

BOARD of SUPERVISORS



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April 12, 2021

File No. 210284

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On April 6, 2021, Mayor Breed submitted the following substitute legislation:

File No. 210284

Ordinance amending the Administrative Code to rename and modify the Places for People Program as the Shared Spaces Program, and to clarify the roles and responsibilities of various departments regarding activation and use of City property and the public right-of-way, streamline the application process, specify minimum programmatic requirements such as public access, temporarily waive permit application fees, and provide for the conversion of existing Parklet and Shared Spaces permittees to the new program requirements; amending the Public Works Code to create a Curbside Shared Spaces permit fee, provide for public notice and comment on permit applications, provide for hearings for occupancy of longer-term street closures, and supplement enforcement actions by Public Works; and amending the Transportation Code to authorize the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) to issue permits for the temporary occupancy of the Traffic Lane for purposes of issuing permits for Roadway Shared Spaces as part of the Shared Spaces Program, subject to delegation of authority by the Municipal Transportation Agency Board of Directors to temporarily close the Traffic Lane, and adding the Planning Department as a member of ISCOTT; and also amending the Transportation Code to prohibit parking in a zone on any street, alley, or portion of a street or alley, that is subject to a posted parking prohibition except for the purpose of loading or unloading passengers or freight; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

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This substitute legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to read "Erica Major", written in a cursive style.

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

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

1 [Administrative, Public Works, and Transportation Codes - Shared Spaces]

2

3 **Ordinance amending the Administrative Code to rename and modify the Places for**

4 **People Program as the Shared Spaces Program, and to clarify the roles and**

5 **responsibilities of various departments regarding activation and use of City property**

6 **and the public right-of-way, streamline the application process, specify minimum**

7 **programmatic requirements such as public access, temporarily waive permit**

8 **application fees, and provide for the conversion of existing Parklet and Shared Spaces**

9 **permittees to the new program requirements; amending the Public Works Code to**

10 **create a Curbside Shared Spaces permit fee, provide for public notice and comment on**

11 **permit applications, provide for hearings for occupancy of longer-term street closures,**

12 **and supplement enforcement actions by Public Works; and amending the**

13 **Transportation Code to authorize the Interdepartmental Staff Committee on Traffic and**

14 **Transportation (ISCOTT) to issue permits for the temporary occupancy of the Traffic**

15 **Lane for purposes of issuing permits for Roadway Shared Spaces as part of the Shared**

16 **Spaces Program, subject to delegation of authority by the Municipal Transportation**

17 **Agency Board of Directors to temporarily close the Traffic Lane, and adding the**

18 **Planning Department as a member of ISCOTT; and also amending the Transportation**

19 **Code to prohibit parking in a zone on any street, alley, or portion of a street or alley,**

20 **that is subject to a posted parking prohibition except for the purpose of loading or**

21 **unloading passengers or freight; making findings of consistency with the General Plan,**

22 **and the eight priority policies of Planning Code, Section 101.1; and affirming the**

23 **Planning Department’s determination under the California Environmental Quality Act.**

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

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

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

Board amendment additions are in double-underlined Arial font.

Board amendment deletions are in ~~strikethrough~~ Arial font.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms this determination.

(b) On _____, the Planning Department determined that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts this determination as its own. A copy of said determination is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

(c) On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus ("COVID-19"). On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency.

(d) On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19.

(e) On March 6, 2020, the City's Health Officer declared a local health emergency, and the Board of Supervisors concurred in that declaration on March 10, 2020. Since that time, the City's Health Officer had issued various health orders, including a Stay-Safer-At-Home order, requiring most people to remain in their homes subject to certain exceptions

1 including obtaining essential goods such as food and necessary supplies, and requiring the
2 closure of non-essential businesses. The Health Officer has amended the Stay-Safer-At-
3 Home Order to modify the interventions needed to limit the transmission of COVID-19.

4 (f) As amended from time to time, the Stay-Safer-At-Home order allowed
5 restaurants and retail businesses to conduct their operations outside, where the risk of
6 transmission of COVID-19 is generally lower.

7 (g) Due to the density of San Francisco, many restaurants and businesses do not
8 have significant amounts of outdoor space as part of their premises. Thus, for many San
9 Francisco restaurants and businesses to receive the economic boost that often accompanies
10 outdoor operations, it is necessary to operate outdoors beyond their premises.

11 (h) On June 9, 2020, the Mayor issued the 18th Supplement to the Proclamation
12 declaring a local emergency to create a temporary program (known as “Shared Spaces”) for
13 retail businesses and restaurants to occupy the public sidewalk and parking lane fronting their
14 premises for retail businesses to display and sell goods and merchandise and offer services
15 and for restaurants to place tables and chairs to offer outdoor dining, subject to certain
16 conditions. The 18th Supplement found that authorizing the use of more outdoor spaces like
17 sidewalks, parking lanes, and other City property would allow restaurants and retail to spread
18 out their wares and services to safely comply with the physical distancing requirements in the
19 Health Officer’s orders and directives. The 18th Supplement also found that temporarily
20 allowing restaurants and retail businesses to use more outdoor spaces and take greater
21 advantage of the reopening authorizations while waiving City fees associated with such uses
22 would ease the economic burden on these businesses and allow some employees to return to
23 work, thus promoting the housing and health stability of these workers.

24 (i) The Mayor issued several subsequent Supplements to the Proclamation in order
25 to expand opportunities for businesses to conduct operations in additional types of outdoor

1 places. On July 28, 2020 the Mayor issued the 23rd Supplement, which allowed for Shared
2 Spaces in outdoor areas of privately-owned parcels such as open lots, rear yards and
3 courtyards. On August 26, 2020, the Mayor issued the 26th Supplement, which allowed for
4 recurring temporary street closures. On September 25, 2020 the Mayor issued the 27th
5 Supplement, which allowed for entertainment, arts and culture activities to take places as
6 accessory to commercial activities as permitted by public health directives.

7 (j) The Shared Spaces Program adapts many proven, successful techniques for
8 safely activating the public realm in a community-focused manner. Pre-existing precedents
9 include the Parklet and Plaza Programs authorized in the Public Works Code, and
10 Administrative Code Chapter 94, respectively; and Play Streets and Neighborhood Block
11 Parties. Pre-existing commercial permits such as sidewalk merchandising and sidewalk tables
12 & chairs were also streamlined for Shared Spaces. These programs have closed portions of
13 the street to vehicular traffic while increasing the livability and safety of the streets for
14 pedestrian and economic benefit.

15 (k) The Shared Spaces Program has impacted a diverse set of small-business
16 owners. Of respondents to a survey administered to Shared Spaces applicants (“Survey”),
17 over 50% were women-owned enterprises, 33% were immigrant-owned small businesses,
18 and 33% identified as ‘minority owned’.

19 (l) Locally-owned business perceive the Shared Spaces Program as imperative to
20 their survival during and beyond the pandemic. 84% of respondents to the Survey said that
21 the Shared Spaces Program has allowed them to reopen under public health directives, and
22 another of 80% of respondents said the Shared Spaces Program has allowed them to avoid
23 permanent closure. 94% of respondents said they would operate an outdoor Shared Space (if
24 permitted to do so) even if they are allowed to operate indoors.

1 (m) On Tuesday, July 13, 2020, the Small Business Commission issued a resolution
2 to Mayor Breed, the Board of Supervisors, and City Departments that expressed its support of
3 the Shared Spaces Program and posed a list of recommendations to aid in the expansion of
4 the Program, with a particular emphasis on the need to ensure equity participation in the
5 program.

6 (n) The Board of Supervisors has twice formally expressed its support of the Shared
7 Spaces Program. On Tuesday, October 6, 2020, the Board of Supervisors passed Resolution
8 No. 495-20, in support of Shared Spaces. On Tuesday, March 9, 2021, the Board of
9 Supervisors passed Resolution No. 105-21, urging that the Shared Spaces Program be made
10 permanent.

11 (o) In addition to its positive economic impact on small businesses, their owners,
12 employees, and owner and employee families, the Shared Spaces Program delivers multiple
13 other benefits to neighborhoods and to the City, including general civic, social, and
14 psychological wellbeing, and increased pedestrian access in areas typically used for vehicular
15 traffic.

16 Section 2. Chapter 94A of the Administrative Code is hereby amended by revising
17 Sections 94A.1, 94A.2, 94A.3, and 94A.4; deleting existing Section 94A.5; renumbering
18 existing Sections 94A.6, 94A.7, 94A.8, 94A.9, 94A.10, and 94A.11 as Sections 94A.5, 94A.6,
19 94A.7, 94A.8, 94A.9, and 94A.10 respectively, and revising those renumbered Sections; and
20 adding new Section 94A.11, to read as follows:

21 **CHAPTER 94A: THE SAN FRANCISCO ~~PLACES FOR PEOPLE~~ SHARED SPACES**
22 **PROGRAM**

23 **SEC. 94A.1. THE ~~PLACES FOR PEOPLE~~ SHARED SPACES PROGRAM; ESTABLISHMENT**
24 **AND PURPOSE; CORE AGENCY JURISDICTION.**

1 (a) **Establishment and Purpose.** There is hereby created a San Francisco *Places for*
2 *People-Shared Spaces* Program (~~“Program” or “Places for People Program”~~). A *People-Place*
3 *Shared Space*, defined in Section 94A.2, is intended to be a temporary space on City-owned
4 property, and in some cases also on ~~nearby~~ privately-owned open spaces, where the public
5 can gather and participate in various commercial or non-commercial offerings and events.
6 Under the Program, a public or private entity may obtain City approval to create a *People-Place*
7 *Shared Space* by occupying the location with reversible physical treatments or improvements
8 and/or activating the location with programming.

9 This Chapter 94A sets forth a streamlined process by which the Planning Department,
10 Department of Public Works, Municipal Transportation Agency, ~~Department~~ Real Estate
11 *Division*, *Fire Department*, and Entertainment Commission (collectively, defined in Section
12 94A.2 as the “Core City Agencies”), and their successor agencies or departments, if any, will
13 coordinate the review and approval of a request to occupy and activate such spaces and
14 issue a permit to authorize the use.

15 (b) **Core City Agency Jurisdiction Retained.** Each Core City Agency shall retain its
16 full authority under the City Charter and applicable Codes to authorize the use, and impose
17 conditions on the *“People-Place Shared Space Permit,” as defined in Section 94A.2*, and enforce
18 the Agency’s requirements. In particular, this ~~Article 1~~ Chapter 94A is not intended to (1) ~~to~~ be
19 an alternative to the process in the Transportation Code for review and approval of street closures
20 and activities on public streets unrelated to the *Places for People Shared Spaces* Program by the
21 Interdepartmental Staff Committee on Traffic and Transportation (“ISCOTT”) or Municipal
22 Transportation Agency Board of Directors (“SFMTA Board of Directors”), ~~contained in Article 6 of~~
23 ~~the Transportation Code~~ or (2) ~~to~~ preclude the Director of Public Works from exercising the
24 authority to regulate activities on the public right-of-way under sections of the Public Works
25 Code that are unrelated to the *Places for People-Shared Spaces* Program. Consistent with the

1 definition of a Shared Spaces Permit in Section 94A.2, permits shall be issued by the designated Core
2 City Agency.

3 ~~The procedures by which the Department of Public Works and Municipal Transportation~~
4 ~~Agency will review and approve a permit issued pursuant to this Chapter 94A are set forth in Section~~
5 ~~793et seq. of the Public Works Code (for Public Works) and Division II of the Transportation Code (for~~
6 ~~MTA). The Department of Real Estate procedures are set forth in Section 94A.8 of this Chapter. The~~
7 ~~Entertainment Commission’s jurisdiction over “Limited Live Performance Locales” is set forth in~~
8 ~~Section 1060 of the Police Code.~~

9 **SEC. 94A.2. DEFINITIONS.**

10 For purposes of this Chapter 94A, the following definitions shall apply:

11 “City” is the City and County of San Francisco.

12 “City Lot Shared Space” is a Shared Space occurring on property owned by the City under the
13 administration of the Real Estate Division pursuant to Section 94A.7.

14 “Core City Agencies” are the City departments and agencies participating in the ~~Places~~
15 ~~for People Shared Spaces~~ Program: the Planning Department (“Planning”), Department of Public
16 Works (“Public Works”), Municipal Transportation Agency (“MTA”), ~~Department of~~ Real Estate
17 ~~Division~~ (“Real Estate”), ~~Fire Department,~~ and Entertainment Commission.

18 “Curbside Shared Space” is a Shared Space occurring in a portion of the curbside lane of a
19 City street. Curbside Shared Spaces include structures previously permitted by Public Works as a
20 Parklet, or a Shared Space during the COVID-19 pandemic. For purposes of the Shared Spaces
21 Program, a Curbside Shared Space is further defined to include the following types:

22 (a) “Fixed Commercial Parklet” is a fixed encroachment placed in the curbside lane
23 that is used principally for commercial activity during specified business hours. During daylight hours
24 when the Curbside Shared Space is not being activated for commercial use, it is open to the public.
25 Pursuant to Section 94A.6, when the Fixed Commercial Parklet is being activated for commercial use,

1 the Steward must provide public seating, including but not limited to a public bench, which is
2 accessible to persons who are not patrons of the business.

3 (b) “Movable Commercial Parklet” is the use of the curbside lane principally for
4 commercial activity during specified business hours, where all structures and furniture are removed
5 from the right-of-way outside of the specified business hours. During daylight hours when the
6 Moveable Commercial Parklet is not being activated for commercial use, it is open to the public.
7 Pursuant to Section 94A.6, when the Moveable Commercial Parklet is being activated for commercial
8 use, the Steward must provide public seating, including but not limited to a public bench, which is
9 accessible to persons who are not patrons of the business.

10 (c) “Public Parklet” is the use of the curbside lane that is fully accessible to the public
11 during daylight hours and is at no time used for commercial activities.

12 “Director” is the Director of the relevant department or their designee.

13 “Fixed Commercial Parklet.” See definition of Curbside Shared Space.

14 “Integrated Shared Space” is a Shared Space with activities occurring on a combination of
15 locations that are Shared Space Categories in close proximity to one another and operated by the same
16 Steward.

17 “Longer-Term Closure” has the same meaning as the term is defined in Section 101 of
18 Division II of the Transportation Code.

19 “Movable Commercial Parklet.” See definition of Curbside Shared Space.

20 “Public Parklet.” See definition of Curbside Shared Space.

21 “Roadway Shared Space” is a Shared Space with activities occurring in or on the Traffic Lane,
22 and includes street closures previously approved as part of the Shared Spaces program during the
23 COVID-19 pandemic.

24 “~~People-Place~~ Shared Space” is a publicly-accessible location approved under the ~~Places~~
25 ~~for People~~ Shared Spaces Program and located (a) on City-owned property under the

1 administration of the Real Estate Division, (b) on the sidewalk, ~~and/or~~ (c) in the curbside lane or
2 on all or any portion of the roadway between curbs, and/or (d) on private property, where the
3 public can gather and participate in commercial or non-commercial offerings and events. Such
4 offerings and events may include, but are not limited to: retail, cultural events, arts activities,
5 and entertainment; food and drink; and general recreation. A People-Place Shared Space is
6 managed, fully or partially, by a Steward under a People-Place Shared Space Permit issued
7 under the Program and may involve the temporary and reversible installation and
8 maintenance of physical treatments, improvements, or elements.

9 “People-Place Shared Space Categories” are constitute the following types of Shared Spaces,
10 as defined in this Section 94A.2: (a) “City Lot People-Place Shared Space,” which has activities
11 occurring on property owned by the City; (b) “Curbside People-Place Shared Space,” Integrated
12 Shared Space, which has activities occurring in a portion of the curbside lane of a roadway (c)
13 “Roadway People-Place Shared Space,” and which has activities occurring in or on any portion of
14 the roadway, except for activities occurring only in the curbside lane; (d) “Sidewalk People-Place
15 Shared Space,” which has activities occurring on a portion of sidewalk; and (e) “Integrated People
16 Place,” which is a single project with activities occurring on a combination of locations that are
17 People-Place Categories in close proximity to one another and operated by the same Steward.

18 “People-Place Shared Spaces Permit” is a permit issued under the Places for People Shared
19 Spaces Program through its Core City Agencies that allows a Steward to create a People-Place
20 Shared Space by temporarily occupying and activating the location for a specified period of
21 time. Shared Spaces permits shall be issued by the Core City Agencies, as follows:

22 (a) Real Estate shall review and issue permits for City Lot Shared Spaces pursuant to
23 the procedures set forth in Section 94A.7 of this Chapter.

24 (b) Public Works shall review and issue permits for Curbside Shared Spaces and
25 Sidewalk Shared Spaces pursuant to the procedures set forth in Sections 793 et seq. of the Public

1 Works Code, provided that the Director of Transportation has approved closure of the curbside lane
2 pursuant to procedures set forth in Section 204 of Division II of the Transportation Code.

3 (c) Where the Roadway Shared Space proposal would result in a Temporary Closure,
4 ISCOTT shall review and issue permits pursuant to the procedures set forth in Section 6.16 of Division
5 I of the Transportation Code. For Roadway Shared Space permits where the proposal would result in
6 a Longer-Term Closure, the SFMTA Board of Directors shall evaluate the suitability of closing the
7 street pursuant to procedures set forth in Section 206 of Division II of the Transportation Code, and
8 MTA shall review and issue the Roadway Shared Space permit.

9 (d) The Entertainment Commission shall review and issue permits pursuant to its
10 jurisdiction as set forth in Article 15.1 of the Police Code.

11 ~~“**People Place Proposal**” is a proposed concept for a People Place project submitted to the~~
12 ~~Places for People Program by a prospective Steward prior to the submittal of an application for a~~
13 ~~People Place Permit, for the purpose of initial evaluation and determination of suitability for further~~
14 ~~development by the Core City Agencies.~~

15 “**Shared Spaces Program**” or “**Program**” is the San Francisco Shared Spaces Program
16 established and described in this Chapter 94A.

17 “**Sidewalk Shared Space**” is a Shared Space with activities occurring on a portion of
18 sidewalk, but does not include permits for tables and chairs in the sidewalk pursuant to Public Works
19 Code Article 5.2.

20 **“Steward”** is, for a City Lot ~~People Place~~ Shared Space, (a) any person or educational,
21 recreational, or social agency, (b) any bona fide fraternal, charitable, religious, benevolent, or
22 other nonprofit organization which is exempt from taxation under the Internal Revenue Code
23 as a bona fide fraternal, charitable, religious, benevolent, or nonprofit organization, or (c) a
24 public agency with programs based in San Francisco. For Curbside Shared Spaces, ~~People~~
25 ~~Places~~, Roadway ~~People Places~~ Shared Spaces, and Sidewalk ~~People Places~~ Shared Spaces, a

1 “Steward” may be any person or entity and is not restricted to the organizations and entities
2 described above.

3 “Temporary Closure” has the same meaning as the term is defined in Section 101 of Division II
4 of the Transportation Code.

5 **SEC. 94A.3. ~~PLACES FOR PEOPLE~~ SHARED SPACES PROGRAM FUNCTIONS.**

6 To achieve the purpose of the ~~Places for People~~ Program, the Core City Agencies shall
7 perform the functions set forth below consistent with each Agency's authority under the
8 Charter and other applicable City law. The specific roles of each participating Core City
9 Agency for each ~~People Place~~ Shared Space Category are set forth in Section 94A.4.

10 (a) Coordinate principles and practices in ~~People Places~~ Shared Spaces designated under
11 the ~~Places for People~~ Program with other public agencies operating similar public realm
12 initiatives and projects in the City.

13 (b) Be responsible for development and administration of Program implementation,
14 policies, and strategies.

15 (c) Sustain strategic partnerships with stakeholders of ~~People Places~~ Shared Spaces,
16 including community organizations, nonprofit organizations, and businesses, in supporting
17 and enhancing the Program ~~People Places~~ Citywide.

18 (d) Endeavor to keep barriers to participation in the Program as low as possible,
19 including but not limited to keeping administrative and permit fees modest.

20 (e) Explore efforts to cross-subsidize approved ~~People Places~~ Shared Spaces by
21 leveraging the revenue generated in ~~People Places~~ Shared Spaces that exceeds the cost of
22 managing and operating the ~~People Place~~ Shared Space and directing a portion of the excess
23 funds to support other ~~People Places~~ Shared Spaces that have a demonstrated funding need.

1 (f) Seek Stewards for ~~People Places~~ Shared Spaces through a Steward identification
2 process that utilizes existing City partnership efforts where possible and builds strong
3 relationships with Stewards.

4 (g) Network communication and coordinate efforts of the various Stewards within the
5 ~~Places for People~~ Program.

6 (h) Identify opportunities to streamline permitting for active uses of ~~People Places~~ Shared
7 Spaces so that barriers to event permitting are eliminated or minimized.

8 (i) Encourage ~~People Place~~ Stewards to maximize events and activities that are free to
9 the public.

10 (j) Collect ~~People Place~~ Shared Space participation data and user feedback, and use
11 established criteria to evaluate Steward performance outcomes in various areas, including
12 racial equity, transportation, the environment, economic impact, type of activities, and community
13 engagement.

14 (k) Support development of long-term maintenance and activity partnerships for ~~People~~
15 ~~Places~~ Shared Spaces.

16 (l) Strive to ensure that ~~People Places~~ Shared Spaces remain available to the public, while
17 recognizing that some small number of restricted access events or time-specific commercial use
18 of Curbside Shared Spaces by businesses in suitable locations may be helpful in supporting ~~People~~
19 ~~Place~~ Shared Space operations, and assisting in the City's economic recovery from the COVID-19
20 pandemic.

21 (m) Support the City's goal of continuing to be a national and international leader in
22 public realm innovation.

23 (n) Support the City's values and commitments to Transit First, Vision Zero, Climate Action,
24 access for disabled persons, and application of Curb Management Strategy to ensure balanced
25 curbside functionality.

1 (o) Support San Francisco’s economic recovery following the COVID-19 pandemic by creating
2 ways for the public to activate public spaces and safely engage in economic activities, like dining and
3 retail, outdoors.

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

5 In coordinating their activities under the *Places for People* Program, the Core City
6 Agencies shall have the responsibilities set forth below.

7 (a) **Planning Department; General Coordination of Program Activities.** After a
8 prospective Steward submits an application for a People Place Shared Space Proposal to the
9 Program pursuant to Section 94A.5, Planning will ~~coordinate~~ ensure review and approval of the
10 application proposed People Place project. Specifically, Planning will:

11 (1) Ensure that the application is routed the People Place Proposal to all Core City
12 Agencies with jurisdiction over the proposed *People Place Shared Space* for review ~~an initial~~
13 ~~evaluation of the desirability of the Proposal~~.

14 (2) ~~Accept, along with the other Core City Agencies, a proposed People Place into the~~
15 ~~Program if, after completion of the review and evaluation required by Section 94A.5, each Core City~~
16 ~~Agency with jurisdiction over the proposed People Place has determined that the People Place~~
17 ~~Proposal is suitable for further development.~~

18 (4) ~~Review an application for a People Place Permit for completion and compliance~~
19 ~~with Program requirements prior to its submittal and, if found complete and in compliance, direct the~~
20 ~~prospective Steward to file the People Place Permit application with the appropriate Core City Agency~~
21 ~~or Agencies pursuant to Section 94A.6.~~

22 (5) Collaborate with the appropriate Core City Agency in the review and approval
23 of a *People Place Shared Space* permit.

1 (36) At the request of a Core City Agency with jurisdiction over a proposed
2 ~~People Place Shared Space~~, develop with the prospective Steward a Stewardship Agreement
3 pursuant to Section 94A.56(~~de~~).

4 (47) Support the monitoring of the Steward's compliance with any terms and
5 conditions in the ~~People Place Shared Space~~ Permit and associated Stewardship Agreement,
6 report any noncompliance known to the Planning Department to the applicable Core City
7 Agency with jurisdiction for enforcement.

8 (58) Coordinate Core City Agency outreach to prospective Stewards.

9 In performing the coordination role described in subsections (a)(1) - (58), Planning
10 shall, if necessary, obtain the recommendations of staff of the other Core City Agencies,
11 including, among others: Director of Public Works ~~or his or her designee~~, the Director of
12 Transportation ~~or his or her designee~~, the Director of the Real Estate ~~Department~~ Division, and/or
13 the Executive Director of the Entertainment Commission.

14 (b) **Director of Real Estate; City Lot ~~People Places~~ Shared Spaces**. The Director of Real
15 Estate will administer ~~People Places~~ Shared Spaces that are solely on a City-owned lot, pursuant
16 to Section 94A.78.

17 (c) **Entertainment Commission; ~~People Places~~ Shared Spaces with Entertainment**
18 **Activities**. The Entertainment Commission will review and consider any application for a
19 ~~People Place Shared Space~~ Permit that proposes an activity or activities within the jurisdiction of
20 the Entertainment Commission, consistent with fitting the description of a Limited Live Performance
21 ~~Locale in~~ Police Code, Section 1060(~~r~~) but, as applied to a ~~People Place Shared Space~~, the
22 proposed activity or activities may include ~~allows~~ the service of food and beverages for
23 consumption on the premises. The Commission may approve an application that satisfies all
24 the applicable requirements for creation of a Limited Live Performance Locale and authorize
25

1 issuance of a ~~People Place~~ Shared Space Permit subject to the requirements stated in Police
2 Code Section 1060.

3 (d) **Planning, MTA, and Public Works; ~~People Places~~ Shared Spaces in the Public**
4 **Right-of-Way.**

5 (1) **Curbside ~~People Places~~ Shared Spaces.**

6 (A) Planning will review the overall concept of the ~~application~~ People Place
7 Proposal, approve the Steward's proposed program of offerings and events that will activate
8 the ~~People Place~~ Shared Space ~~space~~, and participate in the design review of all proposed
9 physical treatments or improvements.

10 (B) MTA will approve or deny the proposed closure of the curbside lane
11 pursuant to Section 204 of Division II of the Transportation Code, including permit terms and
12 conditions as established by the Director of Transportation, and participate, as applicable, in design
13 review of all physical treatments or improvements proposed by a Steward, and, at the MTA's
14 discretion, implement any approved (i) restriping of travel and parking lanes, (ii) ground
15 surface treatments to delineate right-of-ways temporarily converted for the project, (iii)
16 placement of upright bollards and other traffic control devices, and (iv) other reversible site
17 improvements not included within subsection (d)(1)(C) below that are needed for the project.
18 ~~MTA will carry out its role pursuant to the process set forth in Division II of the Transportation Code,~~
19 ~~including making the determination of any necessary street closure and circulation changes.~~

20 (C) Public Works will, pursuant to the process set forth in Section 793 ~~et~~
21 ~~seq.~~ of the Public Works Code, (i) participate in the design review and approval of physical
22 treatments or improvements proposed by a Steward, (ii) participate in the review and approval
23 of the Steward's proposed program of events intended to activate the ~~People Place~~ Shared
24 Space ~~space~~, (iii) consult with additional City agencies such as the Public Utilities Commission and the
25 Fire Department regarding the design and construction of any proposed structure, (iv) review and

1 approve the Stewardship Agreement, ~~and~~ (iv) provide approval for the ~~People Place Shared~~
2 ~~Space~~ Permit along with the other Core City Agencies with jurisdiction over the proposed
3 ~~People Place Shared Space~~, and (vi) issue the Curbside Shared Space permit. The Director of Public
4 Works, consistent with Sections 793 et seq. of the Public Works Code, may issue regulations setting
5 forth standard design and operating requirements for any Curbside Shared Space. In addition, Public
6 Works, in its sole discretion, may install reversible site improvements (planters, furnishings,
7 etc.) associated with the project.

8 (D) The Core City Agencies shall review the proposed Curbside Shared Space
9 for potential conflicts with future City projects, such as streetscape initiatives (including streetscape
10 redesigns, paving projects, transit improvements), on-going maintenance needs, and planned
11 improvements. A Steward's rights to occupy the Curbside Shared Space shall be conditioned upon the
12 obligation to remove or modify the Curbside Shared Space at any time, as necessary for any City
13 project or maintenance work, which necessity shall be determined solely by the City Agency that issued
14 the Shared Space Permit. The Steward shall be obligated to remove or modify the Curbside Shared
15 Space at the Steward's cost and return the right-of-way to a condition that the Director of Public
16 Works deems appropriate. If the proposed Curbside Shared Space would conflict with a future City
17 project or necessary maintenance work, Public Works may inform the Steward of any potential
18 disruption from the conflict, but the failure to do so shall not give rise to any rights to occupy, or
19 otherwise not remove or modify the Steward's occupancy of, the Curbside Shared Space.

20 **(2) Roadway ~~People Places~~ Shared Spaces.**

21 (A) Planning will review the overall concept of the ~~application~~ ~~People Place~~
22 ~~Proposal~~, approve the Steward's proposed program of offerings and events that will activate
23 the ~~People Place space~~ ~~Shared Space~~, and participate in the design review of all proposed
24 physical treatments or improvements. ~~Planning will also coordinate the collection of baseline~~
25 ~~pedestrian, bicycle, and vehicular data at the relevant location(s) (i) pre-occupancy, that is, before~~

1 ~~project implementation, (ii) during short-term temporary street closures, and (iii) post-occupancy, that~~
2 ~~is, for at least six months after project implementation, or a longer time period if warranted. Planning~~
3 ~~staff, inclusive of Environmental Planning, will consult with MTA staff as necessary on collection~~
4 ~~methodology.~~

5 (B) MTA will carry out its role in evaluating the application-*People Place*
6 Proposal pursuant to the process set forth in Division II of the Transportation Code, including making
7 the determination of any necessary street closure and circulation changes. In its discretion, the
8 MTA may consider ~~The MTA is urged to consider the following requirements in developing the Division~~
9 ~~H procedures:~~

10 ~~(i) Conduct the circulation analysis necessary for evaluating a~~
11 ~~temporary street closure and circulation changes (including full or partial width of street; full-time or~~
12 ~~part-time, over hours and days of the week).~~

13 ~~————— (ii) Review and analyze, or oversee a contract for professional services~~
14 ~~to review and analyze, transit and vehicular circulation data from (i) baseline pre-occupancy and/or~~
15 ~~(ii) occupancy of short-term temporary trial(s), and issue a technical memorandum or “Preliminary~~
16 ~~Circulation Assessment,” including MTA’s conclusion as to approval of the proposed temporary street~~
17 ~~closure.~~

18 ~~————— (iii) Develop procedures for participation in design review of physical~~
19 ~~treatments or improvements proposed by a Steward.~~

20 ~~————— (iv) Review, consider, and authorize (when all requirements have been~~
21 ~~satisfied) any changes to pedestrian and vehicular circulation associated with the People Place project.~~

22 ~~————— (v) Implementing~~ any approved restriping of travel and parking
23 lanes, ground surface treatments to delineate right-of-ways temporarily converted for the
24 project, placement of upright bollards and other traffic control devices, and other reversible
25 site improvements that are needed for the project.

1 ~~_____ (vi) Review and analyze, or oversee a contract for professional services~~
2 ~~to review and analyze, the pre-occupancy and post-occupancy transit and vehicular circulation data~~
3 ~~for projects that have been implemented.~~

4 ~~(C) If the MTA approves a temporary street closure~~

5 ~~(i) Where the portion of the public-right-of-way to be used for the~~
6 ~~Roadway Shared Space is proposed to be closed as a Temporary Closure, ISCOTT will, pursuant to~~
7 ~~the process set forth in Section 6.16 of Division I H of the Transportation Code, Public Works~~
8 ~~will, pursuant to the process set forth in Section 793 et seq. of the Public Works Code,;~~

9 ~~(i)a. participate in the design review and approval of~~
10 ~~physical treatments or improvements proposed by a Steward,;~~

11 ~~(ii)b. participate in the review and approval of the Steward's~~
12 ~~proposed program of events intended to activate the People Place space Shared Space,;~~

13 ~~(iii)c. review and approve the Stewardship Agreement,; and~~

14 ~~_____ (iv)d. provide approval for the People Place Shared Space~~
15 ~~Permit along with the other Core City Agencies with jurisdiction over the proposed People~~
16 ~~Place Shared Space;~~

17
18 ~~_____ (v)e. review and approve any necessary street closure and~~
19 ~~circulation changes; and~~

20 ~~_____ f. issue the Roadway Shared Space permit.~~

21 ~~(ii) Where the portion of the right-of-way proposed to be used for the~~
22 ~~Roadway Shared Space is proposed to be closed as a Longer-Term Closure, the SFMTA Board of~~
23 ~~Directors shall review and approve any necessary street closure and circulation changes pursuant to~~
24 ~~the process set forth in Division II of the Transportation Code. Following any decision to close the~~
25 ~~street by the SFMTA Board of Directors, MTA staff will:~~

1 _____ (i)a. participate in the design review and approval of physical
2 treatments or improvements proposed by a Steward;

3 _____ (ii)b. participate in the review and approval of the Steward's
4 proposed program of events intended to activate the Shared Space;

5 _____ (iii)c. review and approve the Stewardship Agreement;-

6 _____ (iv)d. provide approval for the Shared Space Permit along with
7 the other Core City Agencies with jurisdiction over the proposed Shared Space; and

8 _____ (v) e. issue the Roadway Shared Space permit.

9 (C) For all Roadway Shared Space permit applications, Public Works will (i)
10 participate in the design review and approval of physical treatments or improvements proposed by a

11 Steward, (ii) participate in the review and approval of the Steward's proposed program of events

12 intended to activate the Shared Space, (iii) review and approve the Stewardship Agreement, and (iv)

13 provide approval for the Shared Space Permit along with the other Core City Agencies with

14 jurisdiction over the proposed Shared Space. In addition, Public Works, in its sole discretion, may

15 install reversible site improvements (planters, furnishings, etc.) associated with the project.

16 (3) **Sidewalk ~~People Places~~ Shared Spaces.**

17 (A) Planning will review the overall concept of the application ~~People Place~~
18 Proposal, approve the Steward's planned program of offerings and events that will activate the
19 ~~People Place~~ Shared Space ~~space~~, and participate in the design review of all proposed physical
20 treatments or improvements.

21 (B) Public Works will, pursuant to the process set forth in Section 793 et
22 seq. of the Public Works Code, (i) participate in the design review and approval of physical
23 treatments or improvements proposed by a Steward, (ii) participate in the review and approval
24 of the Steward's proposed program of events intended to activate the ~~People Place~~ Shared
25 ~~Space~~ space, (iii) review and approve the Stewardship Agreement, ~~and~~ (iv) provide approval for

1 the *People-Place-Shared Space* Permit along with the other Core City Agencies with jurisdiction
2 over the proposed *People-Place-Shared Space*, and (v) *issue the Sidewalk Shared Space permit*. In
3 addition, Public Works, in its sole discretion, may install reversible site improvements
4 (planters, furnishings, etc.) associated with the project.

5 (e) **Integrated *People-Places-Shared Spaces***. Where a single *application proposal* involves
6 activities occurring in more than one *People-Place-Shared Space* category, each Core City
7 Agency shall:

8 (1) Participate in design review and proposal development for the *People-Place*
9 *Shared Space* project with respect to those proposed elements that are within such Agency's
10 jurisdiction as is specified in this Section 94A.4 for review of the individual *People-Place-Shared*
11 *Space* Categories; provided, however, that the Director of one of the participating Core City
12 Agencies may authorize another participating Core City Agency to review the *application*
13 *People-Place-Proposal* and one or more of the design elements on its behalf.

14 (2) Implement the pertinent elements as specified in this Section 94A.4 for
15 review of the individual *People-Place-Shared Space* Categories.

16 **~~SEC. 94A.5. PEOPLE PLACE PROPOSAL.~~**

17 ~~(a) *Initiation of the Process. A prospective Steward may submit a concept Proposal for a*~~
18 ~~*People-Place project to the Places for People Program. To be considered, the proposal must include*~~
19 ~~*the following components:*~~

20 ~~———— (1) *Documentation of community outreach and support.*~~

21 ~~———— (2) *Documentary proof that all fronting property owners have been notified by the*~~
22 ~~*prospective Steward of the intent to submit a People-Place Proposal. If the prospective Steward is not*~~
23 ~~*the fronting ground-floor tenant, then documentary proof of notification to the fronting ground-floor*~~
24 ~~*tenant(s) is also required.*~~

25 ~~———— (3) *A list and frequency schedule for routine maintenance tasks.*~~

1 ~~———— (4) A prospective activities calendar describing the frequency and types of free public~~
2 ~~programming.~~

3 ~~———— (5) The number of restricted access events, if any, that will be held annually. In no~~
4 ~~event may the number of restricted access events allowed exceed eight single-day events per year.~~
5 ~~Scheduling of any approved restricted access events shall not be concentrated during a particular time~~
6 ~~or times a year but be spread throughout the calendar year. Consistent with Section 94A.7(b)(2) Ppublic~~
7 ~~access to the People Place shall not be restricted except for restricted access events approved by the~~
8 ~~Places for People Program.~~

9 ~~———— (6) Photographs of existing conditions on the site.~~

10 ~~———— (7) A conceptual site plan depicting how the space will be configured, including the~~
11 ~~introduction and placement of any temporary physical elements.~~

12 ~~————— (A) City Lot People Places. If the space will be configured to accommodate~~
13 ~~different types of programs, the Proposal must include a series of site plans depicting proposed~~
14 ~~configurations.~~

15 ~~————— (B) Curbside People Places. If the Steward is proposing multiple Curbside~~
16 ~~People Places that will be operated together under the same exact terms and time(s) of a single~~
17 ~~Curbside People Place Permit, the proposal must include a series of site plans depicting the proposed~~
18 ~~extent of each installation.~~

19 ~~————— (C) Integrated People Places. If the space will be configured to accommodate~~
20 ~~different types of programs, the Proposal must include a series of site plans depicting proposed~~
21 ~~configurations.~~

22 ~~————— (D) Roadway People Places. If the space will be configured to accommodate~~
23 ~~different types of programs, the Proposal must include a series of site plans depicting proposed~~
24 ~~configurations.~~

1 ~~————— (E) Sidewalk People Places. If the Steward is proposing multiple Sidewalk~~
2 ~~People Places that will be operated together under the same exact terms and time(s) of a single~~
3 ~~Sidewalk People Place Permit, the proposal should include a series of site plans depicting the proposed~~
4 ~~extent of each installation.~~

5 ~~(b) Initial Review and Evaluation of the Proposal. After submittal, the People Place Proposal~~
6 ~~will be reviewed by Planning for completeness and compliance with Program requirements. If the~~
7 ~~People Place Proposal is determined to be complete and in compliance with Program requirements,~~
8 ~~Planning will route the Proposal to all Core City Agencies with jurisdiction over the proposed People~~
9 ~~Place for an initial evaluation of the desirability of the Proposal. If approved by all the required Core~~
10 ~~City Agencies, the Proposal will be accepted into the Program and further developed by the Core City~~
11 ~~Agencies as appropriate.~~

12 ~~(a) Public Funds; Solicitation and Evaluation of Proposals.~~

13 ~~(1) If public funds are being offered for a portion of the implementation or operation of a~~
14 ~~People Place or Places, the People for Places Program shall issue an invitation for prospective~~
15 ~~Stewards to submit a competitive People Place Proposal for the project. The Program may solicit~~
16 ~~Proposals (A) on an ongoing basis (year-round), or (B) for set intervals on a recurring cycle (for~~
17 ~~example, for two weeks at the end of each quarter), or (C) for a set interval on a one-time basis~~
18 ~~depending on the People Place Category or other appropriate factors.~~

19 ~~(2) All Proposals that are submitted in compliance with the requirements and within the~~
20 ~~submission deadline shall be evaluated by Planning and the Core City Agency or Agencies with~~
21 ~~jurisdiction over the People Place Category. After completion of the evaluation, Planning and the Core~~
22 ~~City Agency or Agencies may in their discretion determine that none of the Proposals submitted are~~
23 ~~acceptable.~~

24 **SEC. 94A.65. PEOPLE PLACE SHARED SPACE PERMIT – APPLICATION, ISSUANCE,**
25 **MODIFICATION, AND REVOCATION; STEWARDSHIP AGREEMENT.**

1 (a) Submission of Permit **General Application Requirements**. A prospective Steward may
2 submit an application for a Shared Spaces Permit consistent with the requirements of this Section
3 94A.5. After Planning has reviewed the application for completeness and compliance with Program
4 requirements, Planning will circulate the application to the Core City Agencies with jurisdiction over
5 the proposed Shared Space. Each proposed Shared Space application must include the following
6 components:

7 (1) A narrative description of the proposed Shared Space, including the planned
8 activation of the space.

9 (2) Documentation of community outreach and support.

10 (3) For all Sidewalk Shared Space and Curbside Shared Space permits, documentation
11 showing that all fronting property owners have been notified by the prospective Steward of the intent to
12 submit an application for a Shared Space. If the prospective Steward is not the fronting ground-floor
13 tenant of the proposed area to be used as a Sidewalk Shared Space or Curbside Shared Space, then
14 documentary proof of consent from the fronting ground-floor tenant(s) is also required. In cases where
15 there is no ground-floor tenant fronting the proposed areas to be used as a Shared Space, documentary
16 proof of consent from the fronting property owner is required.

17 (4) A list and frequency schedule for routine maintenance tasks.

18 (5) For Roadway Shared Spaces, a prospective activities calendar describing the
19 frequency and types of free public programming, if applicable.

20 (6) A description of any limitations on public use, including:

21 (A) The number of restricted access events, if any, that will be held annually. In
22 no event may the number of restricted access events allowed exceed eight single-day events per year.
23 Scheduling of any approved restricted access events shall not be concentrated during a particular time
24 or times a year but be spread throughout the calendar year.

1 (B) If the Steward intends to use a Curbside Shared Space for the exclusive
2 benefit of a business, a description of the proposed hours of use, and proposed activities. In no event
3 may the exclusive use of the Curbside Shared Space exceed the hours of operation of the associated
4 business or businesses.

5 (7) Photographs of existing conditions on the site.

6 (8) A site plan depicting how the space will be configured, including the introduction
7 and placement of any temporary physical elements, and the placement of nearby ground fixtures. The
8 site plan shall also include at-grade roadway markings such as color curbs, lane striping, parking stall
9 marking, and at-grade utility access panels, storm drains, manhole covers, and other utility access
10 points. Additional site plan considerations may be articulated in regulations issued by the appropriate
11 City Departments.

12 (b) **Permit Application Requirements for Specific Types of Shared Spaces.** In addition
13 to the general permit requirements set forth in subsection (a), ~~The following additional~~ permit
14 application requirements for specific ~~People Places~~ Shared Space Categories ~~shall apply~~ are set
15 forth as follows:

16 (1) for City Lot ~~People Places~~ Shared Spaces, in Section 94A.78 of this Chapter
17 94A;

18 (2) for Sidewalk ~~People Places~~ Shared Spaces, in Public Works Code Section 793
19 et seq.;

20 (3) for Curbside ~~People Places~~ Shared Spaces, in Public Works Code Section 793
21 et seq. for permit issuance, and Section 204 of Division II of the Transportation Code for roadway
22 closure; and

23 (4) for Roadway ~~People Places~~ Shared Spaces, in ~~Public Works Code Section 793 et~~
24 ~~seq. and~~ Section 6.16 of Division I H of the Transportation Code for permit issuance and roadway
25 closure.

1 (c) **People-Place-Shared Space Permit – Issuance; Conditions of Approval; Limited**
2 **Duration.**

3 (1) **Issuance.** Issuance of a *People-Place-Permit* authorizes the Steward to
4 create a *People-Place-Shared Space* by occupying the location with reversible physical
5 treatments or improvements and/or activating the location with programming. For the Core
6 City Agencies, a *People-Place-Shared Space* Permit shall incorporate the requirements of and
7 substitute for a permit that would otherwise be required under other sections of the Municipal
8 Code. ~~Copies of approved and issued People-Place Permits for People Places on City-Owned Lots~~
9 ~~shall be maintained by Real Estate. Copies of approved and issued People-Place Permits for People~~
10 ~~Places in the public right-of-way shall be maintained by Public Works.~~

11 (2) **Conditions of Approval; Liability Insurance and Indemnity Provisions.**

12 The *People-Place-Shared Space* Permit sets forth the permit terms, conditions of approval,
13 operational requirements, and duration of the ~~permit, People-Place~~ and is approved by all the
14 Core City Agencies with jurisdiction over the *People-Place-Shared Space*. In addition to any
15 conditions that a Core City Agency is authorized to impose on a *People-Place-Shared Space*
16 Permit pursuant to ~~the provisions of~~ this Chapter 94A, a participating Core City Agency with
17 jurisdiction over the *People-Place-Shared Space* shall impose any condition that it would have
18 been required to impose on a permit separately issued under the Code that regulates its
19 activities; provided, however, that Public Works, with the approval of the City's Risk Manager,
20 is authorized to modify standard liability insurance and indemnification requirements for
21 *Sidewalk Shared Space projects and Curbside People-Place-Shared Space* projects. For *People-Place*
22 *Shared Space* projects developed in whole or in part, or installed in whole or in part, by a City
23 Agency, ~~the Core City Agency that issues the permit~~ *Public Works*, with the approval of the City's
24 Risk Manager, may limit the Steward's required liability insurance and indemnification
25 requirements to the non-physical aspects of the *People-Place-Shared Space*.

1 (3) **Limited Duration.** A ~~People-Place-Shared Space~~ Permit is intended to be
2 temporary and has a limited duration. The standard term for a Curbside ~~People-Place-Shared~~
3 ~~Space Permit~~ ~~a Roadway People-Place~~, or a Sidewalk ~~People-Place-Shared Space~~ Permit shall be
4 for no longer than ~~one~~ ~~two~~ years, after which it may be renewed or extended upon review and
5 approval by the Core City Agencies with jurisdiction over the ~~People-Place-Shared Space~~. Any
6 closure of a curbside lane for a Curbside Shared Space must follow the requirements of Section 204 of
7 Division II of the Transportation Code. The maximum initial term for a Roadway Shared Space shall
8 be two years, after which it may be renewed or extended upon review and approval by the Core City
9 Agencies with jurisdiction over the Shared Space, subject to any necessary street closure by the SFMTA
10 Board of Directors. The standard term of a City Lot ~~People-Place-Shared Space~~ Permit shall be
11 no longer than five years, which may be extended by the Director of Real Estate pursuant to
12 the provisions of Section 94A.78(d).

13 (d) ~~Permit Cover Sheet.~~ ~~The approval of the People-Place Permit shall be memorialized by a~~
14 ~~Permit Cover Sheet that is attached to the Permit. The Permit Cover Sheet must be signed by a person~~
15 ~~designated by the Director of each Core City Agency with jurisdiction over the proposed People-Place.~~
16 ~~A Core City Agency with jurisdiction over the proposed People-Place may, at its own discretion,~~
17 ~~request that a person designated by the Director of another Core City Agency involved in the review of~~
18 ~~the People-Place Permit also sign the Permit Cover Sheet.~~

19 (e) **Stewardship Agreement.** At the request of a Core City Agency with jurisdiction
20 over the ~~People-Place-Shared Space~~ Category, the Program and Steward ~~will~~ shall jointly
21 develop a ~~People-Place~~ Stewardship Agreement for approval by all the Core City Agencies with
22 jurisdiction over the ~~People-Place-Shared Space~~. The Stewardship Agreement will impose
23 conditions and operational requirements on the ~~People-Place-Shared Space~~ that are in addition
24 to those set forth in the ~~People-Place-Shared Space~~ Permit. A copy of the Stewardship
25 Agreement, approved by the applicable Core City Agencies, shall be attached to the ~~People~~

1 ~~Place-Shared Space~~ Permit, and its provisions shall be considered permit requirements
2 equivalent to those set forth in the ~~People-Place-Shared Space~~ Permit and enforceable pursuant
3 to Section 94A.910.

4 **(ef) Coordination of Additional Permits Required from Other City Agencies.**

5 Certain activities may require additional permits or approvals from another City agency, board,
6 commission, or department that is not a Core City Agency. In such cases, the Core City
7 Agencies shall coordinate regarding all other permits or approvals that may be necessary for
8 or related to activities at the ~~People-Place-Shared Space~~. In no event shall a Shared Space Permit be
9 issued prior to the Fire Department, Department of Building Inspection, or any other City agency
10 completing all required approvals or inspections. If additional permits or approvals are required from
11 other City agencies, boards, commissions, or departments, they may be granted by the signature of an
12 authorized representative of the entity on the Permit Cover Sheet described in subsection (d) above.

13 **(fg) Coordination of Additional Permits Required from Other Governmental**

14 **Authorities.** Certain activities in the public right-of-way may require additional review and
15 approvals from Federal or State authorities, or other County agencies, boards, commissions,
16 or departments. In such cases, the Core City Agencies shall coordinate, to the extent feasible,
17 regarding all other review or approvals that may be necessary for or related to the activities at
18 the ~~People-Place-Shared Space~~.

19 **(gh) Modification of a ~~People-Place-Shared Space~~ Permit; Withdrawal of Approval.**

20 (1) **Permit Modification.** ~~People-Place-Shared Space~~ Permits on public space are
21 revocable at will. Therefore, each Core City Agency that has approved issuance of a ~~People~~
22 ~~Place-Shared Space~~ Permit may at any time modify those portions of the Permit that are within
23 its jurisdiction, including any conditions. If a Core City Agency makes a determination to
24 modify the ~~People-Place-Shared Space~~ Permit or any conditions that it has imposed, or to
25 impose additional conditions, the Agency shall notify Planning and -the other Core City

1 Agencies with jurisdiction over the ~~People-Place-Shared Space~~. Upon notification of a
2 modification of the Permit, Planning and any Core City Agency that approved issuance of the
3 ~~People-Place-Shared Space~~ Permit shall determine if other portions of the Permit also need to be
4 modified, or if the entire ~~People-Place-Shared Space~~ Permit needs to be revoked pursuant to
5 subsection (~~hi~~) below. A new ~~People-Place-Shared Space~~ Permit is required to be issued if
6 Planning and the other participating Core City Agencies determine that the proposed
7 modifications are major. Minor modifications to a ~~People-Place-Shared Space~~ Permit may be
8 made without the issuance of a new Permit. The Core City Agency ~~ies-that issued with~~
9 ~~jurisdiction over~~ the ~~People-Place-Shared Space Permit~~ will notify the Steward of any permit
10 modifications or if revocation of the entire Permit pursuant to subsection (~~hi~~) below is required.

11 (2) **Withdrawal of Approval.** A Core City Agency may at any time withdraw its
12 approval of the ~~People-Place-Shared Space~~ Permit. If a Core City Agency makes a determination
13 to withdraw its approval of the ~~People-Place-Shared Space~~ Permit, any activities requiring its
14 approval shall be severed from the Shared Space Permit. ~~†~~The Agency shall notify Planning and
15 the Core City Agencies that approved issuance of the ~~People-Place-Shared Space~~ Permit of its
16 decision to sever from the permit those portions that are within the Agency's jurisdiction. Upon
17 receipt of a notification of severance, ~~Planning and any the other~~ Core City Agencies that
18 approved issuance of the Permit shall determine if the severance requires revocation of the
19 permit in its entirety pursuant to subsection (~~hi~~) below, or whether the permit can be modified
20 rather than revoked. If the remaining Core City Agencies determine that the severance does not
21 require revocation but requires a major modification of the permit, a new ~~People-Place-Shared~~
22 Space Permit must be issued. In the case of a severance, †The Core City Agency that issued ~~or~~
23 ~~Agencies with jurisdiction over~~ the ~~People-Place-Shared Space Permit~~ will send the Steward written
24 notification of the severance and any resulting modification or revocation of the ~~People-Place~~
25 Shared Space Permit.

1 *(hi)* **Permit Revocation.** A ~~*People-Place-Shared Space*~~ Permit issued pursuant to this
2 Chapter 94A may be revoked at any time by the Core City Agencies that approved issuance
3 of the Permit or, if revocation is required by a modification or withdrawal of approval by a Core
4 City Agency pursuant to subsection ~~*(gh)*~~(1) or ~~*(gh)*~~(2) above, by the remaining Core City
5 Agencies that approved issuance of the Permit. The revocation process may be initiated by:

6 (1) a request for revocation from one or more of the Core City Agencies that
7 approved issuance of the ~~*People-Place-Shared Space*~~ Permit;

8 (2) notification of a permit modification by a Core City Agency pursuant to
9 subsection ~~*(gh)*~~(1) above; or

10 (3) notification of withdrawal of approval by a Core City Agency pursuant to
11 subsection ~~*(gh)*~~(2) above.

12 If the ~~*People-Place-Shared Space*~~ Permit is revoked, the Core City Agency~~ies~~ *that*
13 ~~*issued with jurisdiction over the People-Place Shared Space Permit*~~ shall send the Steward written
14 notification of the revocation.

15 **SEC. 94A.76. OPERATIONAL REQUIREMENTS.**

16 (a) **Applicability of Requirements.** The Operational Requirements set forth in
17 subsection (b) below shall apply to all ~~*People-Places-Shared Spaces*~~ except as follows:

18 (1) The applicability of the Operational Requirements to a ~~*People-Place-Shared*~~
19 ~~*Space*~~ within the jurisdiction of the MTA requires the MTA's approval.

20 (2) One or more of the Operational Requirements may not be warranted or
21 appropriate for a particular ~~*People-Place-Shared Space*~~ or event occurring at a ~~*People-Place*~~
22 ~~*Shared Space*~~, due to special circumstances. In such situations,:

23 ~~*(A) The Director of Real Estate (for a City Lot People-Place-Shared Space),*~~
24 ~~*or the Director of Public Works (for a Curbside Shared Space or Sidewalk People-Place-Shared*~~
25 ~~*Space on a portion of the public right-of-way within the jurisdiction of Public Works), or the Director*~~

1 of MTA (for a Roadway Shared Space) may grant a non-material exception or other minor
2 amendment to the Good Neighbor Policies set forth in subsection (b)(8) or ~~to~~ waive or modify
3 one or more of the other Operational Requirements if the Director finds, in ~~his or her~~ the
4 Director's sole discretion, that the Requirement is not warranted or appropriate for a particular
5 ~~People Place Shared Space~~ or event and that the public interest would be served by granting the
6 waiver or modification or exception.

7 (B) Additional regulations regarding waivers, modifications, or exceptions for
8 a City Lot People Place Shared Spaces may be adopted by the Director of Real Estate pursuant
9 to the Director's authority under Section 94A.78(~~g~~); ~~additional regulations for Curbside Shared~~
10 ~~Spaces or Sidewalk a People Place Shared Spaces on the public right of way may be adopted,~~ by the
11 Director of Public Works pursuant to the Director's authority under Section 793.3(a) of the
12 Public Works Code; and for Roadway Shared Spaces, by the Director of MTA.

13 **(b) Operational Requirements.**

14 (1) **Public Accessibility.** Unless authorized as a restricted access event or by
15 the specific terms of a Curbside Shared Space Permit, all People Places Shared Spaces shall remain
16 accessible to the public during daylight hours. Fixed Commercial Parklets and Moveable
17 Commercial Parklets shall provide alternate public seating, including but not limited to a public bench,
18 which is accessible to persons who are not patrons of the business for any period when the Curbside
19 Shared Space is being activated for commercial use by the business. This alternate public seating shall
20 be included in the Curbside Shared Space permit. The Director of Public Works is authorized to issue
21 regulations that are consistent with this section regarding use of a Curbside Shared Space. In no event
22 shall any exclusive uses provided for in this subsection (b)(1) be construed as being inconsistent with
23 the limitations on the Steward's use pursuant to Section 94A.4(d)(1)(D).

24 (2) **Peddling and Vending Merchandise.** No person shall bring, or cause to be
25 brought, for the purposes of sale or barter, or have for sale, or sell in exchange, or offer for

1 sale or exchange any goods, wares, or merchandise in the *People-Place-Shared Space* unless
2 the City has issued any required permit or other authorization. Notwithstanding the previous
3 sentence, the sale or distribution of newspapers, periodicals, or other printed or otherwise
4 expressive material is allowed subject to the applicable requirements of the Public Works
5 Code.

6 (3) **Performance of Labor.** No person, other than authorized City personnel,
7 shall perform any labor on or upon a City Lot *People-Place-Shared Space*, including, but not
8 limited to, taking up or replacing soil, turf, ground, pavement, structures, trees, shrubs, plants,
9 grass, flowers, or similar activities without prior permission from (A) the Director of Real Estate
10 for City Lot *People-Places-Shared Spaces*, and (B) the Director of Public Works for Sidewalk,
11 Curbside, or Roadway *People-Places-Shared Spaces*. Such permission shall be specified in the
12 *People-Place-Shared Space* Permit.

13 (4) **Camping Prohibited.** The provisions of Park Code Section 3.12 concerning
14 camping shall apply to all *People-Places-Shared Spaces*. The Director of Real Estate shall
15 administer those provisions for City Lot *People-Places-Shared Spaces*, and Public Works shall
16 administer them for Sidewalk, Curbside, or Roadway *People-Places-Shared Spaces*.

17 (5) **No Unpermitted Structures Allowed.** There shall be no stationing or
18 erecting of any structure on a *People-Place-Shared Space* without prior permission from (A) the
19 Director of Real Estate for City Lot *People-Place-sShared Spaces*, (B) the Director of Public
20 Works for Sidewalk, Curbside, or Roadway *People-Places-Shared Spaces*, and/or (C) Director of
21 Transportation for any *People-Place-Shared Space* within the MTA's jurisdiction. Such
22 permission shall be specified in the *People-Place-Shared Space* Permit.

23 (6) **Smoking Prohibited.** Pursuant to Article 19I of the Health Code, smoking is
24 prohibited on any unenclosed area of property in the City that is under the jurisdiction of any
25 City department if the property is a park, square, garden, sport or playing field, pier, or other

1 property used for recreational purposes or as a farmers' market. Given the use of the subject
2 areas as an outdoor public ~~People Place~~ Shared Space, this prohibition on smoking shall apply to
3 all ~~People Places~~ Shared Spaces.

4 (7) **Other Restrictions.**

5 (A) No skateboarding, bicycle riding, or pets off leash is allowed without
6 prior permission from (i) the Director of Real Estate for City Lot ~~People Places~~ Shared Spaces, ~~or~~
7 (ii) the Director of Public Works for Sidewalk Shared Spaces and Curbside, ~~or Roadway People~~
8 ~~Places~~ Shared Spaces, ~~or (iii) the Director of Transportation for Roadway Shared Spaces~~. Such
9 permission shall be specified in the ~~People Place~~ Shared Space Permit.

10 (B) No littering, feeding of wildlife, or defacing of public property is
11 allowed.

12 (C) No alcohol may be consumed without prior permission from all
13 required City and State authorities, ~~as well as from (i) the Director of Real Estate for City Lot~~
14 ~~People Places, or (ii) the Director of Public Works for Sidewalk, Curbside, or Roadway People Places~~.
15 Such intent must be described in the application so that the Core City Agencies may consider the
16 request as part of the application.

17 (D) General Advertising, as defined in Article 6 of the Planning Code, is
18 prohibited.

19 (8) **Good Neighbor Policies.** Stewards of all ~~People Place~~ Shared Space

20 Categories shall manage the ~~People Place~~ Shared Space in accordance with the following good
21 neighbor policies during the times of use set forth in the ~~People Place~~ Shared Space Permit:

22 (A) The safety and cleanliness of the ~~People Place~~ Shared Space and its
23 adjacent area within a 100-foot radius shall be maintained;

24 (B) Proper and adequate storage and disposal of debris and garbage
25 shall be provided;

1 (C) Noise and odors, unless otherwise permitted, shall be contained
2 within the immediate area of the ~~People-Place-Shared Space~~ so as not to be a nuisance or
3 annoyance to neighbors;

4 (D) Notices shall be prominently displayed during events that urge
5 patrons to leave the ~~People-Place-Shared Space~~ premises and neighborhood in a quiet,
6 peaceful, and orderly fashion and to not litter or block driveways in the neighborhood. Such
7 notices shall be removed after each event; and,

8 (E) The Steward or its employees or volunteers shall walk a 100-foot
9 radius from the ~~People-Place-Shared Space~~ within 30 minutes after programmed events have
10 concluded and/or at the conclusion of its hours of operation, and shall pick up and dispose of any
11 discarded trash left by patrons.

12 (9) **Additional Operational Requirements.**

13 (A) Because ~~People-Places-Shared Spaces~~ are intended to be public~~ally~~
14 accessible open spaces, private dining and table service shall not be permitted in Sidewalk
15 ~~People-Places-Shared Spaces, Curbside People-Places-Shared Spaces, or Roadway People-Places~~
16 ~~Shared Spaces, unless expressly authorized in the Shared Space Permit. Any approved use of a~~
17 ~~Sidewalk, Curbside, or Roadway Shared Space for private dining and table service is limited to the~~
18 ~~normal hours of the business's operation.in the course of day-to-day operations. Any business that~~
19 ~~uses a Shared Space exclusively for private dining and table service must provide public seating~~
20 ~~consistent with Section 94A.6(b)(1) during the hours of commercial use.~~

21 (B) ~~Regulations or operational requirements required by the MTA pursuant to~~
22 ~~Article 1200, Division II of the Transportation Code shall be imposed as a condition of approval of a~~
23 ~~People-Place Permit.~~

1 ~~——(C)~~ Additional operational requirements tailored to a People-Place-Shared Space
2 in specific locations, including but not limited to hours of operation, may be imposed as a
3 condition of approval of a People-Place-Shared Space Permit.

4 **SEC. 94A.87. SPECIAL PROCESS FOR PEOPLE PLACES SHARED SPACES ON CITY**
5 **LOTS.**

6 All People-Places-Shared Spaces that are solely on a City-owned lot shall be administered
7 by the Director of Real Estate, who will coordinate with and may request assistance from
8 Planning.

9 (a) ~~Proposal Submittal and Review.~~

10 ~~——(1) A concept Proposal for a City Lot People Place shall be submitted to the People~~
11 ~~Place Program for an initial review and evaluation by the Program coordinators at Planning and Real~~
12 ~~Estate. After an initial review and evaluation, the Program coordinators at Planning and Real Estate~~
13 ~~may recommend the Proposal to the Director of Real Estate for acceptance and administration.~~

14 ~~——(2) Upon acceptance of the Proposal by the Director of Real Estate and at the Director's~~
15 ~~request, Program coordinators at Planning and Real Estate shall work with the prospective Steward to~~
16 ~~refine the proposed design, activities program, and management plan for the proposed People Place.~~

17 ~~——(3) Upon final development of the proposed design, activities program, and management~~
18 ~~plan, the prospective Steward may submit an application for a City Lot People Place Permit to the~~
19 ~~Director of Real Estate.~~

20 (b) **Permit Application and Issuance; Public Notice.** A prospective Steward may submit
21 an application for a City Lot Shared Space Permit to the Director of Real Estate, and the Program
22 coordinators at Planning and Real Estate shall work with the prospective Steward to refine the
23 proposed design, activities program, and management plan for the proposed City Lot Shared Space.

24 The Director of Real Estate may elect to authorize the People-Place-Shared Space under ~~the~~
25

1 ~~provisions of~~ Chapter 23 of this Code. If the Director elects to authorize the ~~People-Place-Shared~~
2 ~~Space~~ under the ~~provisions of~~ this Chapter 94A-, the Director shall use the following procedure:

3 (1) An application for a City Lot ~~People-Places-Shared Spaces~~ Permit shall include
4 the following:

5 (A) Documentation of community outreach and support.

6 (B) A list of and frequency schedule for routine maintenance tasks.

7 (C) A prospective activities calendar describing the frequency and types
8 of free public programming.

9 (D) The number of restricted access events, if any, that will be held
10 annually. In no event may the number of restricted access events allowed exceed eight
11 single-day events per year. Scheduling of any approved restricted access events shall not be
12 concentrated during a particular time or times a year but be spread throughout the calendar
13 year. Public access to the ~~People-Place-Shared Space~~ shall not be restricted except for approved
14 restricted access events.

15 (E) Photographs of existing conditions on the site.

16 (F) A conceptual site plan depicting how the space will be configured,
17 including the introduction and placement of any temporary physical elements. If the space will
18 be configured to accommodate different types of programs, the ~~application Proposal~~ shall
19 include a series of site plans depicting proposed configurations.

20 (2) Upon submission of an application for a City Lot ~~People-Place-Shared Space~~
21 Permit, the Director of Real Estate shall post the ~~People-Place-Shared Space~~ site with a Notice of
22 Application for a period of ~~seven 10~~-calendar days. In addition, the Director shall post the
23 Application for ~~seven 10~~-calendar days on the websites of Real Estate and the ~~Places for People~~
24 ~~Shared Spaces~~ Program. The Director may take such other actions as the Director deems
25 advisable to notify the public about the ~~application Proposal~~.

1 (3) If there are entertainment-related activities proposed for the City Lot ~~People~~
2 ~~Place-Shared Space~~ that fall within the purview of the Entertainment Commission, the public
3 notice may include a notice of public hearing by the Entertainment Commission.

4 (4) The Director of Real Estate shall accept written public comments on the
5 ~~application Proposal~~ for at least ~~seven 10~~ calendar days after the first day of the posting of
6 notice of the ~~application Proposal~~, and a City Lot ~~People-Place-Shared Space~~ Permit shall not be
7 issued before the end of the ~~written~~ public comment period.

8 (5) The Director of Real Estate may, in ~~the Director's~~ ~~this or her~~ discretion, hold a
9 public hearing concerning the ~~Proposal and~~ application for a ~~People-Place-Shared Space~~ Permit.
10 If a public hearing is held, notice of the hearing shall be given by posting a Notice of Public
11 Hearing at the proposed ~~People-Place-Shared Space~~ site for at least ~~seven 10~~ calendar days
12 before the hearing. At the Director's discretion, the public hearing notice may be combined
13 with the Notice of Application.

14 (6) After approval of the Permit application by the Director of Real Estate, ~~and at~~
15 ~~the request of the Director, Planning~~ ~~Real Estate~~ shall issue the City Lot ~~People-Place-Shared Space~~
16 Permit.

17 (~~be~~) **Permit Conditions; Grant of Exceptions.**

18 (1) **Conditions.** The conditions for operation, use, and maintenance of a City
19 Lot ~~People-Place-Shared Space~~ shall be specified in either a City Lot ~~People-Place-Shared Space~~
20 Permit or a Lease issued pursuant to Chapter 23 of this Code. These conditions shall include,
21 but are not limited to:

22 (A) design specifications for any temporary physical treatments or
23 improvements being introduced at the site;

24 (B) scope of permissible activities and uses; daily, weekly, and/or
25 monthly time periods authorized for such permissible activities and uses;

1 (C) the minimum number of programmed events by day, week, month,
2 quarter, or year;

3 (D) the permissible number of annual restricted access events, if any;

4 (E) the Steward's liability for and indemnification of the City with respect
5 to the ~~People Place~~ Shared Space and the Steward's required liability insurance, which is
6 required for activities on publicly owned space, all as approved by the City Risk Manager or
7 any successor agency;

8 (F) an authorized signage program;

9 (G) the delineation of maintenance responsibilities between the City and
10 the Steward;

11 (H) the expiration date of the ~~People Place~~ Shared Space Permit;

12 (I) remedies for violating the permit, including but not limited to
13 revocation; and

14 (J) adherence to the Good Neighbor Policies in Section 94A.67(b)(8).

15 (2) **Exceptions; Public Notice.** Upon written request from a Steward, the
16 Director of Real Estate may grant a non-material exception or other minor amendment to the
17 conditions imposed on a City Lot ~~People Place~~ Shared Space Permit if the Director determines
18 that the exception or minor amendment is reasonably within the purposes of the ~~Places for~~
19 ~~People~~ Shared Spaces Program and, in consultation with the City Attorney's Office, further
20 determines that such exception or amendment does not materially increase the City's costs or
21 obligations or materially decrease the benefit the City receives under the Steward's City Lot
22 ~~People Place~~ Shared Space Permit. Any exceptions or minor amendments of the Permit
23 conditions that the Director ~~has~~ granted pursuant to this subsection (~~be~~)(2) shall be in writing
24 and retained in a file available for public review. In addition, at the Steward's request, the
25 Director's letter granting the exception(s) and/or minor amendments, and any other written

1 communications relevant to the Director's determination, shall be posted on the websites of
2 Real Estate and the *Places for People Shared Spaces* Program.

3 (cd) **Duration of Permit.** Should the Director of Real Estate elect to issue a City Lot
4 *People-Place-Shared Space* Permit pursuant to this Chapter 94A instead of a Lease under
5 Chapter 23 of this Code, the standard term of a City Lot *People-Place-Shared Space* Permit shall
6 be no longer than five years. However, in special circumstances or in cases where the
7 Steward has installed significant improvements as part of the Permit, the Director of Real
8 Estate has the discretion to extend the term of the Permit beyond five years.

9 (de) **Calendar of Events.** In addition to the requirements of Section 94A.78(b), the
10 City Lot *People-Place-Shared Space* Permit shall require the Steward to submit a monthly
11 calendar of activities and events to the local District Police station, the Director of Real Estate,
12 and the *Places for People Shared Spaces* Program by seven days prior to the start of each
13 month.

14 (ef) **Grant of Exceptions to Standard Operational Requirements.**

15 (1) **Good Neighbor Policies.** Upon written request from a Steward, the
16 Director of Real Estate may grant a non-material exception or other minor amendment to the
17 Good Neighbor Policies in Section 94A.67(d)(8) if the Director finds, in ~~the Director's~~ *his or her*
18 sole discretion, that one or more aspects of a Good Neighbor Policy are unwarranted or not
19 appropriate for a particular City Lot *People-Place-Shared Space* or event due to special
20 circumstances and that the public interest would be served by granting an exception.

21 (2) **Other Operational Requirements.** Upon written request from a Steward,
22 the Director of Real Estate is authorized to waive or modify one or more of the other
23 Operational Requirements in Section 94A.67 if the Director finds, in ~~his or her~~ *the Director's*
24 sole discretion, that the Requirement is unwarranted or not appropriate for a particular City Lot
25

1 ~~People-Place-Shared Space~~ or event due to special circumstances and that the public interest
2 would be served by granting an exception.

3 (3) **Public Record.** Any exceptions, minor amendments, or waivers granted by
4 the Director pursuant to this subsection (~~ef~~) shall be in writing and retained in a file available
5 for public review.

6 (~~fg~~) **Director's Regulations.** The Director of Real Estate may adopt such regulations
7 governing City Lot ~~People-Places-Shared Spaces~~ as ~~he or she~~ the Director deems necessary or
8 appropriate for the proper management and use of City Lot ~~People-Places-Shared Spaces~~. The
9 Director may, in the Director's ~~his or her~~ discretion, post signage with the Regulations on a City
10 Lot ~~People-Place-Shared Space~~ site.

11
12 **SEC. 94A.98. APPEAL OF PERMIT DECISIONS.**

13 (a) **Right of Appeal.** Any person may appeal the decision to grant or deny an
14 application for any ~~People-Place~~ Shared Space Permit, or to revoke or suspend an existing
15 Permit, as follows:

16 (1) Permits issued by Public Works: Any appeal of a decision by Public Works or
17 Planning shall be heard by ~~to~~ the Board of Appeals pursuant to the provisions of Charter Section
18 4.106 and Section 8 ~~et seq.~~ of the Business & Tax Regulations Code. ~~; provided, however, that~~
19 ~~any portion of the People-Place Permit that has been approved by the MTA pursuant to its Charter~~
20 ~~authority may be heard and decided by the Board of Appeals only upon authorization by the MTA~~
21 ~~Board of Directors. In the absence of such authorization, those portions of the People-Place Permit~~
22 ~~that fall within the MTA's Charter authority shall be severed from the appeal and heard pursuant to the~~
23 ~~process that applies to appeals of MTA approvals.~~ With respect to an appeal to the Board of
24 Appeals, it shall be filed in writing with the Clerk of the Board of Appeals within 15 days of the
25 date of issuance, denial, revocation, or suspension of the ~~People-Place~~ Shared Space Permit.

1 (2) Permits issued by ISCOTT: Any appeal of a decision by ISCOTT shall be subject to
2 the requirements of Division I of the Transportation Code.

3 (3) Permits issued by SFMTA: Any appeal of a decision by SFMTA shall be subject to
4 the requirements of Division II of the Transportation Code.

5 (b) **Permit Renewal.** For purposes of an appeal to the Board of Appeals, the renewal
6 of an existing *People-Place Shared Space* Permit is considered to be a new permit and may be
7 appealed in accordance with the provisions of subsection (a) above. Pursuant to Section
8 ~~8(e)(9)(E)(i)(5)~~ of the Business and Tax Regulations Code, any activities on the site would be
9 suspended during the pendency of the appeal; however, the Core City Agency or Agencies
10 with jurisdiction over the site may, in their discretion, authorize any authorized physical
11 treatments or improvements to the site to remain pending a decision by the Board of Appeals.

12 **SEC. 94A.109. ENFORCEMENT OF REQUIREMENTS.**

13 (a) **Complaints from the Public.** The 311 Customer Relationship Management
14 System is designated to receive complaints from the public and to maintain an interagency
15 complaint log. The 311 System shall route individual public complaints to the department(s) or
16 agency(ies) with jurisdiction in order for those departments or agencies to verify complaints
17 regarding the *People-Place Shared Space* Program or a particular *People-Place Shared Space* and
18 take any necessary enforcement actions.

19 (b) **Enforcement of *People-Place Shared Space* Permit Requirements.**

20 (1) Each Core City Agency shall enforce the requirements of the *People-Place*
21 *Shared Space* Permit that are within its jurisdiction. The Core City Agency that issues the permit
22 shall be the primary point of contact for any enforcement action. Enforcement may be exercised
23 either by (A) using the procedures of Section 94A.56 to modify conditions of the issued permit,
24 or to withdraw approval of the permit by severance or revocation, or (B) using the
25 enforcement provisions of the Code that regulates its activities: the Public Works Code for

1 Public Works; the Transportation Code for the MTA; *the Planning Code for private property*; and
2 the Police Code for the Entertainment Commission. Enforcement by the Director of Real
3 Estate is set forth in subsection (b)(2) below.

4 (2) The Director of Real Estate shall establish administrative procedures and
5 methods for verifying, addressing, and responding to any complaints concerning a City Lot
6 ~~People-Place~~ Shared Space. If the Director receives a verified complaint concerning violations of
7 the terms and conditions of a Steward's City Lot ~~People-Place~~ Shared Space Permit, the Director
8 may conduct a public hearing on the Steward's conduct. Based on the information presented
9 at the hearing, the Director ~~or his or her designee~~ may revoke, suspend, modify, or condition the
10 ~~People-Place~~ Shared Space Permit or take any other action the Director deems appropriate
11 under the terms of the ~~People-Place~~ Shared Space Permit to address the Steward's conduct.

12 If any person occupies a City Lot ~~People-Place~~ Shared Space in violation of the applicable
13 requirements and regulations, the Director of Real Estate ~~or his or her designee~~ shall order the
14 violator to either correct the violation or vacate the ~~People-Place~~ Shared Space site. If the
15 violation is not corrected as ordered, the violator shall be subject to enforcement pursuant to
16 the Police Code.

17 **SEC. 94A.~~1110~~. FEES.**

18 (a) ~~People-Place~~ Shared Space **Permit Fee**. Pursuant to Section 94A.~~56~~ (c)(1), a ~~People~~
19 ~~Place~~ Shared Space Permit substitutes for a permit that would otherwise be required by the
20 Municipal Code. Notwithstanding any other provision of the Municipal Code including Public Works
21 Code Section 2.1.3, any permit fees assessed as part of this Program may be adjusted each year,
22 without further action by the Board of Supervisors, only to reflect changes in the relevant Consumer
23 Price Index, as determined by the Controller. Shared Space Permit fees shall be due and payable
24 annually by March 31, in accordance with Article 2, Section 76.1 of the Business and Tax Regulations
25 Code.

1 (1) ~~The fees amounts for a Curbside Shared Space Permits and Sidewalk People Place~~
2 ~~Shared Space Permits in the public right-of-way shall be one-half the fees that Public Works is are~~
3 ~~authorized by Article 2.1 of the Public Works Code to charge for a permit granting permission to~~
4 ~~occupy a portion of the public right-of-way that is equivalent in scope to the People Place Permit.~~
5 ~~These fees shall be paid to Public Works pursuant to Section 793.2(b) of the Public Works Code. Any~~
6 ~~fees collected for Curbside Shared Spaces shall be shared evenly between Public Works and MTA.~~

7 (2) *The fees for Roadway Shared Space Permits shall be authorized by the*
8 *Transportation Code.*

9 (b) ~~*Other Fees. Nothing in this Section 94A.11 or in Chapter 94A is intended to preclude a*~~
10 ~~*Core City Agency, or other City department or agency, from charging the fees authorized to be charged*~~
11 ~~*for any additional permits required or for services performed in implementing the People Place*~~
12 ~~*Proposal, including but not limited to fees related to time and material costs of ongoing enforcement*~~
13 ~~*and inspection, provided, however, that due to the public nature of the improvements, no ongoing*~~
14 ~~*occupancy assessment fee shall be charged. Any other fee charged by a Core City Agency, or other City*~~
15 ~~*department or agency, in connection with a People Place Permit shall be one-half the fee that the*~~
16 ~~*agency or department is authorized to charge for such permit.*~~

17 (e) **Condition of Approval.** Payment of all fees due shall be a condition of any permit,
18 license, or other approval to establish and/or operate a *People Place Shared Space*.

19 (c) **Increased Renewal Fees Based On Additional Enforcement Activities.** *When there have*
20 *been three or more verified complaints in the prior year regarding the Steward's compliance with the*
21 *terms of the permit, the Core City Agency that issued the permit is authorized to develop and charge an*
22 *additional fee to any Steward seeking renewal of their permit. The fee shall be based on the additional*
23 *time and materials spent by City staff in enforcing the terms of the permit.*

24 **SEC. 94A.11. TRANSITION OF EXISTING SHARED SPACES AND PARKLETS.**

25 (a) **Conversion of Permits Issued During the COVID-19 Pandemic.**

1 (1) Any structure permitted as a Shared Space under the terms of the Mayor’s February
2 25, 2020 Proclamation Declaring the Existence of a Local Emergency and the 18th Supplement to that
3 Proclamation, may continue to occupy the right-of-way pursuant to the terms of the applicable permit
4 (each a “pandemic Shared Spaces Permit”)

5 (2) At any time prior to the expiration of the pandemic Shared Spaces Permit, the
6 Shared Spaces permittee may apply to convert their pandemic Shared Spaces Permit into a new Shared
7 Spaces Permit as provided herein. Conversion of a pandemic Shared Spaces Permit shall follow the
8 process set forth in this Section 94A.11, and any pandemic Shared Spaces Permit that is converted to a
9 new Shared Spaces Permit under this Chapter 94A must comply with all of the terms of this Chapter
10 94A, including any approvals for the closure of the curbside or roadway. The pandemic Shared Spaces
11 permit shall be converted upon the issuance of a new Shared Spaces Permit consistent with the
12 requirements of Chapter 94A. In the event of a conflict between this Chapter 94A and the terms of an
13 pandemic Shared Spaces Permit, the terms of this Chapter 94A shall prevail.

14 (3) Upon the expiration of any pandemic Shared Spaces Permit, the permittee shall
15 remove all structures and restore the public right-of-way to the Public Works Director’s satisfaction.
16 In the event the Mayor’s authorization of the Shared Spaces program expires before the Shared Spaces
17 permittee has converted the pandemic Shared Spaces Permit into a new Shared Spaces Permit
18 authorized by the terms of this Chapter 94A, if the proposed Steward has submitted a complete
19 application for a new Shared Spaces Permit prior to the expiration of the Mayor’s emergency
20 authorization of the Shared Spaces program, the Steward shall be permitted to continue occupying the
21 potential Shared Space pending a final determination by the Core City Agencies on the proposed
22 conversion of the pandemic Shared Spaces Permit into a new Shared Spaces Permit authorized by the
23 terms of this Chapter 94A, provided that the Steward diligently pursues such determination. If the
24 Shared Spaces permit is not so converted, then the permittee shall remove all structures and restore the
25 public right-of-way to the Public Works Director’s satisfaction.

1 **(b) Conversion of Permits Issued Under the Parklets Program.**

2 (1) Any curbside structure currently permitted by Public Works pursuant to Public
3 Works Director's Order No. 183392 and Public Works Code section 810B or Public Works Code
4 section 793 may continue to occupy the right-of-way pursuant to the terms of the applicable permit,
5 provided, however, that upon the expiration of the Parklet Permit, Public Works shall not approve any
6 extensions of the permit.

7 (2) At any time prior to the expiration of the Parklet Permit, the Parklet permittee may
8 apply to convert their Parklet Permit into a Curbside Shared Spaces Permit authorized by the terms of
9 this Chapter 94A. Conversion of a Parklet Permit into a Curbside Shared Space Permit shall follow the
10 process set forth in this Section 94A.11, and any Parklet Permit that is converted to a Curbside Shared
11 Space Permit must comply with all of the terms of this Chapter 94A, including any approvals for the
12 closure of the curbside. The Parklet Permit shall be converted upon the issuance of a Shared Space
13 Permit. In the event of a conflict between this Chapter 94A and the terms of an existing permit issued
14 pursuant to the Mayor's February 25, 2020 Proclamation Declaring the Existence of a Local
15 Emergency, the terms of this Chapter 94A shall prevail over any aspect of the Parklet program.

16 (3) In the event the Parklet permit expires before the permittee has converted the
17 Parklet Permit into a Curbside Shared Space Permit authorized by the terms of this Chapter 94A, if the
18 proposed Steward has submitted a complete application for a Shared Space Permit prior to the
19 expiration of the Parklet Permit, the Steward shall be permitted to continue occupying the potential
20 Shared Space pending a final determination by the Core City Agencies on the proposed conversion of
21 the permit, provided that the permittee diligently pursues such determination. If the Parklet Permit is
22 not converted into a Shared Space Permit authorized by the terms of this Chapter 94A, then the Parklet
23 permittee shall remove all structures and restore the public right-of-way to the Public Works Director's
24 satisfaction.

1 (c) Temporary Fee Waiver and Deferral. In order to encourage economic activities to be
2 conducted in a safe manner during and after the COVID-19 pandemic, notwithstanding the fees set
3 forth in Section 94A.10, assessment of Shared Space Permit and license fees are waived through June
4 30, 2021. Fees shall be assessed starting July 1, 2021, but collection of the Shared Spaces fees shall be
5 deferred until June 30, 2022.

6 (d) Expiration of Section. Unless reenacted, this Section 94A.11 shall expire by operation of
7 law on January 1, 2023. Upon the expiration of this Section, the City Attorney shall cause this Section
8 to be removed from the Administrative Code.

9
10 Section 3. Articles 2.1 and 15 of the Public Works Code are hereby amended by
11 revising Sections 2.1.1, 2.1.3, 793, 793.1, 793.2, and 793.3; deleting existing section 793.4;
12 renumbering existing Sections 793.5 and 793.6 as Sections 793.4 and 793.5, respectively,
13 and revising new Sections 793.4, and 793.5, to read as follows:

14 **SEC. 2.1.1. FEES.**

15 Notwithstanding the permit fee provisions listed elsewhere in this Code, the permit fee
16 and assessment schedule for the permit categories and uses specifically listed below shall be:

17 * * * *

18 (s) Curbside Parklet Fee. Permits for the types of Curbside Shared Spaces issued pursuant to
19 Administrative Code Chapter 94A and Public Works Code Section 793 et seq. are as follows, with one
20 half of this fee allocated to the San Francisco Municipal Transportation Authority.

21 (i) Public Parklet fee

22 (A) Initial application fee of \$1,000 for the first parking space and \$250 for each
23 additional parking space;

24 (B) Annual renewal fee of \$100 per parking space.

25 (ii) Movable Commercial Parklet fee

1 (A) Initial application fee of \$2,000 for the first parking space and \$1,000 for
2 each additional parking space;

3 (B) Annual renewal fee of \$1,500 per parking space.

4 (iii) Fixed Commercial Parklet fee

5 (A) Initial application fee of \$5,000 for the first parking space and \$1,500 for
6 each additional parking space;

7 (B) Annual renewal fee of \$3,000 per parking space.

8 **SEC. 2.1.3. ADDITIONAL FEES.**

9 In instances where ~~where~~ the actual costs of the administration or processing of any
10 application, approval, or permit ~~are is is~~ in excess of or will exceed the fee amount established
11 pursuant to section 2.1.1, the Director, in ~~his or her~~ the Director's discretion, may require an
12 applicant or permittee to pay a sum in excess of the subject fee amounts. This additional sum
13 shall be sufficient to recover actual costs that the Department incurs and shall be charged on
14 a time and materials basis. The Director also may charge for any time and materials costs that
15 other agencies, boards, commissions, or departments of the City incur in connection with the
16 processing or administration of a particular application, approval, or permit. Whenever
17 additional fees are or will be charged, the Director, upon request of the applicant or permittee,
18 shall provide in writing the basis for the additional fees or an estimate of the additional fees to
19 be charged.

20 **SEC. 793. ~~THE PLACES FOR PEOPLE SHARED SPACES~~ PROGRAM – ~~PEOPLE PLACES~~**
21 **SHARED SPACES IN THE PUBLIC RIGHT-OF-WAY.**

22 ~~Places for People~~ The Shared Spaces is a Program is established in Chapter 94A of the
23 Administrative Code. Under the Program, a public or private entity may obtain City approval to
24 create a ~~People Place~~ Shared sSpace and provide activities, for a limited period of time, on City-
25 owned property and in some cases nearby privately-owned spaces where the public can

1 gather and participate in commercial or non-commercial offerings and events. The space
2 created is a "People Place Shared Space" that is managed by the permittee, defined as a
3 "Steward."

4 The Places for People Shared Spaces Program is a joint effort by the Planning
5 Department, Public Works, the Municipal Transportation Agency, the Department of Real
6 Estate Division, and the Entertainment Commission (defined in Section 94A.2 of the
7 Administrative Code as the "Core City Agencies") to coordinate their review and approval of a
8 People Place Shared Space and streamline the permit process. The Program responsibilities of
9 the Core City Agencies in the coordination process are set forth in Section 94A.4 of the
10 Administrative Code.

11 **SEC. 793.1. PURPOSE AND SCOPE; DEFINITIONS.**

12 (a) **Purpose and Scope.** The general procedure by which the Core City Agencies
13 participating in the Places for People Shared Spaces Program coordinate their evaluation and of a
14 proposed People Place concept proposal, review of an application for a People Place Shared Space
15 Permit, and approve and issue a People Place Shared Space Permit is set forth in Sections
16 94A.5 and 94A.6 of the Administrative Code. Sections 793.2 through 793.6 of this Code
17 establish the procedure for Public Works' review and approval of a People Place Shared Space
18 in the public right-of-way. This procedure shall apply to any prospective "Curbside People
19 Place Shared Space," "Roadway People Place," and "Sidewalk People Place Shared Space" in the
20 Places for People Shared Spaces Program.

21 (b) **Definitions.** The terms defined in As provided in Section 94A.2 of the Administrative
22 Code shall have the same meaning for purposes of Sections 793 et seq. of this Code, including:

23 —"Longer-Term Closure; People Place Shared Space;" is a publicly-accessible location
24 approved under the Places for People Program and located (a) on City-owned property, (b) on the
25 sidewalk, and/or (c) in the curbside lane or on all or any portion of the roadway between curbs where

1 ~~the public can gather and participate in commercial or non-commercial offerings and events. Such~~
2 ~~offerings and events may include, but are not limited to: cultural events, arts activities, and~~
3 ~~entertainment; food and drink; and general recreation. A People Place is managed, fully or partially,~~
4 ~~by a Steward under a People Place Permit issued under the Program and may involve the temporary~~
5 ~~and reversible installation of physical treatments, improvements or elements.~~

6 ~~—“**People Place Shared Space** Categories, and the definitions of those categories: City Lot~~
7 ~~Shared Space, Curbside Shared Space, Roadway Shared Space, and Sidewalk Shared Space;” are: (a)~~
8 ~~“City Lot People Place,” which has activities occurring on property owned by the City; (b) “Curbside~~
9 ~~People Place,” which has activities occurring in a portion of the curbside lane of a roadway; (c)~~
10 ~~“Roadway People Place,” which has activities occurring in or on any portion of the roadway, except~~
11 ~~for activities occurring only in the curbside lane; (d) “Sidewalk People Place,” which has activities~~
12 ~~occurring on a portion of sidewalk, and (e) “Integrated People Place,” which is a single project with~~
13 ~~activities occurring on a combination of locations that are People Place categories in close proximity~~
14 ~~to one another and operated by the same Steward.~~

15 ~~—“**People Place Shared Space** Permit;” is a permit issued under the Places for People~~
16 ~~Program through its Core City Agencies that allows a Steward to create a People Place by temporarily~~
17 ~~occupying and activating the location for a specified period of time.~~

18 ~~“**Steward; and Temporary Closure**” is, for Curbside People Places, Roadway People~~
19 ~~Places, and Sidewalk People Places, any person or entity who has been issued a People Place Permit~~
20 ~~that authorizes the permittee, acting as a Steward, to manage and activate a People Place under the~~
21 ~~Places for People Program.~~

22 ~~For purposes of Sections 793.2 through 793.6, a Sidewalk People Place, a Roadway People~~
23 ~~Place, and a Curbside People Place shall be referred to collectively as People Places in the Public~~
24 ~~Right of Way.~~

1 **SEC. 793.2. PERMIT APPROVAL PROCESS APPLICABLE TO ALL CURBSIDE AND**
2 **SIDEWALK PEOPLE PLACES SHARED SPACES IN THE PUBLIC RIGHT-OF-WAY.**

3 (a) ~~*Initiation of the Process. Any prospective Steward wishing to establish a People Place in*~~
4 ~~*the Public Right-of-Way may initiate the process by submitting a concept proposal to the Places for*~~
5 ~~*People Program pursuant to Section 94A.5 of the Administrative Code (“People Place Proposal”). If*~~
6 ~~*the People Place Proposal is accepted into the Program, the Core City Agencies shall work with*~~
7 ~~*prospective Steward to develop the concept proposal, after which the prospective Steward may submit*~~
8 ~~*an application for a People Place Permit to the People Place Program pursuant to the process set forth*~~
9 ~~*in Administrative Code Section 94A.6. The application shall include the components specified in*~~
10 ~~*Administrative Code Section 94A.6(a). The Planning Department will review the People Place Permit*~~
11 ~~*application for completeness and compliance with Program requirements, and if found compliant will*~~
12 ~~*direct the prospective Steward to submit the application to Public Works.*~~

13 (b) **Public Works Application Review Procedure; Payment of Permit Fees.** The
14 prospective Steward may submit the application for a Curbside or Sidewalk People Place Shared
15 Space Permit to Public Works for its review and approval. Public Works shall review the
16 application consistent with the interagency coordination process described in Administrative Code
17 Section 94A.4. Payment of the permit fees is required by Administrative Code Section
18 94A.~~1011~~ at the time of submittal.

19 (be) **Public Notice and Opportunity to Comment.**

20 (1) Upon submission of ~~the~~ an application for a Sidewalk People Place Shared
21 Space Permit application, or a Curbside Shared Space where the proposal would result in Temporary
22 Closure, the prospective Steward shall post the site(s) with one or more Notices of Application
23 provided by Public Works for a period of seven ~~10~~-calendar days. The Notice(s) shall be posted
24 in a location acceptable to Public Works. The prospective Steward shall submit to Public
25 Works photographic evidence that the Notice(s) were posted appropriately. The prospective

1 Steward shall remove the Notice of Application the day after expiration of the ~~seven-10~~-day
2 notice period. Public Works shall accept public comments on the Notice of Application for
3 ~~seven-10~~-calendar days from the first day the Notice was posted at the site(s).

4 (2) For Roadway Shared Spaces where the proposal would result in a Temporary
5 Closure, the public notice shall proceed in accordance with the applicable process set forth in
6 Transportation Code, Division I, Article 6.

7 (3) For Roadway ~~and Curbside People Places~~ Shared Spaces, and Curbside Shared
8 Spaces where the proposal would result in a Longer-Term Closure, the public notice shall ~~also~~
9 include notice of any public hearing by the Municipal Transportation Agency Board ~~proceed~~ in
10 accordance with the applicable process set forth in Transportation Code, Division II, Article
11 200, Section 202; (Notice of Public Hearing).

12 (4) The Notice may include notice of public hearing by the Entertainment
13 Commission if proposed activities fall within the purview of the Entertainment Commission
14 described in Administrative Code Section 94A.4(c).

15 (c) Public Hearing. The Director of Public Works may ~~wish to~~ hold a public hearing
16 concerning the Sidewalk ~~People Place~~ Shared Space Permit application that would extend the
17 occupancy beyond 24 consecutive months. If the Director determines that a public hearing will be
18 held, the prospective Steward shall post on the site(s) a Notice of Public Hearing provided by
19 Public Works for a period of ~~seven-10~~ calendar days prior to the date of the scheduled hearing.
20 The Notice of Public Hearing posting shall be removed by the applicant the day after the
21 expiration of the ~~seven-10~~-day period. Unless otherwise outlined in this Section 793.2, the
22 Notice of Public Hearing posting shall comply with Article 5.6 of the Public Works Code.

23 (d) Permit Issuance and Conditions of Approval; ~~Grant of Exceptions.~~

24 (1) ~~After approval by~~ Public Works ~~may issue any Curbside or Sidewalk ~~a~~ People~~
25 ~~Place~~ Shared Space Permit ~~consistent with Sections 793 et seq. and Administrative Code Chapter 94A~~

1 ~~is issued.~~ The conditions of approval required or authorized by Administrative Code Section
2 94A.56(c) or other applicable sections of Administrative Code Chapter 94A shall be imposed
3 on the ~~People Place Shared Space~~ Permit and enforced pursuant to Administrative Code Section
4 94A.910, including the obligation to remove or modify a Curbside Shared Space at any time, as
5 necessary for any City project or maintenance work at the Steward's own cost consistent with
6 Administrative Code Section 94A.4(d)(1)(D). The Director of Public Works ~~or designee~~ may choose
7 to apply additional conditions on the ~~People Place Shared Space~~ Permit that are pertinent to
8 Public Works jurisdiction.

9 (2) All Sidewalk and Curbside Shared Space permits shall be conditioned upon the
10 obligation to remove or modify the Shared Space at any time, as necessary for any City project or
11 maintenance work, which necessity shall be determined solely by the City Agency that issued the
12 Shared Space Permit. In the event of an emergency, the City Agency may provide 24-hours notice. It
13 shall be the Steward's obligation to remove or modify the Sidewalk or Curbside Shared Space at their
14 own cost and return the right-of-way to a condition that the Director of Public Works deems
15 appropriate. In no event shall the City be liable for reimbursing the Steward for the costs of or
16 restoring the Shared Space installation.

17 ~~Upon written request from a Steward, the Director of Public Works may grant a non-~~
18 ~~material or other minor amendment to the conditions imposed on a People Place in the Public Right-~~
19 ~~of Way if the Director determines that the exception or minor amendment is reasonably within the~~
20 ~~purposes of the Places for People Program and, in consultation with the City Attorney's Office, further~~
21 ~~determines that such exception or amendment does not materially increase the City's costs or~~
22 ~~obligations or decrease the benefit the City receives under the Steward's People Place Permit.~~

23 ~~Any exceptions or minor amendments of the Permit conditions that the Director has~~
24 ~~granted pursuant to this subsection (e)(2) shall be in writing and retained in a file available for public~~
25 ~~review. In addition, at the Steward's request, the Director's letter granting the exception(s) and/or~~

1 ~~minor amendments, and any other written communications relevant to the Director's determination~~
2 ~~shall be posted on the websites of Real Estate and the Places for People Program.~~

3 **SEC. 793.3. OPERATIONAL REQUIREMENTS; EXCEPTIONS.**

4 (a) **Requirements.** Except as specified in subsection (b) below, all Curbside and
5 Sidewalk People Places Shared Space Permits in the Public Right of Way shall conform to the
6 Operational Requirements set forth in Administrative Code Section 94A.67. In addition, the
7 Director of Public Works may also adopt such additional regulations as he or she the Director
8 deems appropriate and necessary for the proper management and use of a Curbside or
9 Sidewalk People Place Shared Space in the Public Right of Way. The additional regulations may
10 include but are not limited to: maintenance requirements; minimum required clearances from street
11 corners, sidewalk bulb-outs, or protective bollards; appropriate clearances for paths of travel;
12 applicable standards from the Americans with Disabilities Act; and appropriate clearances for
13 stormwater and other hydrological concerns.

14 (b) **Grant of Exceptions ~~to Standard Operational Requirements.~~**

15 (1) Operational Requirements. Upon written request from a Steward, the Director of
16 Public Works may grant a non-material or other minor amendment to the conditions imposed on a
17 Curbside or Sidewalk Shared Space Permit, if the Director determines that the exception or minor
18 amendment is reasonably within the purposes of the Shared Spaces Program and, in consultation with
19 the City Attorney's Office, further determines that such exception or amendment does not materially
20 increase the City's costs or obligations or decrease the benefit the City receives under the Steward's
21 Shared Space Permit.

22 (2) Good Neighbor Policies. Upon written request from a Steward, the
23 Director of Public Works may grant a non-material exception or other minor amendment to the
24 Good Neighbor Policies set forth in Administrative Code Section 94A.67(b)(8) if the Director
25 finds, in ~~his or her~~ the Director's sole discretion, that a Good Neighbor Policy is unwarranted or

1 not appropriate for a particular *People Place Shared Space* or event on the public right-of-way
2 under the jurisdiction of Public Works due to unique circumstances and that the public interest
3 would best be served by granting an exception. ~~The Director of Public Works shall issue such~~
4 ~~exceptions in writing, retain the granted exceptions in a file available for public review, and shall post~~
5 ~~such correspondence on the Department's and Places for People Program's website.~~

6 (2) ~~Other Operational Requirements. Upon written request from a Steward, the~~
7 ~~Director of Public Works is authorized to waive or modify one or more of the other Operational~~
8 ~~Requirements established in Administrative Code Section 94A.7 if the Director finds, in his or her sole~~
9 ~~discretion, that is unwarranted or not appropriate for a particular People Place or event on the public~~
10 ~~right-of-way under the jurisdiction of Public Works.~~

11 (3) **Public Record.** Any exceptions, minor amendments, or waivers granted by
12 the Director pursuant to this subsection (b) shall be in writing and retained in a file available
13 for public review.

14 **SEC. 793.4. GRANT OF EXCEPTIONS TO PERMIT TERMS.**

15 ~~Upon written request from a Steward, the Director of Public Works may grant a non-material~~
16 ~~exception or other minor amendment to the conditions imposed on a permit for a People Place in the~~
17 ~~Public Right-of-Way if the Director determines that the exception or minor amendment is reasonably~~
18 ~~within the purposes of the Places for People Program and, in consultation with the City Attorney's~~
19 ~~Office, further determines that such exception or amendment does not materially increase the City's~~
20 ~~costs or obligations or decrease the benefit the City receives under the Steward's People Place Permit.~~

21 ~~Any exceptions or minor amendments of the Permit conditions that the Director has~~
22 ~~granted pursuant to this Section shall be in writing and retained in a file available for public review. In~~
23 ~~addition, the Steward's request, the Director's letter granting the exception(s) and/or minor~~
24 ~~amendments, and any other written communications relevant to the Director's determination shall be~~
25 ~~posted on the websites of Real Estate and the Places for People Program.~~

1 ~~SEC. 793.5.~~ **VIOLATION OF PERMIT CONDITIONS, OPERATIONAL**
2 **REQUIREMENTS, OR ADMINISTRATIVE REGULATIONS; ENFORCEMENT ACTIONS**
3 **AND PENALTIES.**

4 (a) **Enforcement Actions; Penalties.** If any person has occupied a *People-Place*
5 *Shared Space* in ~~the Public Right-of-Way in~~ violation of any Permit conditions, operating
6 requirements, ~~and or~~ regulations applicable to the *People-Place-Shared Space*, the Director of
7 Public Works, ~~or a designee or agent acting on the Director's behalf~~, may take any action
8 authorized by this Code that is considered necessary to abate or correct the violation. The
9 Director is expressly authorized to:

10 (1) Modify the *People-Place-Shared Space* Permit, withdraw the Director's
11 approval of the Permit, or request revocation of the Permit by the Core City Agencies
12 pursuant to Section 94A.56(i) of ~~the Administrative Code~~*this Chapter*;

13 (2) Issue a criminal citation pursuant to the provisions of Section 792(e)(1)(A) of
14 this Code that is applicable to Street Plazas;

15 (3) Issue an administrative citation and assess the administrative penalties
16 authorized by Section 792(e)(1)(B) of this Code for Street Plazas;

17 (4) Call upon other City officials to assist in the enforcement of this Article 15,
18 including but not limited to the Chief of Police and the City Attorney; ~~and~~

19 (5) Seize, remove, or demolish any structures or furniture placed in public sidewalk or
20 roadway areas.

21 (A) If a permit to place the structure or furniture has been rescinded or expired,
22 before any such structure or furniture is seized, the Steward shall be notified and given 10 business
23 days to remove the structure or furniture. If the Steward does not remedy the underlying violation
24 leading to the rescission of the permit and/or apply for a Shared Space Permit within the time
25 prescribed, the City may seize, remove, or demolish the structure or furniture.

1 (B) Seized furniture shall be retained by the City and may be recovered by the
2 responsible party for a period of at least 30 business days following seizure. As a condition of
3 recovering any furniture seized pursuant to this Section or receiving a subsequent Shared Spaces
4 Permit, the Steward shall pay an impound fee covering the actual cost to the City of transporting and
5 storing such furniture, unless the seizure is deemed improper following a hearing under this subsection
6 (a)(5)().

7 (C) If the City Engineer determines that it is practicable to do so, Public Works
8 shall retain any seized structures. As a condition of recovering any structure seized pursuant to this
9 Section or receiving a subsequent Shared Spaces Permit, the Steward shall pay an impound fee
10 covering the actual cost to the City of transporting and storing such structure, unless the seizure is
11 deemed improper following a hearing under this subsection (a)(5)().

12 (D) If the City Engineer determines that it is not practicable to do so, Public
13 Works may demolish any unpermitted structure placed in the right-of-way. Where a Steward is
14 responsible for an unpermitted structure that requires demolition, the Steward shall not be eligible for
15 a subsequent Shared Spaces Permit until the Steward has paid the fee covering the actual costs to the
16 City of demolishing and disposing of the structure(s). Such recoverable costs may include those
17 incurred by Public Works and any other City department, including the City Attorney's Office, for time
18 and materials spent enforcing the requirements of the permit.

19 (D) Notwithstanding any other provision of this Section 793.4, if the Director
20 determines that any structure or furniture is placed in public sidewalk or roadway areas in such a
21 place or manner as to pose an immediate and serious danger to persons or property, the City may seize
22 such structure and furniture without prior notice to the Steward if it is impractical to remedy the
23 danger by moving the structure or furniture to another point on the sidewalk or public right-of-way.

24 (F) Following any seizure, the Steward shall be notified promptly of such
25 seizure and shall have the right to request an informal hearing before a designated City official to

1 determine whether the seizure was proper. The Steward must request the hearing within 10 days of
2 receiving notice of the seizure. Any furniture seized pursuant to this Section shall be retained by the
3 City and may be recovered as provided herein.

4 Failure to provide any notice to a Steward pursuant to this section shall not give rise to any
5 claims or cause of action against the City; and

6 (6) Take any other enforcement action authorized by this Code that is
7 applicable to occupancy of the public right-of-way.

8 (b) **Rules and Regulations; Director’s Orders.** The Director may adopt such orders,
9 rules, policies, procedures, regulations, rules, or standards as the Director considers
10 appropriate in order to:

11 (1) process, verify, and respond to complaints from the public concerning a
12 Curbside or Sidewalk ~~People Place Shared Space~~ in the Public Right of Way that is routed from the
13 311 Customer Relationship Management System, as described in Administrative Code
14 Section 94A.210(a);

15 (2) abate a violation of the terms and conditions of a Sidewalk, or Curbside, ~~or~~
16 Roadway Shared Space ~~Place~~ Permit or other requirements of Administrative Code Chapter 94A
17 that are within the jurisdiction of the Director; and

18 (3) identify specific violations that would be subject to the criminal citation
19 penalty authorized in subsection (a)(2) above.

20 (c) **Public Hearing.** In taking any of the above actions, the Director of Public Works
21 may hold a public hearing on the Steward’s conduct. If a public hearing is held, the Director
22 shall follow either the notice and hearing procedures for Street Encroachment Permits set
23 forth in Section 786 et seq. of this Code or a codified notice and hearing procedure that is
24 more applicable to a People for Places Shared Spaces Permit.

25 **SEC. 793.56. FINANCIAL RECORDS.**

1 The Steward shall make its financial records related to the use of the *People Place*
2 *Shared Space* available to the Director of Public Works for inspection upon written request of
3 the Director.

4
5 Section 3. The Transportation Code is hereby amended by revising Sections 6.1, 6.2,
6 6.7, and 6.11, and adding new Section 6.16, to read as follows:

7 **SEC. 6.1. INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND**
8 **TRANSPORTATION (ISCOTT).**

9 There is hereby established a committee to be known as the Interdepartmental Staff
10 Committee on Traffic and Transportation (ISCOTT), consisting of the department or their
11 designated representatives from the following departments and agencies: Municipal
12 Transportation Agency, *Planning*, Public Works, Police, Fire, Public Health, and Entertainment
13 Commission. The Director of Transportation shall serve as Chair of ISCOTT. The Director of
14 Administrative Services of the City and County of San Francisco or ~~his or her~~ *the Director's*
15 designee shall review recycling plans submitted pursuant to Section 6.5 and recommend any
16 conditions to ISCOTT that should be imposed on any applicant. In exercising its powers
17 ISCOTT shall consult with any other City department or agency that could be affected by any
18 temporary use or occupancy of a public street. ISCOTT shall have the authority to take all
19 acts reasonably necessary for it to carry out any duties imposed upon it by law. Before acting
20 on any application for temporary use or occupancy of public streets, street fair or an athletic
21 event, ISCOTT shall conduct a public hearing at a publicly noticed time and place to be
22 determined by ISCOTT.

23 **SEC. 6.2. REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY OF**
24 **PUBLIC STREETS; PROCEDURE.**

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

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

8 (1) An application for a proposed temporary use or occupancy scheduled to
9 occur fewer than 30 calendar days after the application date may be filed for emergency
10 consideration. The Director of Transportation shall consider the request if the applicant has
11 demonstrated that an extraordinary emergency exists that requires the closing of a street, and
12 provided that there is adequate time available for the Municipal Transportation Agency to
13 conduct the required public hearing and post notice of the scheduled hearing at least 72 hours
14 in advance of the hearing.

15 (2) The ~~Mayor's Film and Video Arts~~ Commission (~~the "Film Commission"~~), or
16 other successor commission or ~~division of the Mayor's~~ office, may file with the Director of
17 Transportation an application on behalf of a film or other video production company (which
18 company shall be responsible for the payment of all applicable fees) for a proposed temporary
19 use or occupancy scheduled to occur fewer than 30 calendar days after the application date,
20 provided that there is adequate time available for the Director of Transportation to conduct the
21 required public hearing and post notice of the scheduled hearing at least 72 hours in advance
22 of the hearing. The Film Commission (or the film company on whose behalf the application
23 was made) shall (A) notify residents, merchants and other occupants of the public street(s) to
24 be closed of the dates proposed for street closure, and (B) notify any and all affected City
25 departments, including the Police Department and the Department of Public Works.

1 (c) The completed application shall include, when applicable, maps and/or drawings
2 which identify the streets that would be affected, shall describe the scope and design of the
3 event, including illustrations of the location of staging, food booths, and seating, and shall
4 include a diagram of an emergency access plan. In addition, the Director of Transportation
5 may request such additional information as is necessary to allow ISCOTT to make an
6 informed evaluation of the proposed temporary use or street occupancy. In the case of "major
7 events," as defined in Section 6.3, applicants shall submit an emergency medical services
8 plan.

9 (d) Applicants shall be responsible for posting notice of the public hearing at least
10 seven calendar days prior to the hearing at which the application will be reviewed by ISCOTT.
11 Such notice shall include a description of the streets that would be affected and shall be
12 posted in the area of the proposed temporary use or street occupancy according to rules and
13 regulations prescribed by the Director of Transportation. The applicant shall submit a
14 declaration under penalty of perjury to the Director of Transportation attesting that the
15 required public notices have been posted.

16 (e) ISCOTT Review and Approval Process. In reviewing an application, ISCOTT
17 shall consider the impact of the temporary use or occupancy of public streets on the traffic,
18 security, health, and safety of the public; determine the traffic, security, health, and safety
19 requirements of the proposed temporary use or occupancy; and evaluate the measures
20 proposed by the applicant to satisfy those requirements. For major events, ISCOTT shall
21 forward the applicant's proposed emergency medical services plan to the Director of
22 Emergency Medical Services and Emergency Operations Section (EMSEO). ISCOTT shall
23 consider the recommendations of EMSEO regarding the proposed emergency medical
24 services plan. It shall be the duty of ISCOTT to also consider the following:
25

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

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

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

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

12 (5) The number of major events (as defined in Section 6.3 below) scheduled
13 during the period for which the applicant seeks a permit, the nature and location of the major
14 events, and the demand these major events will have on the City's resources, including its
15 police, emergency and sanitation personnel. In considering the major events for which
16 applications have been filed and/or approved. ISCOTT should give priority based on the
17 chronological order in which the applications are received, and applicants denied permission
18 on the basis that there are too many major events already approved or pending for approval
19 shall be offered alternative dates by ISCOTT. Notwithstanding this provision, ISCOTT may, in
20 its discretion, grant preference to recurring events traditionally or historically associated with a
21 particular day or dates, provided that *other* applications, once approved, cannot be revoked
22 because of the subsequent filing of an application for a permit for an event traditionally or
23 historically associated with a particular day or dates.

24 (6) If the application is related to a filming project to be conducted by the
25 applicant, ISCOTT shall notify the Film Commission (or other successor commission or

1 division of the Mayor's office) and shall consider such conditions and criteria as the Film
2 Commission shall attach to the application.

3 (f) ISCOTT may impose additional requirements or conditions it deems necessary
4 to protect the public interest by ensuring traffic management, security of property and health
5 and safety of citizens. At the time ISCOTT reviews the application, it shall also determine the
6 necessity of and the total estimated actual costs incurred by the Municipal Transportation
7 Agency for any adjustments to transit operations required to implement the street closure~~to run motor~~
8 ~~coaches to accommodate the rerouting of electrically powered transit vehicles because of restrictions~~
9 ~~that are imposed by the temporary street closing. The applicant shall pay a fee to the SFMTA based on~~
10 ~~the number of electrically powered vehicle hours per line affected. For purposes of this provision,~~
11 ~~"vehicle hour" shall mean the number of hours each coach on a line is in operation during the day of~~
12 ~~the street closing. If the application is approved, ISCOTT shall transmit to the applicant an invoice for~~
13 ~~the fee. If the application is approved, ISCOTT shall transmit to the applicant an invoice reflecting the~~
14 cost for making any adjustments to transit operations. The applicant shall make full payment of the
15 fee no later than five days prior to the date of the street closing, or in accordance with a
16 schedule agreed to by the Director of Transportation. ISCOTT shall not disapprove any
17 application for a temporary use or occupancy of public streets because of the applicant's
18 political, religious, or cultural orientation.

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

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

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

20 (j) If the Director of Transportation denies the application after the appeal described
21 in the preceding subsection (j) paragraph, the applicant may then appeal the decision to the
22 Board of Supervisors. Such appeal shall be made by filing the appeal with the Clerk of the
23 Board, on a form provided by the Clerk, within five working days of the Director of
24 Transportation's disapproval. The Board may establish a fee to be imposed upon the filing of
25 any such appeal. Upon receipt, the Clerk shall set a time and place for hearing such appeal

1 by the Board of Supervisors, which hearing shall be at the Board's next regular meeting,
2 provided that all applicable public notice requirements are satisfied. The Board shall conduct
3 the hearing according to the same standards of review as set forth in Section 6.2(e). Upon
4 hearing the appeal, and after any further investigation that the Board may request, the Board
5 may affirm, reverse or modify the Director of Transportation's decision. The decision of the
6 Board regarding the appeal shall be final. The Clerk of the Board shall transmit copies of any
7 legislation approving a temporary street closing to the Director of Public Works, Chief of
8 Police, the Fire Chief, the Superintendent of Emergency Hospital Service of the Department of
9 Public Health, the Executive Director of the Entertainment Commission, and ~~to~~ the Director of
10 Transportation. For major events, the Clerk shall transmit copies of any legislation approving a
11 temporary street closing to the Director of EMSEO.

12 (k) Any permission for the temporary use ~~of~~or occupancy of a public street
13 authorized pursuant to these provisions shall be subject to the conditions set forth in Sections
14 6.7 and 6.8.

15 (l) Late Application. Should the applicant file an application for a proposed
16 temporary use or occupancy fewer than 30 days prior to the date of the proposed use or
17 occupancy, and not far enough in advance of the proposed use or occupancy to allow
18 ISCOTT to consider the application at a regularly scheduled meeting of ISCOTT, then the
19 Director of Transportation shall have the responsibility and duty to consider and approve or
20 disapprove the application after consulting with the members of ISCOTT. The Director of
21 Transportation shall conduct a public hearing for which notice shall be posted at least 24
22 hours in advance of the hearing at the Municipal Transportation Agency, the main library, and
23 at the Office of the Clerk of ~~the~~ Board of Supervisors. At the hearing, the applicant and
24 interested persons shall have an opportunity to present oral testimony and written materials in
25 support of their position. The Director of Transportation shall conduct the hearing according to

1 the same standards of review as set forth in Section 6.2(e) hereof. Notice of the Director of
2 Transportation's action of approval or disapproval shall be submitted to the Chief of Police,
3 the Chief of the Fire Department, the Director of Public Health, the Director of Public Works,
4 and the Executive Director of the Entertainment Commission, and shall be maintained as a
5 matter of record. In the event the Director of Transportation disapproves the application, the
6 applicant shall have the right to appeal the Director of Transportation's decision to the Board
7 of Supervisors in accordance with the same terms and conditions as set forth in Section
8 6.2(e).

9 **SEC. 6.7. CONDITIONS.**

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

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

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

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

20 (d) A continuous passageway in the roadway *for the use of emergency vehicles shall be*
21 *maintained as determined by the Fire Department* ~~at least 14 feet in width shall be maintained at all~~
22 ~~times during the period of such use or occupancy for the use of emergency vehicles.~~

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

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

3 (g) Adequate illumination of the area shall be maintained at all times such
4 illumination is appropriate.

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

7 (i) Street barricades determined by the ~~Police Department as being necessary to~~
8 ~~protect the public's safety shall be delivered by the Police Department or the department's~~
9 ~~designee; Municipal Transportation Agency~~ shall be maintained in said locations at all times
10 during the period of such use or occupancy by the permittee; and shall be ~~collected by the~~
11 ~~Police Department or the department's designee~~ removed promptly by the permittee upon termination
12 of the period of said use or occupancy.

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

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

20 (l) Applicants for permission to hold a street fair on a predominantly commercial
21 street shall comply with the following requirements for insurance coverage. For purposes of
22 this ~~S~~ subsection (l), a "predominantly commercial street" shall mean a street block on which at
23 least 50% percent of front footage of private property on the ground floor of the street is used
24 for commercial purposes. A street block shall be measured from street intersection to street
25 intersection, but shall not include any alley intersection.

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

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

7 (B) If any vehicles will be operated by the applicant in connection with
8 street fair activities under the permit, Automobile Liability Insurance with limits not less than
9 \$500,000 each occurrence Combined Single Limit Bodily Injury and Property Damage,
10 including owned, non-owned and hired auto coverages, as applicable; and

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

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

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

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

21 (3) Certificates of insurance, in format and with insurers satisfactory to the
22 City evidencing all applicable coverages shall be furnished to the City not less than 10
23 working days prior to the date of the event and before commencing any operations under the
24 permit, with complete copies of policies to be furnished to the City upon request.
25

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

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

9 (n) All applicants shall comply with the requirements of ~~San Francisco~~Health Code
10 Article 19L, "Prohibiting Smoking at Certain Outdoor Events."

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

13 **SEC. 6.11. ATHLETIC EVENTS; DESIGNATION OF ROUTES.**

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

23 (b) Athletic events requiring temporary street closings shall be limited in location to
24 routes previously designated as appropriate by the Board of Supervisors. These routes shall
25 be drawn up by ISCOTT and approved by resolution of the Board of Supervisors. In

1 designating these routes, ISCOTT and the Board shall consider the effect of the designation
2 upon: Local traffic patterns; Municipal Railway routes; the ability of the Police Department and
3 the Department of Public Works to provide special services to the event; the safe and efficient
4 delivery of police, fire and emergency medical services to the affected neighborhoods; the
5 safety of participants in the event; and, the rights of participants, residents and local
6 businesses to the reasonable use and enjoyment of City streets.

7 (c) Any person seeking permission to conduct an athletic event as defined in
8 Section 96.10 shall file an application. The filing of an application and its processing shall be
9 governed by the same processes, application fees, appellate procedures, Municipal Railway
10 fees, and other requirements contained in Section 96.2, which sets forth the procedures for
11 requesting permission for temporary use or occupancy of public streets. A street closing for an
12 athletic event shall be restricted to those routes designated pursuant to this Section. The
13 applicant may, as part of the application, request a waiver of this restriction. In considering a
14 request for a waiver, the City may take into account the extent to which the event has been
15 held along a particular route prior to the application date if that same route has been in use
16 continuously for a period of three or more years. An applicant's request for a waiver shall be
17 granted to the extent that a change of route is required by the Police Department for reasons
18 of public safety.

19 **SEC. 6.16. TEMPORARY STREET CLOSURES FOR ROADWAY SHARED SPACE**
20 **ACTIVITIES.**

21 (a) **Definitions.** *For the purposes of this Section 6.16, the following definitions shall apply:*
22 (1) **“Roadway Shared Space Activities”** *means permitted activities that are*
23 *authorized under the Shared Spaces Program set forth in Administrative Code Chapter 94A which*
24 *occur in the Traffic Lane, do not significantly interfere or delay a public transit service, and generally*
25

1 do not exceed ten consecutive hours per day over four consecutive days per week over a total period of
2 time of not more than two years.

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

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

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

15 (d) Notwithstanding any other provision of Section 6.2, ISCOTT shall review an application
16 for a Roadway Shared Space permit and shall issue any approval within 30 days of receipt of the
17 application, for projects that are not located on Municipal Railway or other public transit lines. For
18 permitted locations that are located on Municipal Railway or other public transit lines, approval may
19 take longer than 30 days after receipt of an application.

20 (e) In determining whether to issue a permit, ISCOTT shall follow the procedures set forth
21 in Sections 6.2 and 6.7 and all of the requirements and conditions set forth in those sections shall apply
22 notwithstanding Section 6.8. In addition to the street barricade requirement set forth in Section 6.7(i),
23 any barricades required by the Municipal Transportation Agency shall be provided by that agency. If
24 ISCOTT decides not to temporarily close the Traffic Lane, neither Public Works nor any other City
25 agency shall have the authority to issue a permit for occupancy of the Traffic Lane.

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

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

13
14 Section 4. Article 7 of Division 1 of the Transportation Code is hereby amended by
15 adding Section 7.2.55, to read as follows:

16 **SEC. 7.2. INFRACTIONS.**

17 In addition to public offenses created by the Vehicle Code, the actions listed in this
18 Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be
19 an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as
20 necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with
21 respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant;
22 or (e) with respect to any other Public Property, except with the permission of, and subject to
23 such conditions and regulations as are imposed by the agency that owns the property that are
24 available for public inspection at the agency's offices.

25 * * * *

1 **SEC. 7.2.55. NO PARKING ZONES.**

2 To Park in a zone on any street, alley or portion of a street or alley that is subject to a posted
3 Parking prohibition except for the purpose of loading or unloading passengers or freight.

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

9
10 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the "Note" that appears under
15 the official title of the ordinance.

16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: /s/
20 AUSTIN M. YANG
21 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(Substituted, 4/6/2021)

[Administrative, Public Works, and Transportation Codes - Shared Spaces]

Ordinance amending the Administrative Code to rename and modify the Places for People program as the Shared Spaces Program, and to clarify the roles and responsibilities of various departments regarding activation and use of City property and the public right-of-way, streamline the application process, specify minimum programmatic requirements such as public access, temporarily waive permit application fees, and provide for the conversion of existing Parklet and Shared Spaces permittees to the new program requirements; amending the Public Works Code to create a Curbside Shared Spaces permit fee, provide for public notice and comment on permit applications, provide for hearings for occupancy of longer-term street closures, and supplement enforcement actions by Public Works; and amending the Transportation Code to authorize the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) to issue permits for the temporary occupancy of the Traffic Lane for purposes of issuing permits for Roadway Shared Spaces as part of the Shared Spaces Program, subject to delegation of authority by the Municipal Transportation Agency Board of Directors to temporarily close the Traffic Lane, and adding the Planning Department as a member of ISCOTT; and also amending the Transportation Code to prohibit parking in a zone on any street, alley, or portion of a street or alley, that is subject to a posted parking prohibition except for the purpose of loading or unloading passengers or freight; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department’s determination under the California Environmental Quality Act

Existing Law

Administrative Code Chapter 94A establishes the Places for People Program and provides a 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”).

The Core City Agencies participating in the Program’s coordinated review are: the Planning Department, Department of Public Works (“Public Works”), 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 Public Works 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 of the Public Works Code to provide a process for Public Works' approval of a People Place on a portion of the public right-of-way within Public Works' jurisdiction. 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.

For a People Place in the public right-of-way, the permit fee is one-half the fee that the Public Works Code authorizes Public Works 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.

Amendments to Current Law

Interagency Coordination:

The legislation renames and modifies the Places for People program as the Shared Spaces program by streamlining the interagency review process for to allow retail, cultural events, and general recreation to occur in "Curbside Shared Spaces" or parklets, "Roadway Shared Spaces" or street closures, city-owned lots under the administration of the Real Estate Division, and some privately owned open spaces.

The legislation further clarifies the interagency working process for the following types of permits: sidewalk, "curbside" or parklet, and "roadway" or street closures. The responsibilities for these three types of permits are as follows:

- Sidewalk Shared Spaces. Public Works is responsible for issuing permits Sidewalk Shared Spaces. Sidewalk Shared Spaces does not include a permit to place tables and chairs in the right of way pursuant to Article 5.2 of the Public Works Code.
- Curbside Shared Spaces. The legislation specifies three types of Curbside Shared Spaces: fixed commercial parklets, movable commercial parklets, and public parklets. MTA is responsible for reviewing and approving the closure of the parking space to vehicular traffic, and Public Works is responsible for issuing the permit to occupy the right of way.
- Roadway Shared Spaces. MTA is responsible for evaluating the request to close streets to vehicular traffic. For Temporary Closures (as defined in the Transportation Code in companion legislation at the SFMTA Board of Directors), ISCOTT will review the closure and issue any permit. For Longer-Term closures (as defined in the companion amendments to the Transportation Code), the SFMTA Board of Directors must close the street, and MTA staff will issue any permits.

Fees:

Amendments to the Administrative Code would provide for the deferral of any fee collection until June 30, 2022. Fees are set forth either in the Public Works Code or the companion amendments to the Transportation Code. Amendments to the Administrative Code would limit increases to any Shared Spaces fee to CPI index increases. Any fees collected for curbside permits must be split evenly between Public Works and MTA. Renewal of the fees will be collected as part of the Unified License Bill pursuant to Article 2, Section 76.1 of the Business and Tax Regulations Code.

Converting existing Shared Spaces Permits

The legislation provides a process under which individuals or businesses may convert their Shared Spaces permit issued pursuant to the 18th supplement or related supplement to the Mayor's proclamation declaring the existence of a local emergency to a permit under the proposed legislation.

Background Information

On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus ("COVID-19"). On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency. The COVID-19 pandemic impacted and transformed the way businesses operate. One of the largest shifts was the transition to moving activities outdoors.

Due to the density of San Francisco, many restaurants and businesses do not have significant amounts of outdoor space as part of their premises. Thus, for many San Francisco restaurants and businesses to receive the economic boost that often accompanies outdoor operations, it is necessary to operate outdoors beyond their premises. On June 9, 2020, the Mayor issued the 18th Supplement to the Proclamation declaring a local emergency to create a temporary program (known as "Shared Spaces") for retail businesses and restaurants to occupy the public sidewalk and parking lane fronting their premises for retail businesses to display and sell goods and merchandise and offer services and for restaurants to place tables and chairs to offer outdoor dining, subject to certain conditions. The 18th Supplement found that authorizing the use of more outdoor spaces like sidewalks, parking lanes, and other City property would allow restaurants and retail to spread out their wares and services to safely comply with the physical distancing requirements in the Health Officer's orders and directives. The 18th Supplement also found that temporarily allowing restaurants and retail businesses to use more outdoor spaces and take greater advantage of the reopening authorizations while waiving City fees associated with such uses would ease the economic burden on these businesses and allow some employees to return to work, thus promoting the housing and health stability of these workers.

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