ~~include a diagram of an emergency access plan. In addition, the Director of Transportation~~
18 ~~may request such additional information as is necessary to allow ISCOTT to make an~~
19 ~~informed evaluation of the proposed temporary use or street occupancy. In the case of “major~~
20 ~~events,” as defined in Section 6.3, applicants shall submit an emergency medical services~~
21 ~~plan.~~

22 (d) ~~Applicants shall be responsible for posting notice of the public hearing at least~~
23 ~~seven calendar days prior to the hearing at which the application will be reviewed by ISCOTT.~~
24 ~~Such notice shall include a description of the streets that would be affected and shall be~~
25 ~~posted in the area of the proposed temporary use or street occupancy according to rules and~~

1 regulations prescribed by the Director of Transportation. The applicant shall submit a
2 declaration under penalty of perjury to the Director of Transportation attesting that the
3 required public notices have been posted.

4 (e) ~~ISCOTT Review and Approval Process.~~ In reviewing an application, ISCOTT shall
5 consider the impact of the temporary use or occupancy of public streets on the traffic,
6 security, health, and safety of the public; determine the traffic, security, health, and safety
7 requirements of the proposed temporary use or occupancy; and evaluate the measures
8 proposed by the applicant to satisfy those requirements. For major events, ISCOTT shall
9 forward the applicant's proposed emergency medical services plan to the Director of
10 Emergency Medical Services and Emergency Operations Section (EMSEO). ISCOTT shall
11 consider the recommendations of EMSEO regarding the proposed emergency medical
12 services plan. It shall be the duty of ISCOTT to also consider the following:

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

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

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

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

24 (5) ~~The number of major events (as defined in Section 6.3 below) scheduled~~
25 ~~during the period for which the applicant seeks a permit, the nature and location of the major~~

1 events, and the demand these major events will have on the City's resources, including its
2 police, emergency and sanitation personnel. In considering the major events for which
3 applications have been filed and/or approved. ISCOTT should give priority based on the
4 chronological order in which the applications are received, and applicants denied permission
5 on the basis that there are too many major events already approved or pending for approval
6 shall be offered alternative dates by ISCOTT. Notwithstanding this provision, ISCOTT may, in
7 its discretion, grant preference to recurring events traditionally or historically associated with a
8 particular day or dates, provided that other applications, once approved, cannot be revoked
9 because of the subsequent filing of an application for a permit for an event traditionally or
10 historically associated with a particular day or dates.

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

15 (f) ISCOTT may impose additional requirements or conditions it deems necessary to
16 protect the public interest by ensuring traffic management, security of property and health and
17 safety of citizens. At the time ISCOTT reviews the application, it shall also determine the
18 necessity of and the total estimated actual costs incurred by the Municipal Transportation
19 Agency for any adjustments to transit operations required to implement the street closure. If
20 the application is approved, ISCOTT shall transmit to the applicant an invoice reflecting the
21 cost for making any adjustments to transit operations. The applicant shall make full payment
22 of the fee no later than five days prior to the date of the street closing, or in accordance with a
23 schedule agreed to by the Director of Transportation. ISCOTT shall not disapprove any
24 application for a temporary use or occupancy of public streets because of the applicant's
25 political, religious, or cultural orientation.

1 (g) ~~ISCOTT shall take action to approve or disapprove an application within 30 days~~
2 ~~of receipt of a complete application. Notice of ISCOTT's action of approval or disapproval~~
3 ~~shall be submitted to the Chief of Police; the Fire Chief; the Director of Public Health; the~~
4 ~~Director of Public Works; and the Executive Director of the Entertainment Commission, and~~
5 ~~be maintained as a matter of record. For major events, notice of ISCOTT's action of approval~~
6 ~~or disapproval shall also be submitted to the Director of EMSEO.~~

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

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

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

18 (k) ~~Any permission for the temporary use or occupancy of a public street authorized~~
19 ~~pursuant to these provisions shall be subject to the conditions set forth in Sections 6.7 and~~
20 ~~6.8.~~

21 (l) ~~**Late Application.** Should the applicant file an application for a proposed temporary~~
22 ~~use or occupancy fewer than 30 days prior to the date of the proposed use or occupancy, and~~
23 ~~not far enough in advance of the proposed use or occupancy to allow ISCOTT to consider the~~
24 ~~application at a regularly scheduled meeting of ISCOTT, then the Director of Transportation~~
25 ~~shall have the responsibility and duty to consider and approve or disapprove the application~~

1 after consulting with the members of ISCOTT. The Director of Transportation shall conduct a
2 public hearing for which notice shall be posted at least 24 hours in advance of the hearing at
3 the Municipal Transportation Agency, the main library, and at the Office of the Clerk of the
4 Board of Supervisors. At the hearing, the applicant and interested persons shall have an
5 opportunity to present oral testimony and written materials in support of their position. The
6 Director of Transportation shall conduct the hearing according to the same standards of
7 review as set forth in Section 6.2(e) hereof. Notice of the Director of Transportation's action of
8 approval or disapproval shall be submitted to the Chief of Police, the Chief of the Fire
9 Department, the Director of Public Health, the Director of Public Works, and the Executive
10 Director of the Entertainment Commission, and shall be maintained as a matter of record. In
11 the event the Director of Transportation disapproves the application, the applicant shall have
12 the right to appeal the Director of Transportation's decision to the Board of Supervisors in
13 accordance with the same terms and conditions as set forth in Section 6.2(j).

14 **SEC. 6.3. MAJOR EVENTS DEFINED.**

15 "Major events" are those events, including athletic events and street fairs, involving any
16 of the following: The use or occupancy of more than five blocks, the expected attendance or
17 participation of more than 1,000 people at any one time, or the rerouting of more than three
18 Municipal Railway transit lines. "Major events" shall also include any sports events with
19 expected attendance of more than 50,000 people, or any parade governed by the provisions
20 of Police Code Section 366 et seq.

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22 **SEC. 6.4. INSURANCE.**

23 Sponsors of major events shall be required to provide an insurance policy naming the
24 City as an additional insured, in a form approved by the Office of Risk Management.
25 Coverage shall be in an amount of \$1,000,000 or more, as determined by the Office of Risk

1 Management. This insurance requirement shall be waived where the event constitutes the
2 exercise of rights protected under the First Amendment to the United States Constitution, and
3 the event sponsor submits a sworn statement of indigence.
4

5 **SEC. 6.5. RECYCLING, COLLECTION AND DISPOSITION.**

6 (a) ~~Recycling Plan.~~ Any applicant seeking permission for the temporary use or
7 occupancy of a public street, a street fair or an athletic event within the City for an activity or
8 special event that includes dispensing of beverages from glass, aluminum, or plastic
9 containers, or which causes to be generated large amounts of other recyclable materials, shall
10 be required to submit a plan demonstrating a good faith effort to provide a method to separate
11 glass, aluminum and plastic beverage containers or other materials for the purpose of
12 recycling them.

13 (b) ~~Disposition of Recyclable Materials.~~ Prior to the review by ISCOTT of such
14 application, the applicant shall submit to the chair of ISCOTT the following information:

15 (1) ~~A plan that describes the number and location of source-separated recycling~~
16 ~~containers that are necessary to ensure convenient utilization and protect public health and~~
17 ~~safety; and~~

18 (2) ~~Documentation that collection services shall be performed by a private or~~
19 ~~nonprofit source.~~

20 (c) ~~Collection of Recyclable Containers.~~ At the time ISCOTT considers the
21 application, it shall determine whether all of the necessary information has been submitted
22 and whether the measures proposed by the applicant provide for the collection and disposition
23 of source-separated materials. The applicant shall pay a deposit in the amount of \$100, for
24 each day of the event, to the Director of Public Works, at the time the application is filed,
25 which shall be forfeited if applicant fails to collect recyclable materials and deposit said

1 materials at a recycling facility. Such deposit shall be refunded in full to the permittee, by the
2 Director of Public Works, upon receipt of documentation which verifies that the collected
3 material was disposed at an appropriation recycling facility.

4 (d) ~~**Past Performance.**~~ The Director of Public Works shall maintain records for a
5 period of three years that document the recycling performance of the applicant when a
6 temporary use of a public street is permitted. If an applicant for a temporary street closing,
7 street fair or athletic event has been granted approval in the past pursuant to a permit issued
8 by the City and County of San Francisco and failed to collect and dispose recyclable beverage
9 containers, ISCOTT may require the applicant to pay a deposit in an amount greater than that
10 normally required, so long as the increased amount is reasonably related to the anticipated
11 costs of collecting and disposing of recyclable materials. However, if an applicant who has
12 failed to comply with a recycling plan in the past has, since that occurrence, temporarily used
13 a public street, or sponsored a street fair or athletic event pursuant to a permit and has
14 complied with a recycling plan, the amount of the deposit normally required of applicants shall
15 apply.

16 (e) ~~**Rules and Regulations.**~~ The Director of Administrative Services shall promulgate
17 any rules and regulations necessary or appropriate to carry out the purposes and
18 requirements of this Article. Before issuing or amending any rules or regulations, the Director
19 of Administrative Services shall provide a 30-day public comment period by providing
20 published notice in an official newspaper of general circulation in the City of the intent to issue
21 or amend the regulations.

22 ~~**SEC. 6.6. TEMPORARY USE OF STREETS FOR STREET FAIRS.**~~

23 (a) ~~**Definitions.**~~ For the purpose of this Section, the following definitions shall apply:

24 (1) ~~To "issue" a permit is to deliver to an applicant for a street fair permit written~~

1 permission to sponsor or hold a street fair at a specified date and location.

2 (2) ~~"Sponsor" means that organization responsible for organizing a street fair and~~
3 ~~authorized to represent the street fair before City agencies and officials.~~

4 (3) ~~A "street fair" means a social or community event, not including an athletic~~
5 ~~event or parade, in which any group of persons convene to celebrate their community or~~
6 ~~neighborhood on any street in the City which event obstructs or interferes with the normal flow~~
7 ~~of vehicular traffic.~~

8 (b) ~~**Applying for Temporary Use of Street for Street Fair.** Notwithstanding any~~
9 ~~other provisions of this Code or the San Francisco Administrative Code, the regulation of~~
10 ~~street fairs, including the processes for obtaining permits from the City for conducting these~~
11 ~~street fairs and the payment of associated fees to the City, shall be governed by this Section.~~
12 ~~In order to provide for the safe, orderly and cost-effective conduct of street fairs, any~~
13 ~~organization seeking permission for the temporary use of a street for the purpose of~~
14 ~~conducting a street fair shall file an application with the Director of Transportation no later than~~
15 ~~90 days prior to the proposed date for the event. Applications shall be submitted on forms~~
16 ~~prepared by the Director of Transportation after conferring with the appropriate~~
17 ~~representatives from the Police Department, Fire Department, Department of Public Health,~~
18 ~~the Department of Public Works, and the Entertainment Commission. At the time of filing an~~
19 ~~application under this Section, the sponsoring organization shall also file an application fee~~
20 ~~established by the Municipal Transportation Agency Board of Directors.~~

21 (c) ~~**Timeliness of Applications.** No person submitting an application after the~~
22 ~~deadlines set forth in this Article shall be granted permission to conduct a street fair on the~~
23 ~~dates requested unless the person demonstrates to the satisfaction of the Director of~~
24 ~~Transportation that the failure to submit a timely application was justified by extraordinary~~
25 ~~circumstances; provided, however, that in no event shall an applicant be permitted to file an~~

1 application less than 60 days prior to the proposed date for the event. Municipal
2 Transportation Agency Board of Directors may establish a late fee to be assessed for untimely
3 filed applications.

4 ~~(d) **Review of Application.** Upon receiving an application for permission for the~~
5 ~~temporary use of a street for purposes of conducting a street fair, the Director of~~
6 ~~Transportation shall review the application to determine whether the information required in~~
7 ~~the application has been provided. If the Director of Transportation determines that the~~
8 ~~applicant has failed to provide the information required, the Director of Transportation shall,~~
9 ~~within five business days of receiving the application, notify the applicant of what additional~~
10 ~~information is required. If the applicant fails to provide the additional information required~~
11 ~~within five business days of notification by the Director of Transportation, the application shall~~
12 ~~be deemed to be untimely filed; provided, however, that upon good cause shown, the Director~~
13 ~~of Transportation may extend this five-day period. Except as provided in Section 6.18, the~~
14 ~~Director of Transportation shall transmit the completed application to ISCOTT.~~

15 ~~(e) **Review by ISCOTT; Recommendation.** Except as provided in Section 6.18, no~~
16 ~~later than 60 days prior to the proposed date of the street fair, ISCOTT shall review the~~
17 ~~application and shall recommend that the Director of Transportation grant, deny, or grant with~~
18 ~~conditions the application for a permit. The Director of Transportation may accept or reject the~~
19 ~~recommendation of ISCOTT, and may grant, deny or grant with conditions the application for~~
20 ~~a permit. Upon granting permission to conduct a street fair, the Director of Transportation shall~~
21 ~~cause all necessary permits to be issued to the sponsor of the street fair. If the Director of~~
22 ~~Transportation denies permission to conduct the street fair, the Director of Transportation~~
23 ~~shall state in writing the Director's reasons for the denial.~~

24 ~~(f) **Fee.** No later than 60 days prior to the proposed date of the street fair and in~~
25 ~~consultation with other City departments, ISCOTT shall determine the fee to be charged for~~

1 the permit according to the schedule below, subject to the fee waiver provisions for Qualifying
2 Neighborhood Outdoor Events under Section 6.17. No other fee for conducting a street fair
3 shall be required or assessed. All fees paid by the sponsors for street fair permits shall be
4 deposited in the City Treasury and allocated by the Controller to the appropriate City
5 departments. The fee shall be based on the actual costs to the City of temporarily closing the
6 street for the street fair, pursuant to the following fee schedule:

7 ~~(1) Fire Department:~~

8 A) ~~Application fee \$330.00~~

9 B) ~~Inspection fee Food vendors using propane, butane, charcoal briquettes or~~
10 ~~open flame:~~

11 ~~(i) First Day of Street Fair:~~

12 ~~1 to 10 food vendors \$468.00~~

13 ~~11 to 20 food vendors \$936.00~~

14 ~~21 to 30 food vendors \$1,404.00~~

15 ~~31 food vendors and over \$1,872.00~~

16 ~~(ii) Each Consecutive Day of Street Fair:~~

17 ~~1 to 20 food vendors \$468.00~~

18 ~~21 food vendors and over \$936.00~~

19 C) ~~Other activities at a street fair that are regulated by the Fire Department will~~
20 ~~require operational permits from the Department. Examples of regulated activities include but~~
21 ~~are not limited to: The erection of tents, the use or storage of hazardous materials,~~
22 ~~professional fireworks displays, and carnivals. Additional inspection fees may also be required~~
23 ~~depending on the activity.~~

24 2) ~~Department of Public Health: Application and permit fees payable to the~~
25 ~~Department of Public Health under this Section shall be the same as those charged for~~

1 ~~temporary food permits for special events as governed by Section 249.11 of the Business and~~
2 ~~Tax Regulations Code.~~

3 ~~3) Municipal Railway fee: Fee to be established by the Municipal Transportation~~
4 ~~Agency.~~

5 ~~4) A) Street fairs where alcoholic beverages are served:~~
6 ~~100 percent of the projected Police Department costs incurred by reason of the street fair,~~
7 ~~subject to the following caps:~~

| | |
|----------------------------|-------------|
| 0 to 100,000 patrons | \$5,494.07 |
| 100,001 to 250,000 patrons | \$10,988.14 |
| More than 250,000 patrons | \$21,976.28 |

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13 ~~The Police Department, working with the sponsor, shall provide an estimate of attendance for~~
14 ~~the event for purposes of determining the applicable cap.~~

15 ~~B) Street fairs where alcoholic beverages are not served:~~
16 ~~—Police Department: 40 percent of the projected Police Department costs incurred by reason~~
17 ~~of the street fair; provided, that this fee shall not exceed \$2,793.49. ISCOTT shall waive all or~~
18 ~~part of this fee upon a showing that the sponsors of the event are unable to pay the full fee.~~
19 ~~—If the Director of Transportation grants the application for a permit, he or she shall transmit~~
20 ~~to the sponsor an invoice for the fee. The sponsor of the street fair shall make full payment of~~
21 ~~the fee no later than 10 days prior to the date of the event.~~

22 ~~(g) Insurance. Street fair sponsors shall be required to file with the Director of~~
23 ~~Transportation proof of insurance in accordance with Section 6.7(l).~~

24 ~~(h) Conditions. In addition to any other conditions imposed by the Director of~~
25 ~~Transportation, any street fair conducted pursuant to this Article shall be subject to the~~

1 conditions set forth in Section 6.7.

2 (i) ~~**Appeals.** Any appeal from the denial of the issuance of a permit to conduct a street~~
3 ~~fair, from the imposition of conditions on the issuance of a permit, or the determination or~~
4 ~~refund of fees shall be to the Board of Supervisors. Such appeal shall be made by filing with~~
5 ~~the Clerk of the San Francisco Board of Supervisors, on a form provided by the Clerk of the~~
6 ~~Board, within 10 days of the Director of Transportation's approval or disapproval or the~~
7 ~~determination or refund of fees. The Board of Supervisors may establish a fee to be imposed~~
8 ~~upon the filing of any such appeal. Upon receipt, the Clerk of the Board shall set a time and~~
9 ~~place for hearing such appeal by the Board of Supervisors, which shall be at its next regular~~
10 ~~meeting in conformance with public notice requirements. At the appeal hearing, the appellant~~
11 ~~and Director of Transportation shall have an opportunity to present oral testimony and written~~
12 ~~materials in support of their positions. Upon hearing the appeal, and after any further~~
13 ~~investigation that the Board of Supervisors may request, the Board of Supervisors may affirm,~~
14 ~~reverse, or modify the Director of Transportation's decision on the issue appealed.~~

15 (j) ~~**Notice.** The Director of Transportation shall transmit copies of the granting of~~
16 ~~permission to conduct a street fair to the Chief of Police, the Fire Chief, the Director of Public~~
17 ~~Works, the Executive Director of the Entertainment Commission, the Director of the~~
18 ~~Environmental Health Section of the Department of Public Health and the Superintendent of~~
19 ~~Emergency Hospital Service of the Department of Public Health.~~

20 (k) ~~**Authorization to Sell Goods; Unauthorized Sales.** The sponsor of a street fair~~
21 ~~shall determine which individuals or organizations may sell goods or merchandise on a street~~
22 ~~that has been closed for the purposes of conducting a street fair, provided, however, that such~~
23 ~~authorization shall not be withheld on the basis of the race, sex, religion, creed, national~~
24 ~~origin, or sexual orientation of the person seeking such authorization. Individuals seeking to~~
25 ~~sell goods or merchandise in a street that has been closed for the purpose of a street fair~~

1 without the authorization of a sponsor may be cited. Nothing in this Section shall be construed
2 to deprive the Department of Public Health of its authority to determine that foods or
3 beverages may be sold.

4 (l) ~~Refund of Fees.~~ If for any reason a sponsor cancels a proposed street fair, the
5 sponsor shall be entitled to a refund of that portion of the fees paid, other than application
6 fees, representing the costs saved by City departments by reason of the cancellation of the
7 street fair.

8 (m) ~~Annual Reports.~~ No later than December 1st of each year, the Chief of Police
9 and the Director of Transportation shall provide to the Board of Supervisors written reports
10 setting forth in detail the Police Department and Municipal Transportation Agency's costs,
11 respectively, associated with street fairs for that year.

12 (n) ~~Annual Adjustment of Fees.~~ Fees set in this Section, including the caps on fees
13 for police services, may be adjusted each year, without further action by the Board of
14 Supervisors or the Municipal Transportation Agency Board of Directors, to reflect changes in
15 the relevant Consumer Price Index, as determined by the Controller. No later than April 15th
16 of each year, the officer, department, or agency administering the fees shall submit its current
17 fee schedule to the Controller, who shall apply the Consumer Price Index adjustment to
18 produce a new fee schedule for the following year. No later than May 15th of each year, the
19 Controller shall file a report with the Board of Supervisors and the Municipal Transportation
20 Agency Board of Directors reporting the new fee schedule and certifying that: (a) the fees
21 produce sufficient revenue to support the costs of providing the services for which each fee is
22 assessed, and (b) the fees do not produce revenue which is significantly more than the costs
23 of providing the services for which each fee is assessed.

24
25 **SEC. 6.7. CONDITIONS.**

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

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

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

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

11 (d) ~~A continuous passageway in the roadway for the use of emergency vehicles shall~~
12 ~~be maintained as determined by the Fire Department.~~

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

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

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

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

22 (i) ~~Street barricades determined by the Municipal Transportation Agency shall be~~
23 ~~maintained in said locations at all times during the period of such use or occupancy by the~~
24 ~~permittee; and shall be removed promptly by the permittee upon termination of the period of~~
25 ~~said use or occupancy.~~

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

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

8 (l) ~~Applicants for permission to hold a street fair on a predominantly commercial street~~
9 ~~shall comply with the following requirements for insurance coverage. For purposes of this~~
10 ~~subsection (l), a “predominantly commercial street” shall mean a street block on which at least~~
11 ~~50% of front footage of private property on the ground floor of the street is used for~~
12 ~~commercial purposes. A street block shall be measured from street intersection to street~~
13 ~~intersection, but shall not include any alley intersection.~~

14 (1) ~~Applicants shall maintain in force, during the full term of the permit, insurance~~
15 ~~as follows:~~

16 (A) ~~General Liability Insurance with limits not less than \$500,000 each~~
17 ~~occurrence Combined Single Limit Bodily Injury and Property Damage, including Contractual~~
18 ~~Liability, Personal Injury, Broadform Property Damage, Products and Completed Operations~~
19 ~~Coverages;~~

20 (B) ~~If any vehicles will be operated by the applicant in connection with street~~
21 ~~fair activities under the permit, Automobile Liability Insurance with limits not less than~~
22 ~~\$500,000 each occurrence Combined Single Limit Bodily Injury and Property Damage,~~
23 ~~including owned, non-owned and hired auto coverages, as applicable; and~~

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

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

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

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

9 ~~(3) Certificates of insurance, in format and with insurers satisfactory to the City~~
10 ~~evidencing all applicable coverages shall be furnished to the City not less than 10 working~~
11 ~~days prior to the date of the event and before commencing any operations under the permit,~~
12 ~~with complete copies of policies to be furnished to the City upon request.~~

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

18 ~~(5) Notwithstanding subsection (l)(1) of this Section 6.7, an applicant seeking~~
19 ~~permission for the temporary use or occupancy of a public street for an Entertainment Zone~~
20 ~~Event under Administrative Code Chapter 94B shall maintain insurance coverage in a form~~
21 ~~and amount satisfactory to the City, which shall not be less than the coverage required by~~
22 ~~subsection (l)(1) of this Section 6.7.~~

23 ~~(m) Signs shall be posted pursuant to Health Code Sections 265 through 265.3~~
24 ~~wherever alcohol is offered for sale.~~

25 ~~(n) All applicants shall comply with the requirements of Health Code Article 19L,~~

1 “Prohibiting Smoking at Certain Outdoor Events.”

2 (e) ~~Such further conditions as may be imposed by the Department of Public Works~~
3 ~~after inspection of the area involved.~~

4 (p) ~~**Entertainment Zone Events.** In addition to complying with all applicable~~
5 ~~provisions of this Article 6, any person or organization seeking permission for the temporary~~
6 ~~use or occupancy of a portion of a public street for an Entertainment Zone Event as defined in~~
7 ~~Administrative Code Section 94B.1 shall comply with all applicable provisions of~~
8 ~~Administrative Code Chapter 94B.~~

9
10 **SEC. 6.8. EXCEPTIONS.**

11 The provisions of Sections 6.1 through 6.7 of this Article shall not be applicable to permits
12 issued by the Director of Public Works pursuant to the provisions of Section 724 of the Public
13 Works Code or to the temporary use or occupancy of a public street by a school where the
14 school is using the street area for play purposes during specified hours of the school day.

15
16 **SEC. 6.9. TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS BY THE**
17 **SAN FRANCISCO UNIFIED SCHOOL DISTRICT FOR DEBARKATION AND**
18 **EMBARKATION OF STUDENTS: DUTIES.**

19 Notwithstanding the conditions set forth in Section 6.7 of this Article, any school of the San
20 Francisco Unified School District receiving permission for the temporary use or occupancy of
21 a public street within the City and County pursuant to Section 6.1 of this Article for the
22 debarkation and embarkation of students from buses, shall be solely responsible for:

23 (a) ~~The procurement and placement of all street barricades necessary for the~~
24 ~~establishment of the requested student debarkation and embarkation at bus stops;~~

25 (b) ~~The placement on or near said barricades of clearly visible signs of a uniform type~~

1 prohibiting the Parking of vehicles adjacent to said barricades; and

2 (c) ~~The handling of school buses at loading zones within areas enclosed by said~~
3 ~~barricades.~~

4
5 **SEC. 6.10. ATHLETIC EVENTS.**

6 Notwithstanding any other provision of this Code, the regulation of athletic events as defined
7 herein, including the processes for obtaining permits from the City for conducting these
8 athletic events and the payment of associated fees to the City, shall be governed by Sections
9 6.10 through 6.14.

10 For the purposes of this Article, an "athletic event" is an event in which a group of people
11 collectively engage in a sport or form of physical exercise on any street in the City, which
12 event obstructs or interferes with the normal flow of vehicular traffic. An "athletic event"
13 includes, but is not limited to, jogging, bicycling, race walking, roller skating or running. Any
14 event taking place entirely on property under the jurisdiction of the Recreation and Parks
15 Department shall be exempt from this Article.

16
17 **SEC. 6.11. ATHLETIC EVENTS; DESIGNATION OF ROUTES.**

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

1 its citizens to the quiet enjoyment of their own neighborhoods.

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

11 (c) Any person seeking permission to conduct an athletic event as defined in Section
12 6.10 shall file an application. The filing of an application and its processing shall be governed
13 by the same processes, application fees, appellate procedures, Municipal Railway fees, and
14 other requirements contained in Section 6.2, which sets forth the procedures for requesting
15 permission for temporary use or occupancy of public streets. A street closing for an athletic
16 event shall be restricted to those routes designated pursuant to this Section. The applicant
17 may, as part of the application, request a waiver of this restriction. In considering a request for
18 a waiver, the City may take into account the extent to which the event has been held along a
19 particular route prior to the application date if that same route has been in use continuously for
20 a period of three or more years. An applicant's request for a waiver shall be granted to the
21 extent that a change of route is required by the Police Department for reasons of public
22 safety.

23
24 **SEC. 6.12. ATHLETIC EVENTS; PUBLIC NOTICE.**

25 (a) ISCOTT shall mail a copy of any application for a temporary street closing for an

1 athletic event to any community group or neighborhood association that has previously
2 requested in writing to be notified of such applications.

3 (b) If the temporary street closing is approved, the applicant shall cause notices of the
4 event to be conspicuously posted on both sides of the street along the entire route, at not
5 more than 300 feet in distance apart on each street so posted, but not less than three notices
6 on each street forming part of the route. The notices shall be posted not less than 72 hours
7 prior to the scheduled start of the event. The applicant shall remove the notices within 48
8 hours after the completion of the event, or be liable for the costs of removal by the City
9 pursuant to Article 10 of the San Francisco Police Code.

10 Each notice shall be headed "STREET CLOSED FOR ATHLETIC EVENT" in letters
11 not less than one inch in height, and shall in legible characters (1) briefly describe the event to
12 be held; (2) identify the date and time the event is to take place; and, (3) warn that the street
13 will be closed to traffic at that time.

14
15 **SEC. 6.13. ATHLETIC EVENTS; COST RECOVERY – POLICE.**

16 (a) An application for a temporary street closing for an athletic event shall be deemed
17 a request for police department services within the meaning of Sections 10B.1 through 10B.5
18 of the San Francisco Administrative Code. If the temporary street closing is approved, the
19 Chief of Police may detail such personnel to police the event in the number and for the period
20 of time the Chief determines to be necessary to perform the services. If the on-site services of
21 two or more police officers are required during the event, the applicant shall be liable for the
22 cost of police services, including field investigation needed to determine manpower
23 requirements, and shall be responsible for indemnifying and holding harmless the City and
24 County of San Francisco and the police personnel as required by Section 10B.2.

25 (b) Upon approval of a temporary street closure for an athletic event, a sum of money

1 which the Chief of Police estimates will be necessary to cover the costs of services pursuant
2 to Section 10B.2 of the Administrative Code shall be due. No temporary street closure shall be
3 deemed effective until such sum of money is deposited with the Chief of Police of the City and
4 County of San Francisco and the applicant presents to the Chief of Police proof of such
5 deposit. The sum of money required pursuant to this paragraph shall be deposited at least
6 one calendar week before the scheduled event. If the applicant does not deposit the sum
7 required within the time limit specified, the temporary street closing shall be deemed denied,
8 or, if the street closing already has been approved, revoked.

9 (c) Within a reasonable time after the event is over, the Chief of Police shall determine
10 the amount of money necessary to cover the cost of services provided by the Police
11 Department pursuant to Section 10B.2 of the Administrative Code. If the deposit pursuant to
12 Subsection (b) hereof is insufficient to cover the cost of police services, the Chief of Police
13 shall notify the applicant by United States mail to the address listed on the application and the
14 applicant shall have ten days to pay the balance. If the amount deposited exceeds the actual
15 costs, the Chief of Police shall authorize a refund of the excess to the applicant at the address
16 shown on the application.

17 (d) If the applicant or sponsor cancels the event after personnel have been assigned
18 to police it and such personnel have begun that duty, the applicant shall be liable for the time
19 expended by police personnel pursuant to Section 10B.2 of the San Francisco Administrative
20 Code, but in no case for less than two hours per employee. If the temporary street closure is
21 revoked, the money deposited for the costs of police services pursuant to this Article shall be
22 refunded.

23
24 **SEC. 6.14. ATHLETIC EVENTS; ATHLETIC EVENTS; COST RECOVERY – PUBLIC**
25 **WORKS.**

1 (a) ~~An application for a temporary street closing for an athletic event shall be deemed~~
2 ~~a request for Department of Public Works services within the meaning of Sections 10B.11~~
3 ~~through 10B.15 of the San Francisco Administrative Code. If the temporary street closing is~~
4 ~~approved, the Director of Public Works may detail such personnel to provide street cleaning~~
5 ~~and related services for the event in the number and for the period of time the Director of~~
6 ~~Transportation determines to be necessary to perform the services. The applicant for the~~
7 ~~temporary street closing shall be liable for the cost of street cleaning and related services,~~
8 ~~including field investigation needed to determine manpower requirements, and shall be~~
9 ~~responsible for indemnifying and holding harmless the City and County of San Francisco and~~
10 ~~the Department of Public Works personnel as required by Section 10B.12.~~

11 (b) ~~Upon approval of a temporary street closing for an athletic event, a sum of money~~
12 ~~which the Director of Public Works estimates will be necessary to cover the costs of services~~
13 ~~pursuant to Section 10B.12 of the Administrative Code shall be due. No approval shall be~~
14 ~~deemed effective until such sum of money is deposited with the Director of Public Works. The~~
15 ~~sum of money required pursuant to this paragraph shall be deposited at least one calendar~~
16 ~~week before the scheduled event. If the applicant does not deposit the sum required within the~~
17 ~~time limit specified, the application for a temporary street closing shall be deemed denied, or,~~
18 ~~if the street closing has already been approved, revoked. The Director of Public Works may~~
19 ~~waive the advance deposit requirement if the particular event has not required additional~~
20 ~~street cleaning or related services for the past three years. The applicant shall, however,~~
21 ~~remain liable for the costs of any additional services actually required.~~

22 (c) ~~Within a reasonable time after the event is over, the Director of Public Works shall~~
23 ~~determine the amount of money necessary to cover the cost of services provided by the~~
24 ~~Department of Public Works pursuant to Section 10B.12 of the Administrative Code. If the~~
25 ~~deposit pursuant to Subsection (b) hereof is insufficient to cover the cost of street cleaning~~

1 and related services, the Director of Public Works shall notify the applicant by United States
2 mail to the address listed on the application and he or she shall have ten days to pay the
3 balance. If the amount deposited exceeds the actual costs, the Director of Public Works shall
4 authorize a refund of the excess to the applicant at the address shown on the application.

5 (d) If the Board of Supervisors has approved a temporary street closing for an athletic
6 event and the applicant cancels the event after personnel have been assigned to provide
7 street cleaning and related services to the event and such personnel have begun that duty,
8 the applicant shall be liable for the time expended by Department of Public Works personnel
9 pursuant to Section 10B.12 of the San Francisco Administrative Code. If a temporary street
10 closing is revoked, the money deposited for the costs of street cleaning and related services
11 pursuant to this Article shall be refunded.

12 13 **SEC. 6.15. MONITORED BICYCLE PARKING AT PUBLIC EVENTS.**

14 —ISCOTT or other applicable permitting authority is authorized and encouraged in its
15 discretion to require, and to develop guidelines regarding, monitored bicycle parking at
16 appropriate large permitted public events. The sponsor of the public event may provide such
17 monitoring service or ensure that such monitored bicycle parking is available in local garages
18 or other similar facilities. If the sponsor provides monitored bicycle parking, the sponsor may
19 charge a nominal fee for such service. The amount of such fee shall be included as part of the
20 sponsor's permit application. If the sponsor is unable to ascertain the fee amount at the time
21 of the permit application, the sponsor may submit a fee schedule to ISCOTT, or other
22 applicable permitting authority, as soon as possible but no later than 10 days before the
23 event.

24 25 **SEC. 6.16. TEMPORARY STREET CLOSURES FOR ROADWAY SHARED SPACE**

1 **ACTIVITIES.**

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

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

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

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

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

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

1 public transit lines, approval may take longer than 30 days after receipt of an application.

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

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

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

22
23 **SEC. 6.17. EXEMPTION FROM FEES FOR QUALIFYING NEIGHBORHOOD**
24 **OUTDOOR EVENTS.**

25 (a) ~~A "Qualifying Neighborhood Outdoor Event" is an event under this Article 6 for the~~

1 temporary use or occupancy of a public street that meets all the following criteria:

2 (1) ~~The sponsor of the event (“Sponsor”) is one or more of the following: (i) a non-~~
3 ~~profit arts and culture organization that provides programming in San Francisco, that is~~
4 ~~exempt from taxation under Internal Revenue Code Section 501(c)(3), and that is in~~
5 ~~compliance with all applicable requirements to register with the California Attorney General’s~~
6 ~~Registry of Charities and Fundraisers; (ii) a business with less than \$5 million in annual gross~~
7 ~~revenue that has a physical place of business within or adjacent to the area in which the~~
8 ~~proposed event would take place; (iii) a merchant or neighborhood resident association that~~
9 ~~represents the area in which the proposed event would take place; or (iv) a property and~~
10 ~~business improvement district that serves the area in which the proposed event would take~~
11 ~~place;~~

12 (2) ~~The event is primarily intended to attract residents and workers from~~
13 ~~neighboring areas;~~

14 (3) ~~The event is free and open to the public;~~

15 (4) ~~If incorporating amplified sound, the event does so for a maximum of six hours;~~

16 (5) ~~The event occupies a maximum of three continuous blocks; occupies streets in~~
17 ~~a hub-and-spoke pattern within a one-block radius from a central intersection; or is a night~~
18 ~~market occupying up to six continuous blocks along Irving Street between 19th Avenue and~~
19 ~~Great Highway, Noriega Street between 19th Avenue and Great Highway, or Taraval Street~~
20 ~~between 19th Avenue and Great Highway;~~

21 (6) ~~The event is a single-day event that involves a street closure for no longer than~~
22 ~~24 hours for all event activities, with public programming taking place outdoors within the~~
23 ~~hours of 8:00 am to 10:00 pm;~~

24 (7) ~~As determined by the San Francisco Municipal Transportation Agency~~
25 ~~(SFMTA), the event does not impact light rail, street car, or cable car operations; impact major~~

1 streets; require the rerouting of a SFMTA Rapid Line; unduly disrupt vehicle or pedestrian
2 traffic; require substituting trolley buses or rail cars with motor coaches; restrict direct access
3 by SFMTA vehicles to rail stations; or require the SFMTA to shut down electrification of
4 overhead wires; and

5 (8) For an event that primarily takes place on Recreation and Park Department
6 property, the event does not involve the closure of any street that would not contain public-
7 facing programming during the event.

8 (b) **Application for a Fee Waiver.**

9 (1) A Sponsor seeking a determination of eligibility for a waiver of fees under this
10 Section 6.17 shall file an application with, and on a form provided by, the SFMTA. The
11 SFMTA will determine eligibility based on whether the event is a Qualifying Neighborhood
12 Outdoor Event prior to issuance of an ISCOTT street closure permit.

13 (2) In order to receive a fee waiver, a Sponsor shall apply for and must receive a
14 determination of eligibility for the fee waiver under this Section 6.17 before applying for an
15 ISCOTT street closure permit. Any Sponsor that has applied for or obtained an ISCOTT street
16 closure permit prior to the effective date of this Section 6.17 will not qualify for a retroactive
17 waiver of any associated fees.

18 (3) A Sponsor is eligible for fee waivers for up to 12 recurring events over the
19 course of a calendar year, subject to any other applicable limitations in this Section 6.17.

20 (4) Determination of eligibility for a waiver of fees under this Section 6.17 shall be
21 final and not subject to appeal.

22 (c) **Waiver of Fees.**

23 (1) Upon a determination by the SFMTA that a Sponsor is eligible for one or more
24 fee waivers under this Section 6.17, the Sponsor shall be entitled to such waivers.

25 (2) Notwithstanding any other provision of this Section 6.17, the proposed closure

1 of a block that requires the rerouting of SFMTA transit service shall only be eligible for three
2 fee waivers per calendar year, regardless of the Sponsor.

3 (3) Fees subject to waiver include any and all application, permit, staffing, and
4 inspection fees associated with a Qualifying Neighborhood Outdoor Event issued by any of
5 the following departments, excluding fees imposed for a broader purpose beyond the
6 Qualifying Neighborhood Outdoor Event and any fees imposed by the SFMTA.

7 (A) Department of Public Health, including but not limited to fees for Temporary
8 Food Facility permits under Article 8, Section 452 of the Health Code and fees imposed
9 pursuant to Transportation Code Section 6.6;

10 (B) Fire Department, including but not limited to fees imposed pursuant to
11 Transportation Code Section 6.6 and fees for Fire Department permits;

12 (C) Entertainment Commission, including but not limited to One Time Event
13 Permits, One Time Outdoor Amplified Sound Permits, and Sound Truck Permits; and

14 (D) Police Department, including but not limited to fees imposed pursuant to
15 Transportation Code Section 6.6.

16 (d) **Administration and Implementation.**

17 (1) The SFMTA shall inform relevant City departments of its waiver determinations
18 under this Section 6.17.

19 (2) The SFMTA may develop rules and/or regulations to implement this program.

20 (3) Each City department whose fees are waived under this Section 6.17 shall
21 report annually to the SFMTA the events for which fees were waived and the amount of fees
22 waived for each event. The SFMTA shall compile this information and report it annually to the
23 Board of Supervisors and the Mayor.

24 (e) **Sunset Date.** This Section 6.17 shall expire by operation of law on June 30, 2027.
25 Upon expiration of this Section 6.17, the City Attorney is authorized to cause this Section 6.17

1 to be removed from the Transportation Code.

2
3 **SEC. 6.18 DIRECTOR OF TRANSPORTATION APPROVAL OF CERTAIN**
4 **TEMPORARY STREET USE PERMITS.**

5 (a) ~~Application.~~ Notwithstanding any other provisions of this Article 6, the Director of
6 Transportation (“Director”) may grant a permit for the temporary use or occupancy of a public
7 street under Section 6.2, or the temporary use of streets for street fairs under Section 6.6,
8 including for events that qualify as major events as defined in Section 6.3, if upon review of
9 the application the Director determines that the proposed use:

- 10 (1) ~~Will be contained within 3 blocks;~~
- 11 (2) ~~Will not close any intersections;~~
- 12 (3) ~~Will not require the rerouting of any SFMTA revenue vehicles; and~~
- 13 (4) ~~Is necessary for the safety and protection of persons who will use that~~

14 portion of the street during the temporary street closure.

15 (b) ~~Informing ISCOTT Members:~~ The Director may grant a permit under subsection
16 (a) of this Section 6.18 without referring the application to ISCOTT. The Director shall
17 transmit copies of such applications to the members of ISCOTT for informational purposes.

18 (c) ~~Fees.~~ The Director shall calculate the fee to be charged to the applicant in the
19 same manner that fees are prescribed in Sections 6.2 and 6.6.

20 (d) ~~Public Notice.~~ The Director shall issue rules and regulations specifying a process
21 for the applicant to post notice of an application and provide the public an opportunity to
22 submit written public comment on the application.

23 (e) ~~Other Permits Required.~~

24 (1) ~~If a proposed use will include the sale of food or beverages, the applicant~~
25 ~~shall obtain the appropriate permits from the Department of Public Health no later than 14~~

1 days before the date of the event.

2 (2) ~~If a proposed use will include the use of propane or butane (liquefied~~
3 ~~petroleum gas), open flames, pyrotechnics or fireworks, or a tent or membrane structure, the~~
4 ~~applicant shall obtain the appropriate permits from the Fire Chief no later than 10 days before~~
5 ~~the date of the event.~~

6 (f) ~~**Application Timeline.** The permit applicant must submit their application under~~
7 ~~this Section 6.18 to the Director at least 30 calendar days before the date of the event. The~~
8 ~~Director may accept an emergency application for a proposed temporary use or occupancy~~
9 ~~scheduled to occur fewer than 30 calendar days after the application date if the Director~~
10 ~~determines that the applicant has demonstrated that an extraordinary emergency exists that~~
11 ~~requires the street closure.~~

12 (g) ~~**Reconsideration and Appeal.** If the Director denies an application, the applicant~~
13 ~~may submit a request for reconsideration to ISCOTT within five working days of the Director's~~
14 ~~decision. If ISCOTT denies the request for reconsideration, the applicant may file an appeal~~
15 ~~with the Board of Supervisors within five working days of ISCOTT's decision under the~~
16 ~~procedures in subsection (j) of Section 6.2. If the Director denies an application for emergency~~
17 ~~consideration, the applicant may file an appeal directly to the Board of Supervisors within five~~
18 ~~working days of the Director's decision under the procedures in subsection (j) of Section 6.2.~~

19 (h) ~~**Inapplicable.** This Section shall not apply to permits for Roadway Shared Spaces~~
20 ~~described under Section 6.16 or to permits for athletic events described in Sections 6.10~~
21 ~~through 6.14.~~

22 **SEC. 6.2. DEFINITIONS.**

23 For the purpose of this Article 6, the following definitions shall apply:

24 "Athletic Event" is an event in which a group of people collectively engage in a sport or form
25

1 of physical exercise on any street in the City, which event obstructs or interferes with the
2 normal flow of vehicular traffic. An "athletic event" includes, but is not limited to, jogging,
3 bicycling, race walking, roller skating, or running. Any event taking place entirely on property
4 under the jurisdiction of the Recreation and Parks Department shall be exempt from this
5 Article 6.

6 "Director" as used in this Article 6 shall mean the Director of Transportation or their designee
7 unless otherwise specified.

8 "ISCOTT Members" shall mean the departments and agencies listed in Section 6.1(b) of this
9 Article.

10 "Major Event" is an event, including Athletic Events and Street Fairs, involving any of the
11 following: the use or occupancy of more than five blocks, the expected attendance or
12 participation of more than 1,000 people at any one time, or the rerouting of more than three
13 MTA transit lines. "Major events" shall also include any sports events with expected
14 attendance of more than 50,000 people, or any parade governed by the provisions of Police
15 Code Section 366 et seq.

16 "Sponsor" means the person or organization responsible for organizing the proposed
17 temporary use or occupancy of the public street, including Athletic Events, Major Events, and
18 Street Fairs, and authorized to represent proposed events before City agencies and officials.

19 "Street Fair" means a social or community event, not including an athletic event or parade, in
20 which any group of persons convene to celebrate their community or neighborhood on any
21 street in the City which event obstructs or interferes with the normal flow of vehicular traffic.

22
23 **SEC. 6.3. REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY**
24 **OF PUBLIC STREETS.**

1 **SEC. 6.3.1. APPLICATION.**

2 (a) Application and Fee Required. Any person seeking permission for the
3 temporary use or occupancy of a public street within the City shall file an application with, and
4 on a form provided by, the MTA, and shall pay the filing fee established by the MTA Board of
5 Directors.

6 (b) Application Timeline. An application shall not be accepted or approved for a
7 proposed temporary use or occupancy scheduled to occur less than 30 calendar days after
8 the application is submitted to the MTA, except as described in Section 6.3.5 and subsection
9 (d) of this Section 6.3.1:

10 (c) Application Contents. When applicable, the completed application shall
11 include:

12 (1) Maps and/or drawings identifying the streets that would be affected; a
13 description of the scope and design of the event, including illustrations of the location of any
14 staging, food booths, and seating; and a diagram of an emergency access plan.

15 (2) In the case of Major Events, an emergency medical services plan.

16 (3) Any other additional information determined to be necessary by the Director to
17 allow ISCOTT to make an informed evaluation of the proposed temporary use or street
18 occupancy.

19 (d) Exception; Film Permits. The Film Commission, or other successor
20 commission or office, may file with the Director an application on behalf of a film or other video
21 production company (which company shall be responsible for the payment of all applicable
22 fees) for a proposed temporary use or occupancy scheduled to occur fewer than 30 calendar
23 days after the application date, provided that there is adequate time available for the Director
24 to conduct the required public hearing and post notice of the scheduled hearing at least 72
25 hours in advance of the hearing. The Film Commission (or the film company on whose behalf

1 the application was made) shall (1) notify residents, merchants, and other occupants of the
2 public street(s) to be closed of the dates proposed for street closure, and (2) notify affected
3 City departments, including the Police Department and the Department of Public Works.

4
5 **SEC. 6.3.2. PUBLIC HEARING AND NOTICE.**

6 Applicants shall be responsible for posting notice of the public hearing at least seven
7 calendar days prior to the hearing at which ISCOTT will review the application. Such notice
8 shall include a description of the streets that would be affected. The applicant shall post the
9 notice in the area of the proposed temporary use or street occupancy according to rules and
10 regulations prescribed by the Director. The applicant shall submit a declaration under penalty
11 of perjury to the Director attesting that the required public notice has been posted.

12
13 **SEC. 6.3.3. REVIEW, APPROVAL, AND COSTS.**

14 (a) **ISCOTT Review.** In reviewing an application, ISCOTT shall consider the impact
15 of the temporary use or occupancy of public streets on the traffic, security, health, and safety
16 of the proposed temporary use or occupancy on the public; determine the traffic, security,
17 health, and safety requirements of the proposed temporary use or occupancy; and evaluate
18 the measures the applicant proposes to satisfy those requirements. ISCOTT shall also
19 consider the following:

20 (1) The applicant's ability to comply with requirements necessary to protect the
21 safety, health, and welfare of the public, including compliance with the requirements of Health
22 Code Article 19L, "Prohibiting Smoking at Certain Outdoor Events," unless those requirements
23 are waived pursuant to Section 1621.5(g) of the Police Code.

24 (2) The duration of the temporary use or street occupancy and the City's ability to
25 accommodate such use or occupancy with the necessary resources.

1 (3) Whether the proposed use would unreasonably burden City resources because
2 of previously approved temporary use or occupancy of public streets or other activities that
3 could cause scheduling conflicts during the same period.

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

5 (5) The number of Major Events scheduled during the period for which the applicant
6 seeks a permit, the nature and location of the Major Events, and the demand these Major
7 Events will have on the City's resources, including police, emergency, and sanitation
8 personnel. In considering the Major Events for which applications have been filed and/or
9 approved, ISCOTT should give priority based on the chronological order in which the
10 applications are received. ISCOTT shall offer applicants that have been denied permission on
11 the basis that there are too many Major Events already approved or pending for approval
12 alternative dates. Notwithstanding the foregoing sentences, ISCOTT may, in its discretion,
13 grant preference to recurring events traditionally or historically associated with a particular day
14 or dates, provided that ISCOTT shall not revoke other approved applications because of the
15 subsequent filing of an application for a permit for an event traditionally or historically
16 associated with a particular day or dates.

17 (6) If the application is related to a filming project, ISCOTT shall notify the Film
18 Commission (or other successor commission or agency) and shall consider any conditions
19 and criteria the Film Commission attaches to the application.

20 (7) For Major Events, ISCOTT shall forward the applicant's proposed emergency
21 medical services plan to the Director of Emergency Medical Services and Emergency
22 Operations Section (EMSEO). ISCOTT shall consider the recommendations of EMSEO
23 regarding the proposed emergency medical services plan.

24 (b) **ISCOTT Approval.**

25 (1) **Timeline.** ISCOTT shall take action to approve or disapprove an application

1 within 30 days of receipt of a complete application.

2 (2) **Notice of Approval.** Notice of ISCOTT's action on an application shall be
3 submitted to the ISCOTT Members Department heads, and be maintained as a matter of
4 record. For Major Events, notice of ISCOTT's action shall also be submitted to the Director of
5 EMSEO.

6 (3) **Additional Requirements.**

7 (i) ISCOTT may impose additional requirements or conditions it deems necessary
8 to protect the public interest by ensuring traffic management, security of property, and health
9 and safety of the public.

10 (ii) Any permission for the temporary use or occupancy of a public street
11 authorized pursuant to this Section 6.3.3 shall be subject to the conditions set forth in
12 subsections 6.6(a) and 6.6(c).

13 (iii) ISCOTT shall not disapprove any application for a temporary use or occupancy
14 of public streets because of the applicant's political views, religion, or cultural association.

15 (c) **Costs.** At the time ISCOTT reviews the application, it shall also determine the
16 necessity of and the total estimated actual costs incurred by the MTA for any adjustments to
17 transit operations required to implement the street closure. ISCOTT shall transmit to the
18 applicant an invoice reflecting the cost for making any adjustments to transit operations. The
19 applicant shall make full payment of the fee no later than five days prior to the date of the
20 street closing, or in accordance with a schedule agreed to by the Director.

21
22 **SEC. 6.3.4. APPEALS.**

23 (a) **Appeal to the Director.** Should ISCOTT disapprove the application, the
24 applicant may first appeal the decision to the Director if the application was filed at least 30
25 days prior to the date of the proposed temporary use or occupancy. Appeals to the Director

1 shall be governed by the following procedures:

2 (1) The appeal shall be filed with the Director, on a form provided by the MTA,
3 within five working days of ISCOTT's disapproval.

4 (2) The Director shall set a time and place for a public hearing to consider the
5 appeal. The Director shall post notice of the hearing at the MTA, the Main Library, and the
6 Office of the Clerk of the Board of Supervisors at least 72 hours before the hearing.

7 (3) At the appeal hearing, the appellant and members of ISCOTT shall have an
8 opportunity to present oral testimony and written materials in support of their positions.

9 (4) The Director shall consider the criteria set forth in Section 6.3.3. Upon hearing
10 the appeal, and after any further investigation by the Director, the Director may affirm,
11 reverse, or modify the ISCOTT decision.

12 (5) Notice of the Director's decision shall be submitted to the ISCOTT Member
13 Department heads and shall be maintained as a matter of record.

14 (b) **Appeal to the Board of Supervisors.** If the Director denies the application
15 after the appeal described in subsection (a) of this Section 6.3.4, the applicant may appeal the
16 decision to the Board of Supervisors. Appeals to the Board of Supervisors shall be governed
17 by the following procedures:

18 (1) The appeal shall be filed with the Clerk of the Board of Supervisors, on a form
19 provided by the Clerk, within five working days of the Director's disapproval.

20 (2) The Board may establish a filing fee for appeals.

21 (3) The Clerk shall set a time and place for a hearing at the Board's next regular
22 meeting, provided that all applicable public notice requirements are satisfied.

23 (4) The Board shall apply the standard of review set forth in Section 6.3.3. Upon
24 hearing the appeal, and after any further investigation that the Board may request, the Board
25 may affirm, reverse, or modify the Director's decision.

1 (5) The Board’s decision on the appeal shall be final.

2 (6) The Clerk of the Board shall transmit copies of any legislation approving a
3 temporary street closing to the ISCOTT Member Department heads and the Superintendent of
4 Emergency Hospital Service of the Department of Public Health.

5 (7) For major events, the Clerk shall transmit copies of any legislation approving a
6 temporary street closing to the Director of EMSEO.

7

8 **SEC. 6.3.5. LATE APPLICATIONS.**

9 An applicant may submit an application for a proposed temporary use or occupancy
10 scheduled to occur fewer than 30 calendar days after the application date (“late application”).
11 The Director shall consider the late application if the Director determines the applicant has
12 demonstrated that an extraordinary emergency exists that requires the closing of a street, and
13 if there is adequate time available for the Director to conduct the required public hearing and
14 post notice at least 24 hours before the hearing.

15 (a) **Late Application Procedures.** Should the applicant file the late application not
16 far enough in advance of the proposed use or occupancy to allow ISCOTT to consider the
17 application at a regularly scheduled meeting, then the Director shall consider the application.
18 If the Director considers the application, the following procedures shall apply:

19 (1) The Director shall conduct a public hearing for which notice shall be posted at
20 the MTA, the Main Library, and the Office of the Clerk of the Board of Supervisors at least 24
21 hours before the hearing. At the hearing, the applicant and interested persons shall have an
22 opportunity to present oral testimony and written materials in support of their position.

23 (2) The Director shall apply the standard of review set forth in Section 6.3.3.

24 (3) Notice of the Director’s decision shall be submitted to the ISCOTT Member
25 Department heads and shall be maintained as a matter of record.

1 (4) If the Director disapproves the application, the applicant shall have the right to
2 appeal the Director’s decision to the Board of Supervisors as set forth in Section 6.3.4(b).

3
4 **SEC. 6.4. STREET FAIRS.**

5
6 **SEC. 6.4.1. APPLICATION.**

7 (a) **General.** Notwithstanding any other provisions of this Code or the
8 Administrative Code, the regulation of Street Fairs, including the process for obtaining permits
9 from the City and the payment of associated fees to the City, shall be governed by this
10 Section 6.4.

11 (b) **Application Timeline.**

12 (1) **90 Days.** In order to provide for the safe, orderly and cost-effective conduct of
13 street fairs, any organization seeking permission for the temporary use of a street for a Street
14 Fair shall file an application with the Director at least 90 days before the proposed date for the
15 event.

16 (2) **Late Application.** No person submitting an application after the deadlines set
17 forth in this Section 6.4.1 shall be granted permission to conduct a Street Fair on the dates
18 requested unless the person demonstrates to the satisfaction of the Director that the failure to
19 submit a timely application was justified by extraordinary circumstances; provided, however,
20 that in no event shall an applicant be permitted to file an application less than 60 days prior to
21 the proposed date for the event. The MTA Board of Directors may establish a late fee for
22 untimely filed applications.

23 (c) **Application Form.** Applications shall be submitted on forms prepared by the
24 Director after conferring with the appropriate representatives from the ISCOTT Members.

25 (d) **Application Fee.** At the time of filing an application under this Section 6.4.1,

1 the Sponsor shall also submit an application fee established by the MTA Board of Directors.

2
3 **SEC. 6.4.2. REVIEW AND APPROVAL.**

4 (a) **Review by Director.** Upon receiving an application for a Street Fair, the
5 Director shall review the application to determine whether the applicant has provided the
6 required information. If the Director determines that the applicant has failed to provide the
7 information required, the Director shall, within five business days of receiving the application,
8 notify the applicant of what additional information is required. If the applicant fails to provide
9 the additional information required within five business days of notification by the Director, the
10 application shall be deemed to be untimely filed; provided, however, that upon good cause
11 shown, the Director may extend this five-day period. The Director shall transmit a complete
12 application to ISCOTT.

13 (b) **Review by ISCOTT; Recommendation.** Except as provided in Section 6.8 of
14 this Article, no later than 60 days before the proposed date of the Street Fair, ISCOTT shall
15 review the application and recommend that the Director grant, deny, or grant with conditions
16 the application for a permit. The Director may accept or reject ISCOTT's recommendation,
17 and may grant, deny, or grant with conditions the application for a permit. Upon granting
18 permission to conduct a Street Fair, the Director shall cause all necessary permits to be
19 issued to the Sponsor. If the Director denies the application, the Director shall state in writing
20 their reasons for the denial.

21 (c) **Notice.** The Director shall transmit copies of a Street Fair permit to the Chief of
22 Police, the Fire Chief, the Director of Public Works, the Executive Director of the
23 Entertainment Commission, the Director of the Environmental Health Section of the
24 Department of Public Health, and the Superintendent of Emergency Hospital Service of the
25 Department of Public Health.

1 (d) Insurance. Street Fair Sponsors shall be required to file with the Director proof
2 of insurance in accordance with Section 6.7(a).

3 (e) Conditions. In addition to any other conditions imposed by the Director, any
4 Street Fair shall be subject to the conditions set forth in Section 6.6.

5 (f) Authorization to Sell Goods; Unauthorized Sales. The Sponsor of a Street
6 Fair shall determine which individuals or organizations may sell goods or merchandise at the
7 Street Fair; such authorization shall not be withheld on the basis of the race, sex, religion,
8 creed, national origin, or sexual orientation of the person seeking authorization. Individuals
9 seeking to sell goods or merchandise at a Street Fair without the Sponsor's authorization may
10 be cited. Nothing in this Section 6.4.2 shall be construed to deprive the Department of Public
11 Health of its authority to determine that foods or beverages may be sold.

12
13 **SEC. 6.4.3. FEES.**

14 (a) Street Fair Fees. No later than 60 days before the proposed date of the Street
15 Fair and in consultation with other City departments, ISCOTT shall determine the fee to be
16 charged for the permit according to the schedule below, subject to the fee waiver provisions
17 for Qualifying Neighborhood Outdoor Events under Section 6.10. No other fee for conducting
18 a Street Fair shall be required or assessed. All fees paid by the Sponsors for Street Fair
19 permits shall be deposited in the City Treasury and allocated by the Controller to the
20 appropriate City departments. The fee shall be based on the actual costs to the City of
21 temporarily closing the street, pursuant to the following fee schedule:

22 (1) Fire Department.

23 (A) Application fee \$330.00

24 (B) Inspection fee—Food vendors using propane, butane, charcoal briquettes
25 or open flame:

| | |
|---|-------------------|
| <u>First Day of Street Fair</u> | |
| <u>1 to 10 food vendors</u> | <u>\$468.00</u> |
| <u>11 to 20 food vendors</u> | <u>\$936.00</u> |
| <u>21 to 30 food vendors</u> | <u>\$1,404.00</u> |
| <u>31 food vendors and over</u> | <u>\$1,872.00</u> |
| <u>Each Consecutive Day of Street Fair:</u> | |
| <u>1 to 20 food vendors</u> | <u>\$468.00</u> |
| <u>21 food vendors and over</u> | <u>\$936.00</u> |

(C) Other Street Fair activities regulated by the Fire Department will require operational permits from the Department. Examples of regulated activities include but are not limited to: the erection of tents, the use or storage of hazardous materials, professional fireworks displays, and carnivals. Additional inspection fees may also be required depending on the activity.

(2) Department of Public Health. Application and permit fees payable to the Department of Public Health under this Section 6.4.3 shall be the same as those charged for temporary food permits for special events under Section 249.11 of the Business and Tax Regulations Code.

(3) MTA Fee. Fee to be established by the Municipal Transportation Agency.

(4) Police Department.

(A) At Street Fairs where alcoholic beverages are served, Sponsors shall pay 100% of the projected Police Department costs incurred by reason of the street fair, subject to the following caps:

| | | |
|---|-----------------------------------|--------------------|
| 1 | <u>0 to 100,000 patrons</u> | <u>\$5,494.07</u> |
| 2 | <u>100,001 to 250,000 patrons</u> | <u>\$10,988.14</u> |
| 3 | <u>More than 250,000 patrons</u> | <u>\$21,976.28</u> |

4
5 The Police Department, working with the Sponsor, shall provide an estimate of attendance for
6 the event for purposes of determining the applicable cap.

7 (B) At Street Fairs where alcoholic beverages are not served, Sponsors shall
8 pay 40% of the projected Police Department costs incurred by reason of the street fair;
9 provided, that the fee shall not exceed \$2,793.49. ISCOTT shall waive all or part of this fee
10 upon a showing that the Sponsor is unable to pay the full fee.

11 (b) Invoice. The Director shall transmit to the Sponsor an invoice for the fees. The
12 Sponsor shall make full payment of the fee no later than 10 days before the date of the event.

13 (c) Refund of Fees. If for any reason a Sponsor cancels a proposed Street Fair,
14 the Sponsor shall be entitled to a refund of that portion of the fees paid, other than application
15 fees, representing the costs saved by City departments due to the cancellation.

16 (d) Annual Reports. No later than December 1st of each year, the Chief of Police
17 and the Director shall provide to the Board of Supervisors written reports setting forth in detail
18 the Police Department and MTA's costs, respectively, associated with Street Fairs for that
19 year.

20 (e) Annual Adjustment of Fees. Fees set in this Section 6.4.3, including the caps
21 on fees for police services, may be adjusted each year, without further action by the Board of
22 Supervisors or the MTA Board of Directors, to reflect changes in the relevant Consumer Price
23 Index, as determined by the Controller. No later than April 15th of each year, the officer,
24 department, or agency administering the fees shall submit its current fee schedule to the
25 Controller, who shall apply the Consumer Price Index adjustment to produce a new fee

1 schedule for the following year. No later than May 15th of each year, the Controller shall file a
2 report with the Board of Supervisors and the MTA Board of Directors reporting the new fee
3 schedule and certifying that: (1) the fees produce sufficient revenue to support the costs of
4 providing the services for which each fee is assessed, and (3) the fees do not produce
5 revenue which is significantly more than the costs of providing the services for which each fee
6 is assessed.

7
8 **SEC. 6.4.4. APPEALS.**

9 (a) **Appeal to Board of Supervisors.** Any appeal from the denial of a Street Fair
10 permit, from the imposition of conditions on the issuance of a permit, or the determination or
11 refund of fees shall be to the Board of Supervisors.

12 (b) **Form and Timeline.** Such appeal shall be made by filing with the Clerk of the
13 Board of Supervisors, on a form provided by the Clerk of the Board, within 10 days of the
14 Director's decision on the permit or the determination or refund of fees.

15 (c) **Fee.** The Board of Supervisors may establish a fee to be imposed upon the
16 filing of any such appeal.

17 (d) **Hearing.** Upon receipt, the Clerk of the Board shall set a hearing for the appeal,
18 which shall be at its next regular meeting in conformance with public notice requirements. At
19 the appeal hearing, the appellant and Director shall have an opportunity to present oral
20 testimony and written materials in support of their positions.

21 (e) **Decision.** Upon hearing the appeal, and after any further investigation that the
22 Board of Supervisors may request, the Board of Supervisors may affirm, reverse, or modify
23 the Director's decision on the issue appealed.

24
25 **SEC. 6.5. ATHLETIC EVENTS.**

1 (a) Findings. The increasing number of Athletic Events being held on City streets
2 places a significant burden on the City and its inhabitants. Athletic Events provide
3 entertainment and recreation for San Franciscans and people throughout the Bay Area, as
4 well as promoting and supporting tourism in the City. But closing off several major streets at
5 the same time to accommodate a race often causes hardship in the daily lives of local
6 residents, widespread disruption of public transit service, increased litter on public streets and
7 sidewalks, and potential interference with emergency services. By adopting this Section 6.5,
8 the Board of Supervisors intends to reconcile the City's interest in promoting Athletic Events
9 with the right of its citizens to the quiet enjoyment of their own neighborhoods.

10 (b) General. Notwithstanding any other provision of this Code, the regulation of
11 Athletic Events as defined in Section 6.2, including the processes for obtaining permits for
12 Athletic Events and the payment of associated fees to the City, shall be governed by this
13 Section 6.5.

14 (c) Designation of Routes. Athletic Events requiring temporary street closings
15 shall be limited in location to routes previously designated as appropriate by the Board of
16 Supervisors. These routes shall be drawn up by ISCOTT and approved by resolution of the
17 Board of Supervisors. In designating these routes, ISCOTT and the Board shall consider the
18 effect of the designation upon: local traffic patterns; MTA routes; the ability of the Police
19 Department and the Department of Public Works to provide special services to the event; the
20 safe and efficient delivery of police, fire and emergency medical services to the affected
21 neighborhoods; the safety of participants in the event; and, the rights of participants, residents
22 and local businesses to the reasonable use and enjoyment of City streets.

23 (d) Application. Any person seeking permission to conduct an Athletic Event shall
24 file an application. The filing of an application and its processing shall be governed by the
25

1 same processes, application fees, appellate procedures, MTA fees, and other requirements
2 contained in Sections 6.3.1 through 6.3.4 . A street closing for an Athletic Event shall be
3 restricted to those routes designated pursuant to this Section 6.5. The applicant may, as part
4 of the application, request a waiver of this restriction. In considering a request for a waiver, the
5 City may take into account the extent to which the event has been held along a particular
6 route prior to the application date if that same route has been in use continuously for a period
7 of three or more years. An applicant's request for a waiver shall be granted if the Police
8 Department requires a change of route for public safety.

9 (e) **Public Notice.**

10 (1) **Mailed Notice.** ISCOTT shall mail a copy of any application for a temporary
11 street closing for an Athletic Event to any community group or neighborhood association that
12 has previously requested in writing to be notified of such applications.

13 (2) **Street Notice.**

14 (A) If the temporary street closing is approved, the applicant shall cause
15 notices of the event to be conspicuously posted on both sides of the street along the entire
16 route, at not more than 300 feet in distance apart on each street so posted, but not less than
17 three notices on each street forming part of the route. The notices shall be posted at least 72
18 hours before the scheduled start of the event. The applicant shall remove the notices within
19 48 hours after the event, or be liable for the costs of removal by the City pursuant to Article 10
20 of the San Francisco Police Code.

21 (B) Each notice shall be headed "STREET CLOSED FOR ATHLETIC
22 EVENT" in letters not less than one inch in height, and shall in legible characters (1) briefly
23 describe the event to be held; (2) identify the date and time the event is to take place; and, (3)
24 warn that the street will be closed to traffic at that time.

25 (f) **Cost Recovery.**

1 (1) Police.

2 (A) Request for Police Services. An application for a temporary street
3 closing for an Athletic Event shall be deemed a request for Police Department services under
4 Sections 10B.1 through 10B.5 of the Administrative Code. The Chief of Police may detail such
5 personnel to police the event in the number and for the period of time the Chief determines to
6 be necessary to perform the services. If the on-site services of two or more police officers are
7 required during the event, the applicant shall be liable for the cost of police services, including
8 field investigation needed to determine manpower requirements, and shall be responsible for
9 indemnifying and holding harmless the City and the police personnel as required by
10 Administrative Code Section 10B.2.

11 (B) Deposit of Estimated Police Costs. Upon approval of a temporary
12 street closure for an Athletic Event, a sum of money which the Chief of Police estimates will
13 be necessary to cover the costs of services pursuant to Administrative Code Section 10B.2
14 shall be due. No permit for an Athletic Event shall be effective until such sum of money is
15 deposited with the Chief of Police and the applicant presents to the Chief of Police proof of
16 such deposit. The sum of money required pursuant to this paragraph shall be deposited at
17 least one week before the scheduled event. If the applicant does not deposit the sum required
18 within the time limit specified, the permit shall be deemed denied, or, if the street closing
19 already has been approved, revoked.

20 (C) Post-Event Police Costs. Within a reasonable time after the event,
21 the Chief of Police shall determine the amount of money necessary to cover the cost of
22 services provided by the Police Department pursuant to Section 10B.2 of the Administrative
23 Code. If the deposit pursuant to Subsection (B) is insufficient to cover the cost of police
24 services, the Chief of Police shall notify the applicant by United States mail to the address
25 listed on the application and the applicant shall have ten days to pay the balance. If the

1 amount deposited exceeds the actual costs, the Chief of Police shall authorize a refund of the
2 excess to the applicant at the address shown on the application.

3 (D) **Cancelled Events and Revoked Permits.** If the applicant or
4 Sponsor cancels the event after personnel have been assigned to police it and such
5 personnel have begun that duty, the applicant shall be liable for the time expended by police
6 personnel pursuant to Section 10B.2 of the Administrative Code, but in no case for less than
7 two hours per employee. If the temporary street closure is revoked, the money deposited for
8 the costs of police services pursuant to this Section 6.5(f)(1) shall be refunded.

9 (2) **Public Works.**

10 (A) **Request for Public Works Services.** An application for a temporary
11 street closing for an Athletic Event shall be deemed a request for Department of Public Works
12 services within the meaning of Sections 10B.11 through 10B.15 of the Administrative Code.
13 The Director of Public Works may detail such personnel to provide street-cleaning and related
14 services for the event in the number and for the period of time the Director of Public Works
15 determines to be necessary to perform the services. The applicant for the temporary street
16 closing shall be liable for the cost of street-cleaning and related services, including field
17 investigation needed to determine manpower requirements, and shall be responsible for
18 indemnifying and holding harmless the City and the Department of Public Works personnel as
19 required by Section 10B.12.

20 (B) **Deposit of Estimated Public Works Costs.** Upon approval of a
21 temporary street closing for an Athletic Event, a sum of money which the Director of Public
22 Works estimates will be necessary to cover the costs of services pursuant to Section 10B.12
23 of the Administrative Code shall be due. No approval shall be deemed effective until such sum
24 of money is deposited with the Director of Public Works. The sum of money required pursuant
25 to this paragraph shall be deposited at least one week before the scheduled event. If the

1 applicant does not deposit the sum required within the time limit specified, the permit
2 application shall be deemed denied, or, if the permit has already been approved, revoked.
3 The Director of Public Works may waive the advance deposit requirement if the particular
4 event has not required additional street-cleaning or related services for the past three years.
5 The applicant shall, however, remain liable for the costs of any additional services actually
6 required.

7 (C) **Post-Event Public Works Costs.** Within a reasonable time after the
8 event, the Director of Public Works shall determine the cost of services provided by the
9 Department of Public Works pursuant to Section 10B.12 of the Administrative Code. If the
10 deposit pursuant to subsection (B) is insufficient, the Director of Public Works shall notify the
11 applicant by United States mail to the address listed on the application and the applicant shall
12 have ten days to pay the balance. If the amount deposited exceeds the actual costs, the
13 Director of Public Works shall authorize a refund of the excess to the applicant at the address
14 shown on the application.

15 (D) **Cancelled Events and Revoked Permits.** If the Board of
16 Supervisors has approved a temporary street closing for an Athletic Event and the applicant
17 Cancels the event after personnel have been assigned to provide street-cleaning and related
18 services to the event and such personnel have begun that duty, the applicant shall be liable
19 for the time expended by Department of Public Works personnel pursuant to Section 10B.12
20 of the Administrative Code. If a temporary street closing is revoked, the money deposited for
21 the costs of street-cleaning and related services pursuant to this Section 6.5 shall be
22 refunded.

23
24 **SEC. 6.6. GENERAL CONDITIONS AND EXCEPTIONS.**

25 (a) **Conditions.** Any permission for the temporary use or occupancy of a public

1 street authorized by the City under Sections 6.3 though 6.5 of Article 6 shall be subject to the
2 following conditions:

3 (1) The temporary use or occupancy of a public street shall not unnecessarily
4 obstruct or bar public access onto said street. Sidewalks shall remain open at all times for
5 pedestrian use unless the Board of Supervisors authorizes closure of the sidewalk by
6 resolution.

7 (2) No object shall be placed or maintained within 15 feet of any fire
8 hydrant or within five feet of any fire alarm box or police call box.

9 (3) No object shall be placed or maintained within any intersection or
10 pedestrian crosswalk, nor shall any vehicle be permitted to be Parked in such areas.

11 (4) A continuous passageway in the roadway for the use of emergency vehicles
12 shall be maintained as determined by the Fire Department.

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

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

18 (7) Adequate illumination of the area shall be maintained at all times that
19 illumination is appropriate.

20 (8) Official traffic-control devices and traffic signal controllers shall not be covered or
21 blocked at any time.

22 (9) Street barricades determined by the MTA shall be maintained in said locations
23 at all times during the period of the permittee's use or occupancy, and shall be removed
24 promptly by the permittee upon termination of the period of use or occupancy.

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

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

7 (12) Signs shall be posted pursuant to Health Code Sections 265 through 265.3
8 wherever alcohol is offered for sale.

9 (13) All applicants shall comply with the requirements of Health Code Article 19L,
10 “Prohibiting Smoking at Certain Outdoor Events.”

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

13 (15) **Entertainment Zone Events.** In addition to complying with all applicable
14 provisions of this Article 6, any person or organization seeking permission for the temporary
15 use or occupancy of a portion of a public street for an Entertainment Zone Event as defined in
16 Administrative Code Section 94B.1 shall comply with all applicable provisions of
17 Administrative Code Chapter 94B.

18 (b) **Monitored Bicycle Parking at Public Events.** ISCOTT or other applicable
19 permitting authority is authorized and encouraged in its discretion to require, and to develop
20 guidelines regarding, monitored bicycle parking at appropriate large permitted public events.
21 The Sponsor of the public event may provide such monitoring service or ensure that such
22 monitored bicycle parking is available in local garages or other similar facilities. If the Sponsor
23 provides monitored bicycle parking, the Sponsor may charge a nominal fee for such service.
24 The amount of such fee shall be included as part of the Sponsor's permit application. If the
25 Sponsor is unable to ascertain the fee amount at the time of the permit application, the

1 Sponsor may submit a fee schedule to ISCOTT, or other applicable permitting authority, as
2 soon as possible but no later than 10 days before the event.

3 (c) **Recycling Conditions.** The City Administrator or their designee shall review
4 recycling plans submitted pursuant to this subsection 6.6(c) and recommend any conditions to
5 ISCOTT that should be imposed on any applicant.

6 (1) **Recycling Plan.** Any applicant seeking permission for the temporary use
7 or occupancy of a public street under Sections 6.3 through 6.5 of this Article 6, for an event
8 that includes dispensing of beverages from glass, aluminum, or plastic containers, or which
9 causes to be generated large amounts of other recyclable materials, shall be required to
10 submit a plan demonstrating a good-faith effort to provide a method to separate glass,
11 aluminum, and plastic beverage containers or other materials for recycling.

12 (2) **Disposition of Recyclable Materials.** Prior to ISCOTT's review, the
13 applicant shall submit to the chair of ISCOTT the following information:

14 (A) A plan that describes the number and location of source-separated
15 recycling containers that are necessary to ensure convenient utilization and protect public
16 health and safety; and

17 (B) Documentation that a private or nonprofit entity will perform
18 collection services.

19 (3) **Collection of Recyclable Containers.** At the time ISCOTT considers
20 the application, it shall determine whether the applicant has provided the required information
21 and whether the measures proposed provide for the collection and disposition of source-
22 separated materials. The applicant shall pay to the Director of Public Works at the time the
23 application is filed a deposit in the amount of \$100, for each day of the event, which shall be
24 forfeited if applicant fails to collect and deposit recyclable materials at a recycling facility. The
25 Director of Public Works shall refund the deposit upon receipt of documentation verifying that

1 the collected material was disposed at an appropriate recycling facility.

2 (4) **Past Performance.** If an applicant for a temporary street closing, Street
3 Fair or Athletic Event has been previously granted a permit and failed to collect and dispose
4 recyclable beverage containers, ISCOTT may require the applicant to pay a deposit in an
5 amount greater than normally required, so long as the increased amount is reasonably related
6 to the anticipated costs of collecting and disposing of recyclable materials. However, if an
7 applicant who has failed to comply with a recycling plan in the past has, since that occurrence,
8 temporarily used a public street, or sponsored a Street Fair or Athletic Event pursuant to a
9 permit and has complied with a recycling plan, the amount of the deposit normally required of
10 applicants shall apply. The Director of Public Works shall maintain records for a period of
11 three years that document applicants' recycling performance.

12 (5) **Rules and Regulations.** The City Administrator shall promulgate any
13 rules and regulations necessary or appropriate to carry out the purposes and requirements of
14 this Article 6. Before issuing or amending any rules or regulations, the City Administrator shall
15 provide a 30-day public comment period by providing published notice in an official
16 newspaper of general circulation in the City of the intent to issue or amend the regulations.

17 (d) **Exceptions.** The provisions of Sections 6.1 through 6.4.4 and Sections 6.6
18 of this Article 6 shall not be applicable to permits issued by the Director of Public Works
19 pursuant to the provisions of Section 724 of the Public Works Code.

20
21 **SEC. 6.7. INSURANCE.**

22 (a) **Commercial Street Fair Insurance.** Applicants for permission to hold a Street
23 Fair on a predominantly commercial street shall comply with the following requirements for
24 insurance coverage. For purposes of this subsection (a), a "predominantly commercial street"
25 shall mean a street block on which at least 50% of front footage of private property on the

1 ground floor of the street is used for commercial purposes. A street block shall be measured
2 from street intersection to street intersection, but shall not include any alley intersection.

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

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

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

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

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

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

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

23 (3) Certificates of insurance, in format and with insurers satisfactory to the City
24 evidencing all applicable coverages shall be furnished to the City not less than ten working
25 days prior to the date of the event and before commencing any operations under the permit,

1 with complete copies of policies to be furnished to the City upon request.

2 (4) The insurance requirement of this subsection (a) shall be waived by the Board
3 of Supervisors if the applicant certifies in writing that: (A) the purpose of the Street Fair is First
4 Amendment expression, and (B) the cost of obtaining insurance is so financially burdensome
5 that it would constitute an unreasonable prior restraint on the right of First Amendment
6 expression, or that it has been impossible for the applicant to obtain insurance coverage.

7 (5) Notwithstanding subsection (a)(1) of this Section 6.7, an applicant seeking
8 permission for the temporary use or occupancy of a public street for an Entertainment Zone
9 Event under Administrative Code Chapter 94B shall maintain insurance coverage in a form
10 and amount satisfactory to the City, which shall not be less than the coverage required by
11 subsection (a)(1) of this Section 6.7.

12 (b) **Major Event Insurance.** Sponsors of major events shall be required to provide
13 an insurance policy naming the City as an additional insured, in a form approved by the Office
14 of Risk Management. Coverage shall be in an amount of \$1,000,000 or more, as determined
15 by the Office of Risk Management. This insurance requirement shall be waived where the
16 event constitutes the exercise of rights protected under the First Amendment to the United
17 States Constitution, and the Sponsor submits a sworn statement of indigence.

18
19 **SEC. 6.8. DIRECTOR OF TRANSPORTATION APPROVAL OF CERTAIN**
20 **TEMPORARY STREET USE PERMITS.**

21 (a) **Application.** Notwithstanding any other provisions of this Article 6, the Director
22 may grant a permit for the temporary use or occupancy of a public street under Sections 6.3
23 through 6.3.5, or the temporary use of streets for Street Fairs under Sections 6.4 through
24 6.4.4, including for events that qualify as Major Events, if upon review of the application the
25 Director determines that the proposed use:

- 1 (1) Will be contained within three blocks;
2 (2) Will not close any intersections;
3 (3) Will not require the rerouting of any SFMTA revenue vehicles; and
4 (4) Is necessary for the safety and protection of persons who will use that
5 portion of the street during the temporary street closure.

6 (b) **Informing ISCOTT Members:** The Director may grant a permit under subsection
7 (a) of this Section 6.8 without referring the application to ISCOTT. The Director shall transmit
8 copies of such applications to the members of ISCOTT for informational purposes.

9 (c) **Fees.** The Director shall calculate the fee to be charged to the applicant in the
10 same manner that fees are prescribed in Sections 6.3.3 and 6.4.3.

11 (d) **Public Notice.** The Director shall issue rules and regulations specifying a process
12 for the applicant to post notice of an application and provide the public an opportunity to
13 submit written public comment on the application.

14 (e) **Other Permits Required.**

15 (1) If a proposed use will include the sale of food or beverages, the applicant
16 shall obtain the appropriate permits from the Department of Public Health no later than 14
17 days before the date of the event.

18 (2) If a proposed use will include the use of propane or butane (liquefied
19 petroleum gas), open flames, pyrotechnics or fireworks, or a tent or membrane structure, the
20 applicant shall obtain the appropriate permits from the Fire Chief no later than 10 days before
21 the date of the event.

22 (f) **Application Timeline.** The permit applicant must submit their application under
23 this Section 6.8 to the Director at least 30 calendar days before the date of the event. The
24 Director may accept an emergency application for a proposed temporary use or occupancy
25 scheduled to occur fewer than 30 calendar days after the application date if the Director

1 determines that the applicant has demonstrated that an extraordinary emergency exists that
2 requires the street closure.

3 (g) **Reconsideration and Appeal.** If the Director denies an application, the applicant
4 may submit a request for reconsideration to ISCOTT within five working days of the Director's
5 decision. If ISCOTT denies the request for reconsideration, the applicant may file an appeal
6 with the Board of Supervisors within five working days of ISCOTT's decision under the
7 procedures in subsection (b) of Section 6.3.4. If the Director denies an application for
8 emergency consideration, the applicant may file an appeal directly to the Board of Supervisors
9 within five working days of the Director's decision under the procedures in subsection (b) of
10 Section 6.3.4.

11 (h) **Inapplicable.** This Section shall not apply to permits for Roadway Shared Spaces
12 described under Section 6.9 or to permits for Athletic Events described in Section 6.5.

13
14 **SEC. 6.9. TEMPORARY STREET CLOSURES FOR ROADWAY SHARED SPACE**
15 **ACTIVITIES.**

16 (a) **Definitions.** For the purposes of this Section 6.9, the following definitions shall
17 apply:

18 (1) "Roadway Shared Space Activities" means permitted activities that are
19 authorized under the Shared Spaces Program set forth in Administrative Code Chapter 94A
20 which occur in the Traffic Lane, do not significantly interfere or delay a public transit service,
21 and generally do not exceed 10 consecutive hours per day over four consecutive days per
22 week over a total period of time of not more than two years.

23 (2) "Traffic Lane" means the portion of the Street that has been dedicated for the
24 movement of motor vehicles exclusive of transit platforms and traffic islands.

25 (b) ISCOTT is authorized to issue permits for the Temporary Closure, as defined in

1 Division II, and occupancy of the Traffic Lane of a Street under the jurisdiction of the Municipal
2 Transportation Agency, including Roadway Shared Space permits pursuant to the Shared
3 Spaces Program as set forth in Administrative Code Chapter 94A, provided that the Municipal
4 Transportation Agency Board of Directors authorizes ISCOTT to issue such permits. Any
5 permit issued by ISCOTT shall be limited to a period of one-year or less. ISCOTT may renew
6 any such permit for up to one additional year for a maximum period of two consecutive years
7 for the Temporary Closure.

8 (c) Any person seeking permission for the temporary use or occupancy of the Traffic
9 Lane shall file an application and follow all of the procedures set forth in Sections 6.3.1
10 through 6.3.4, except for subsection 6.31(b)(2) and 6.3.3(a)(6), and subsection 6.6(c).

11 (d) Notwithstanding any other provision of Sections 6.3.1 through 6.3.4, ISCOTT shall
12 review an application for a Roadway Shared Space permit and shall issue any approval within
13 30 days of receipt of the application, for projects that are not located on Municipal Railway or
14 other public transit lines. For permitted locations that are located on Municipal Railway or
15 other public transit lines, approval may take longer than 30 days after receipt of an
16 application.

17 (e) In determining whether to issue a permit, ISCOTT shall follow the procedures set
18 forth in Sections 6.3.1 through 6.3.4 and 6.6 and all of the requirements and conditions set
19 forth in those sections shall apply notwithstanding Section 6.6(d). In addition to the street
20 barricade requirement set forth in Section 6.6(a)(9), any barricades and other traffic control
21 devices required by the Municipal Transportation Agency shall be provided by that agency. If
22 ISCOTT decides not to temporarily close the Traffic Lane, neither Public Works nor any other
23 City agency shall have the authority to issue a permit for occupancy of the Traffic Lane.

24 (f) Upon the expiration of any Roadway Shared Space permits under the Shared
25 Spaces Program, ISCOTT's approval to temporarily close the Traffic Lane shall immediately

1 expire and the closed portion of the Street shall be reopened immediately. Upon revocation of
2 any Roadway Shared Space permit, the closed portion of the Street shall be reopened after
3 14 days' notice has been given by the City, or sooner if the Director determines that the
4 closure is resulting in an immediate threat to the public health, safety, or welfare. If the closed
5 portion of the Street is not reopened within the time set by the Director, the Roadway Shared
6 Space permittee shall be subject to fines and administrative penalties as provided under
7 Administrative Code Chapter 94A.

8 (g) The SFMTA may charge a fee to reimburse the agency for costs associated with
9 the closure of a Traffic Lane.

10
11 **SEC. 6.10. EXEMPTION FROM FEES FOR QUALIFYING NEIGHBORHOOD**
12 **OUTDOOR EVENTS.**

13 (a) A “Qualifying Neighborhood Outdoor Event” is an event under this Article 6 for the
14 temporary use or occupancy of a public street that meets all the following criteria:

15 (1) The Sponsor is one or more of the following:

16 (A) A non-profit arts and culture organization that provides programming in
17 San Francisco, that is exempt from taxation under Internal Revenue Code Section 501(c)(3),
18 and that is in compliance with all applicable requirements to register with the California
19 Attorney General’s Registry of Charities and Fundraisers;

20 (B) A business with less than \$5 million in annual gross revenue that has a
21 physical place of business within or adjacent to the area in which the proposed event would
22 take place;

23 (C) A merchant or neighborhood resident association that represents the area
24 in which the proposed event would take place; or

25 (D) A property and business improvement district that serves the area in which the proposed

1 event would take place:

2 (2) The event is primarily intended to attract residents and workers from neighboring
3 areas:

4 (3) The event is free and open to the public;

5 (4) If incorporating amplified sound, the event does so for a maximum of six hours;

6 (5) The event occupies a maximum of three continuous blocks; occupies streets in
7 a hub-and-spoke pattern within a one block radius from a central intersection; or is a night
8 market occupying up to six continuous blocks along Irving Street between 19th Avenue and
9 Great Highway, Noriega Street between 19th Avenue and Great Highway, or Taraval Street
10 between 19th Avenue and Great Highway;

11 (6) The event is a single-day event that involves a street closure for no longer than
12 24 hours for all event activities, with public programming taking place outdoors within the
13 hours of 8:00 am to 10:00 pm;

14 (7) As determined by the San Francisco Municipal Transportation Agency
15 (SFMTA), the event does not impact light rail, street car, or cable car operations; impact major
16 streets; require the rerouting of a SFMTA Rapid Line; unduly disrupt vehicle or pedestrian
17 traffic; require substituting trolley buses or rail cars with motor coaches; restrict direct access
18 by SFMTA vehicles to rail stations; or require the SFMTA to shut down electrification of
19 overhead wires; and

20 (8) For an event that primarily takes place on Recreation and Park Department
21 property, the event does not involve the closure of any street that would not contain public-
22 facing programming during the event.

23 **(b) Application for a Fee Waiver.**

24 (1) A Sponsor seeking a determination of eligibility for a waiver of fees under this
25 Section 6.10 shall file an application with, and on a form provided by, the SFMTA. The

1 SFMTA will determine eligibility based on whether the event is a Qualifying Neighborhood
2 Outdoor Event before ISCOTT issues a street closure permit.

3 (2) In order to receive a fee waiver, a Sponsor shall apply for and must receive a
4 determination of eligibility for the fee waiver under this Section 6.10 before applying for an
5 ISCOTT street closure permit.

6 (3) A Sponsor is eligible for fee waivers for up to 12 recurring events over the
7 course of a calendar year, subject to any other applicable limitations in this Section 6.10.

8 (4) Determination of eligibility for a waiver of fees under this Section 6.10 shall be
9 final and not subject to appeal.

10 (c) **Waiver of Fees.**

11 (1) Upon a determination by the SFMTA that a Sponsor is eligible for one or more
12 fee waivers under this Section 6.10, the Sponsor shall be entitled to such waivers.

13 (2) Notwithstanding any other provision of this Section 6.10, the proposed closure of
14 a block that requires the rerouting of SFMTA transit service shall only be eligible for three fee
15 waivers per calendar year, regardless of the Sponsor.

16 (3) Fees subject to waiver include any and all application, permit, staffing, and
17 inspection fees associated with a Qualifying Neighborhood Outdoor Event issued by any of
18 the following departments, excluding fees imposed for a broader purpose beyond the
19 Qualifying Neighborhood Outdoor Event and any fees imposed by the SFMTA:

20 (A) Department of Public Health, including but not limited to fees for Temporary
21 Food Facility permits under Article 8, Section 452 of the Health Code and fees imposed
22 pursuant to Transportation Code Section 6.4.3;

23 (B) Fire Department, including but not limited to fees imposed pursuant to
24 Transportation Code Section 6.4.3 and fees for Fire Department permits;

25 (C) Entertainment Commission, including but not limited to One Time Event

1 Permits, One Time Outdoor Amplified Sound Permits, and Sound Truck Permits; and

2 (D) Police Department, including but not limited to fees imposed pursuant to
3 Transportation Code Section 6.4.3.

4 (d) Administration and Implementation.

5 (1) The SFMTA shall inform relevant City departments of its waiver determinations
6 under this Section 6.10.

7 (2) The SFMTA may develop rules and/or regulations to implement this Section
8 6.10.

9 (3) Each City department subject to a fee waiver under this Section 6.10 shall
10 report annually to the SFMTA the events for which fees were waived and the amount of fees
11 waived for each event. The SFMTA shall compile this information and report it annually to the
12 Board of Supervisors and the Mayor.

13 (e) Sunset Date. This Section 6.10 shall expire by operation of law on June 30, 2027.
14 Upon expiration of this Section 6.10, the City Attorney is authorized to cause this Section 6.10
15 to be removed from the Transportation Code.

16
17 Section 3. The Chapters 94A and 94D of the Administrative Code is are hereby
18 amended by revising Sections 94A.2, 94A.4, and 94D.2 to read as follows:

19 **SEC. 94A.2. DEFINITIONS.**

20 * * * *

21 **“Shared Spaces Permit”** is a permit issued under the Shared Spaces Program
22 through its Core City Agencies that allows a Permittee to create a Shared Space by
23 temporarily occupying and activating the location for a specified period of time. Shared
24 Spaces permits shall be issued by the Core City Agencies, as follows:

25 * * * *

1 (c) Where the Roadway Shared Space proposal would result in a Temporary
2 Closure, ISCOTT shall review and issue permits pursuant to the procedures set forth in
3 Section 6.469 of Division I of the Transportation Code. For Roadway Shared Space proposals
4 requiring a Longer-Term Closure of the Traffic Lane, the SFMTA Board of Directors shall
5 evaluate the suitability of closing the street pursuant to procedures set forth in Section 206 of
6 Division II of the Transportation Code, and MTA shall review and issue the Roadway Shared
7 Space permit.

8 * * * *

9
10 **SEC.94A.4 INTERAGENCY COORDINATION.**

11 In coordinating their activities under the Program, the Core City Agencies shall have
12 the responsibilities set forth below.

13 * * * *

14 (d) **MTA and Public Works; Shared Spaces in the Public Right-of-Way.**

15 * * * *

16 (2) **Roadway Shared Spaces.**

17 (A) MTA will carry out its role in evaluating the application, including making the
18 determination of any necessary street closure and circulation changes. In its discretion, the
19 MTA may consider implementing any approved restriping of travel and parking lanes, ground
20 surface treatments to delineate right-of-ways temporarily converted for the project, placement
21 of upright bollards and other traffic control devices, and other reversible site improvements
22 that are needed for the project.

23 (i) Where the portion of the public-right-of-way to be used for the Roadway
24 Shared Space is proposed to be closed as a Temporary Closure, ISCOTT will, pursuant to the
25 process set forth in Section 6.469 of Division I of the Transportation Code:

1 * * * *

2
3 **SEC. 94D.2. POLICIES, OBJECTIVES, AND INTERAGENCY COORDINATION.**

4 * * * *

5 (c) San Francisco Municipal Transportation Agency. Any street closure proposed by
6 the CBD Nonprofit must be reviewed and approved by the Interdepartmental Staff Council on
7 Traffic and Transportation (“ISCOTT”) consistent with Transportation Code, Division I, Article
8 6, by the Director of Transportation under Transportation Code, Division I, Article 6, Section
9 ~~6.186.8~~8, or by the San Francisco Municipal Transportation Agency (“SFMTA”) Board of
10 Directors consistent with Transportation Code, Division II, Article 200.

11 * * * *

12
13 Section 4. The Fire Code is hereby amended by revising Section 108 to read as
14 follows:

15
16 **108.2.3. [For SF] Permit Fees for Vendors at Streets Fairs Involving Temporary**
17 **Street Closures (ISCOTT).**

18 Permit fees for vendors at street fairs involving temporary street closures are set in the
19 San Francisco Transportation Code, Division 1, Article 6, Section 6.~~64~~3.

20
21 Section 54. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
25 additions, and Board amendment deletions in accordance with the “Note” that appears under

1 the official title of the ordinance.

2
3 Section 65. Undertaking for the General Welfare. In enacting and implementing this
4 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
5 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
6 is liable in money damages to any person who claims that such breach proximately caused
7 injury.

8
9 Section 7. At the meeting of the Land Use and Transportation Committee on April 27,
10 2026, the Committee duplicated the ordinance in Board File No. 260294 (the “Original
11 Ordinance”) to create this ordinance (Board File No. 260449). The Committee then amended
12 this ordinance and continued it to a future meeting of the Committee. The Board of
13 Supervisors approved the Original Ordinance on May 12, 2026, and the Mayor signed it on
14 May 20, 2026. The Original Ordinance will become effective on June 20, 2026.

15 On June 1, 2026, the Land Use and Transportation Committee further amended this
16 ordinance. All amendments are shown in Board amendment font. Section 2 of this ordinance
17 deletes all of Article 6 of Division I of the Transportation Code except Section 6.1 and
18 reorganizes the other provisions of that Article into new sections under Article 6.
19 Amendments that the Original Ordinance made to Sections 6.2, 6.6, and 6.18 of the
20 Transportation Code that are being deleted by this ordinance are shown in this ordinance as
21 existing text in Arial strikethrough font. Amendments that the Original Ordinance made to
22 Section 6.1 are shown as existing text in Arial font. The Committee further amended Section
23 3 of this ordinance by modifying certain provisions of the Administrative Code. The
24 amendments that the Original Ordinance made to Administrative Code Section 94D.2 are
25 shown in this ordinance as existing text in Arial font.

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Section 8. On May 19, 2027, the Board of Supervisors approved the ordinance in Board File No. 260217, which updated the title of the Interdepartmental Staff Committee on Traffic and Transportation to the “Interdepartmental Staff Council on Traffic and Transportation,” and made other amendments to Section 6.1 of Article 6 of Division I of the Transportation Code. The Mayor signed that ordinance on May 29, 2026 and it will become effective on June 29, 2026. This ordinance (Board File 260449) treats those amendments as existing text and makes amendments consistent with File 260217.

Section 9. This ordinance re-codifies fees that existed in Section 6.6 of the Transportation Code into a new Section 6.4.3. This ordinance does not modify the current amount of any fee, including fees that may have been adjusted outside of the codified text to reflect changes in the Consumer Price Index.

Section 106. Effective Date. This ordinance shall become effective on the 31st day after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
LILLIAN A. LEVY
Deputy City Attorney