

REVISED LEGISLATIVE DIGEST

(10/24/2016, Amended in Committee)

[Administrative, Public Works, Police Codes - Places for People Program; Permit Fees]

Ordinance amending the Administrative Code to establish a Places for People Program that coordinates the City’s authorization of public gatherings and activities and their associated temporary physical improvements on City-owned property, the public right-of-way, and associated privately-owned space in connection with certain public space improvements; provides a process for identifying private Stewards to create and activate the public space and be responsible for managing the events and other activities occurring there; streamlines the process for reviewing proposals and issuing any required permits; and establishes a People Place Permit Fee; amending the Public Works Code to establish a regulatory process for authorizing a People Place on the public right-of-way; amending the Police Code definition of a Limited Live Performance Locale to include People Places; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

There is no existing law being amended in the Administrative Code. However, the proposed new Chapter 94A (the “Places for People Program”) is related to existing Chapter 94 (the “Plaza Program”) in that they both allow a permittee (known as a “Steward”) to create and manage a space on City-owned property where the public may gather and participate in various activities. The Plaza Program authorizes permanent occupation of the space and requires Board of Supervisors approval, while the Places for People Program authorizes temporary occupancy of the space prior to those spaces being contemplated for adoption as permanent improvements through other City programs such as the Plaza Program.

Article 15.1 of the Police Code contains the regulations and permit requirements for “Entertainment” activities. Section 1060 contains definitions and Section 1060.3.1 sets forth the requirements for applying for a Limited Live Performance Permit.

Amendments to Current Law

Administrative Code Chapter 94A establishes the Places for People Program and provides a streamlined process by which the pertinent City departments (defined as “Core City Agencies”) can coordinate their review and approval of a concept proposal by a prospective Steward to create, activate, and manage a space where the public can gather on a City-owned lot, sidewalk, curbside, or roadway and participate in specified activities (a “People Place”). If public funds are being offered for the implementation or operation of the People Place, there must be a competitive process. A People Place Permit issued under the Program would be for a limited period of time: five years for a People Place on a City-owned lot and two years for a People Place on a public right-of-way, which may be extended or renewed.

The Core City Agencies participating in the Program's coordinated review are: the Planning Department, Department of Public Works ("DPW"), Municipal Transportation Agency ("MTA"), Department of Real Estate, and Entertainment Commission. Planning has a general coordination role; the Director of Real Estate administers People Places solely on a City-owned lot; the Entertainment Commission participates in the review and approval of proposed People Places within the Police Code's definition of a "Limited Live Performance Locale"; and DPW and MTA participate in the review and approval of People Places within the public right-of-way that are within these agencies' respective jurisdiction. Each Agency retains its full authority under the Charter and applicable Codes to authorize the use, impose conditions on the permit, and enforce the Agency's requirements. The Core City Agencies may, in their discretion, withdraw their approval of, modify or revoke a People Place Permit at any time.

Sections 793 through 793.8 are being added to the Public Works Code to provide a process for DPW's approval of a People Place on a portion of the public right-of-way within DPW's jurisdiction. The process set forth in Article 1200 of Division II of the Transportation Code will apply to the MTA's participation. The requirements in Police Code Section 1060 et seq., which are amended to include a People Place under the Places for People Program, govern the Entertainment Commission's review of a People Place meeting the description of a Limited Live Performance Locale.

The People Place Permit issued under the Program substitutes for any permit that the Municipal Code would otherwise require. For a People Place in the public right-of-way, the permit fee is one-half the fee that the Public Works Code authorizes DPW to charge for a permit granting permission to occupy a portion of the public right-of-way that is equivalent in scope to the People Place Permit. City departments and agencies are also authorized to charge one-half the authorized fee for additional permits that may be required or for services performed in implementing the People Place Proposal. Due to the public-use nature of the improvements, however, no ongoing occupancy assessment fee shall be charged.

The broad goals of legislation are to:

- (1) Lower process and resource barriers to increase public participation in the Program;
- (2) Facilitate greater equity (geographic distribution) of Projects in all neighborhoods, especially those that have fewer resources;
- (3) Enable more activation that is frequent, diverse, and free to the public;
- (4) Streamline interagency permitting and agency review processes by establishing a clear and transparent sequence of review, approval and adjudication of appeals by the pertinent City agencies;
- (5) Create self-financing opportunities to better support long-term stewardship of community-sponsored Places; and,
- (6) Define clear parameters for operations, permit terms, and enforcement.

Background Information

San Francisco leads the nation with its innovation in good civic governance. Pavement to Parks, initiated over six years ago as a joint program of the Planning Department, DPW and MTA, is touted internationally for its community-based approach to creating and testing publicly-accessible, neighborhood-serving open spaces. In 2013, the San Francisco Mayor's Pedestrian Strategy recognized the importance of community-based public space projects as part of the toolkit for creating safe, walkable neighborhoods by including a goal to create twenty "parklets" and two "pedestrian plazas" per year.

Since the inauguration of Pavement to Parks, several other related projects such as Living Innovation Zones and the Market Street Prototyping Festival have emerged in San Francisco. These short-term projects may last between one week to two years, and are comprised of temporary or "reversible" installations and events that test community-generated concepts for public space. These projects and Pavement to Parks – together with other programs such as Sunday Streets, Play Streets, and Vision Zero "painted safety zones" – form a spectrum of innovative solutions for diversifying and optimizing the use of our streets to better serve the open-space and mobility needs of our citizens.

Though public demand for community-generated public open spaces continues to increase, the City's interagency review, permitting, technical and financial assistance services remain based on older models for managing our public spaces and rights-of-way. The interagency and often cross-jurisdictional nature of projects pose procedural complexities which form barriers to wide participation by community groups, while weak or inconsistent code bases limit the range of enforcement and quality-control responses available to City agencies. The Places for People Program is a comprehensive, interagency permitting framework that will streamline the community-based development of projects across San Francisco. The Program reflects national best practices, synthesizing the models of New York City, Los Angeles, Chicago, Philadelphia, and others.

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