

BOARD of SUPERVISORS



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May 7, 2021

File No. 210284-3

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

Dear Ms. Gibson:

On May 4, 2021, Mayor Breed submitted the following substitute legislation:

File No. 210284-3

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, setting permit and license 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; 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; 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.

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, 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, setting permit and license fees, and**

8 **provide for the conversion of existing Parklet and Shared Spaces permittees to the new**

9 **program requirements; amending the Public Works Code to create a Curbside Shared**

10 **Spaces permit fee, provide for public notice and comment on permit applications,**

11 **provide for hearings for occupancy of longer-term street closures, and supplement**

12 **enforcement actions by Public Works; amending the Transportation Code to authorize**

13 **the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) to issue**

14 **permits for the temporary occupancy of the Traffic Lane for purposes of issuing**

15 **permits for Roadway Shared Spaces as part of the Shared Spaces Program, subject to**

16 **delegation of authority by the Municipal Transportation Agency Board of Directors to**

17 **temporarily close the Traffic Lane, and adding the Planning Department as a member of**

18 **ISCOTT; and also amending the Transportation Code to prohibit parking in a zone on**

19 **any street, alley, or portion of a street or alley, that is subject to a posted parking**

20 **prohibition except for the purpose of loading or unloading passengers or freight;**

21 **making findings of consistency with the General Plan, and the eight priority policies of**

22 **Planning Code, Section 101.1; and affirming the Planning Department’s determination**

23 **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*.

1 **Board amendment additions** are in double-underlined Arial font.
2 **Board amendment deletions** are in ~~strikethrough Arial font~~.
3 **Asterisks (* * * *)** indicate the omission of unchanged Code
 subsections or parts of tables.

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

5
6 Section 1. Findings.

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

12 (b) On _____, the Planning Department determined that the actions
13 contemplated in this ordinance are consistent, on balance, with the City's General Plan and
14 eight priority policies of Planning Code Section 101.1. The Planning Department's evaluation
15 determined that the legislation implements the Transportation Element of the General Plan,
16 components of the San Francisco Better Streets Plan, and the City's Curb Management
17 Strategy by balancing the needs of the curb by ensuring the City's Transit First and Vision
18 Zero policies remain priorities, balancing the Shared Spaces occupancies with loading, short-
19 term parking, micromobility needs, and other curbside functions; and encouraging sharing of
20 Shared Spaces amongst merchants on the same block. The Board adopts this determination
21 as its own. A copy of said determination is on file with the Clerk of the Board of Supervisors in
22 File No. _____, and is incorporated herein by reference.

23 (c) On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation")
24 declaring a local emergency to exist in connection with the imminent spread within the City of
25

1 a novel (new) coronavirus (“COVID-19”). On March 3, 2020, the Board of Supervisors
2 concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency.

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

5 (e) On March 6, 2020, the City’s Health Officer declared a local health emergency,
6 and the Board of Supervisors concurred in that declaration on March 10, 2020. Since that
7 time, the City’s Health Officer had issued various health orders, including a Stay-Safer-At-
8 Home order, requiring most people to remain in their homes subject to certain exceptions
9 including obtaining essential goods such as food and necessary supplies, and requiring the
10 closure of non-essential businesses. The Health Officer has amended the Stay-Safer-At-
11 Home Order to modify the interventions needed to limit the transmission of COVID-19.

12 (f) The Stay-Safer-At-Home order encourages restaurants and retail businesses to
13 conduct their operations outside, where the risk of transmission of COVID-19 is generally
14 lower.

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

19 (h) On June 9, 2020, the Mayor issued the 18th Supplement to the Proclamation
20 declaring a local emergency to create a temporary program (known as “Shared Spaces”) for
21 retail businesses and restaurants to occupy the public sidewalk and parking lane fronting their
22 premises for retail businesses to display and sell goods and merchandise and offer services
23 and for restaurants to place tables and chairs to offer outdoor dining, subject to certain
24 conditions. The 18th Supplement found that authorizing the use of more outdoor spaces like
25 sidewalks, parking lanes, and other City property would allow restaurants and retail to spread

1 out their wares and services to safely comply with the physical distancing requirements in the
2 Health Officer's orders and directives. The 18th Supplement also found that temporarily
3 allowing restaurants and retail businesses to use more outdoor spaces and take greater
4 advantage of the reopening authorizations while waiving City fees associated with such uses
5 would ease the economic burden on these businesses and allow some employees to return to
6 work, thus promoting the housing and health stability of these workers.

7 (i) The Mayor issued several subsequent Supplements to the Proclamation in order
8 to expand opportunities for businesses to conduct operations in additional types of outdoor
9 places. On July 28, 2020 the Mayor issued the 23rd Supplement, which allowed for Shared
10 Spaces in outdoor areas of privately-owned parcels such as open lots, rear yards and
11 courtyards. On August 26, 2020, the Mayor issued the 26th Supplement, which allowed for
12 recurring temporary street closures. On September 25, 2020 the Mayor issued the 27th
13 Supplement, which allowed for entertainment, arts and culture activities to take places as
14 accessory to commercial activities as permitted by public health directives.

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

23 (k) The Shared Spaces Program has impacted a diverse set of small-business
24 owners. Of respondents to a survey administered to Shared Spaces applicants ("Survey"),
25

1 over 50% were women-owned enterprises, 33% were immigrant-owned small businesses,
2 and 33% identified as ‘minority owned.’

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

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

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

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

24 Section 2. Chapter 94A of the Administrative Code is hereby amended by revising
25 Sections 94A.1, 94A.2, 94A.3, and 94A.4; deleting existing Section 94A.5; renumbering

1 existing Sections 94A.6, 94A.7, 94A.8, 94A.9, 94A.10, and 94A.11 as Sections 94A.5, 94A.6,
2 94A.7, 94A.8, 94A.9, and 94A.10 respectively, and revising those renumbered Sections; and
3 adding new Section 94A.11, to read as follows:

4 **CHAPTER 94A: THE SAN FRANCISCO ~~PLACES FOR PEOPLE~~ SHARED SPACES**
5 **PROGRAM**

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

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

16 This Chapter 94A sets forth a streamlined process by which the Planning Department,
17 Department of Public Works, Municipal Transportation Agency, ~~Department~~ Real Estate
18 *Division, Fire Department,* and Entertainment Commission (collectively, defined in Section
19 94A.2 as the “Core City Agencies”), and their successor agencies or departments, if any, will
20 coordinate the review and approval of a request to occupy and activate such spaces and
21 issue a permit to authorize the use.

22 (b) **Core City Agency Jurisdiction Retained.** Each Core City Agency shall retain its
23 full authority under the City Charter and applicable Codes to authorize the use, *and* impose
24 conditions on the *“People-Place Shared Space Permit,” as defined in Section 94A.2,* and enforce
25 the Agency’s requirements. In particular, this ~~Article~~ Chapter 94A is not intended to (1) ~~to~~ be

1 an alternative to the process in the Transportation Code for review and approval of street closures
2 and activities on public streets unrelated to the Places for People Shared Spaces Program by the
3 Interdepartmental Staff Committee on Traffic and Transportation (“ISCOTT”) or Municipal
4 Transportation Agency Board of Directors (“SFMTA Board of Directors”), contained in Article 6 of
5 the Transportation Code or (2) ~~to~~ preclude the Director of Public Works from exercising the
6 authority to regulate activities on the public right-of-way under sections of the Public Works
7 Code that are unrelated to the Places for People Shared Spaces Program. Consistent with the
8 definition of a Shared Spaces Permit in Section 94A.2, permits shall be issued by the designated Core
9 City Agency.

10 ~~The procedures by which the Department of Public Works and Municipal Transportation~~
11 ~~Agency will review and approve a permit issued pursuant to this Chapter 94A are set forth in Section~~
12 ~~793et seq. of the Public Works Code (for Public Works) and Division II of the Transportation Code (for~~
13 ~~MTA). The Department of Real Estate procedures are set forth in Section 94A.8 of this Chapter. The~~
14 ~~Entertainment Commission’s jurisdiction over “Limited Live Performance Locales” is set forth in~~
15 ~~Section 1060 of the Police Code.~~

16 **SEC. 94A.2. DEFINITIONS.**

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

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

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

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

1 “Curbside Shared Space” is a Shared Space occurring in a portion of the curbside lane of a
2 City street. Curbside Shared Spaces include occupancies of the public right-of-way previously
3 permitted by Public Works as a Parklet, or a Shared Space during the COVID-19 pandemic. For
4 purposes of the Shared Spaces Program, a Curbside Shared Space is further defined to include the
5 following types:

6 (a) “Fixed Commercial Parklet” is a fixed encroachment placed in the curbside lane
7 that is used principally for commercial activity during specified business hours. During daylight hours
8 when the Curbside Shared Space is not being activated for commercial use, it is open to the public.
9 Pursuant to Section 94A.6, when the Fixed Commercial Parklet is being activated for commercial use,
10 the Permittee must provide public seating, including but not limited to a public bench, which is
11 accessible to persons who are not patrons of the business.

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

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

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

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

23 “Integrated Shared Space” is a Shared Space with activities occurring on a combination of
24 locations that are Shared Space Categories in close proximity to one another and operated by the same
25 Permittee.

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

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

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

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

8 “~~People-Place~~ Shared Space” is a publicly-accessible location approved under the ~~Places~~
9 ~~for People~~ Shared Spaces Program and located (a) on City-owned property under the
10 administration of the Real Estate Division, (b) on the sidewalk, ~~and/or~~ (c) in the curbside lane, (d)
11 ~~or~~ on all or any portion of the roadway between curbs, and/or (e) on private property, where the
12 public can gather and participate in commercial or non-commercial offerings and events. Such
13 offerings and events may include, but are not limited to: retail, cultural events, arts activities,
14 and entertainment; food and drink; and general recreation. A ~~People-Place~~ Shared Space is
15 managed, fully or partially, by a ~~Steward~~ Permittee under a ~~People-Place~~ Shared Space Permit
16 issued under the Program and may involve the temporary and reversible installation and
17 maintenance of physical treatments, improvements, or elements.

18 “~~People-Place~~ Shared Space Categories” ~~are~~ constitute the following types of Shared Spaces,
19 as defined in this Section 94A.2: (a) “City Lot ~~People-Place~~ Shared Space,” which has activities
20 occurring on property owned by the City; (b) “Curbside ~~People-Place~~ Shared Space,” Integrated
21 Shared Space, which has activities occurring in a portion of the curbside lane of a roadway (c)
22 “Roadway ~~People-Place~~ Shared Space,” and which has activities occurring in or on any portion of
23 the roadway, except for activities occurring only in the curbside lane; (d) “Sidewalk ~~People-Place~~
24 Shared Space,” which has activities occurring on a portion of sidewalk; and (e) “Integrated ~~People~~
25

1 ~~Place.,” which is a single project with activities occurring on a combination of locations that are~~
2 ~~People Place Categories in close proximity to one another and operated by the same Steward.~~

3 “~~People Place~~ **Shared Spaces Permit**” is a permit issued under the ~~Places for People~~
4 ~~Shared Spaces~~ Program through its Core City Agencies that allows a ~~Steward Permitee~~ to create
5 a ~~People Place~~ Shared Space by temporarily occupying and activating the location for a specified
6 period of time. Shared Spaces permits shall be issued by the Core City Agencies, as follows:

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

9 (b) Public Works shall review and issue permits for Curbside Shared Spaces and
10 Sidewalk Shared Spaces pursuant to the procedures set forth in Sections 793 et seq. of the Public
11 Works Code, provided that the Director of Transportation has approved closure of the curbside lane
12 pursuant to procedures set forth in Section 204 of Division II of the Transportation Code.

13 (c) Where the Roadway Shared Space proposal would result in a Temporary Closure,
14 ISCOTT shall review and issue permits pursuant to the procedures set forth in Section 6.16 of Division
15 I of the Transportation Code. For Roadway Shared Space proposals requiring a Longer-Term Closure
16 of the Traffic Lane, the SFMTA Board of Directors shall evaluate the suitability of closing the street
17 pursuant to procedures set forth in Section 206 of Division II of the Transportation Code, and MTA
18 shall review and issue the Roadway Shared Space permit.

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

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

1 “Steward Permitee” is, for a City Lot ~~People Place~~ Shared Space, (a) any person or
2 educational, recreational, or social agency, (b) any bona fide fraternal, charitable, religious,
3 benevolent, or other nonprofit organization which is exempt from taxation under the Internal
4 Revenue Code as a bona fide fraternal, charitable, religious, benevolent, or nonprofit
5 organization, or (c) a public agency with programs based in San Francisco. For Curbside,
6 ~~People Places~~, Roadway ~~People Places~~, and Sidewalk ~~People Places~~ Shared Spaces, a “Steward
7 Permitee” may be any person or entity and is not restricted to the organizations and entities
8 described above.

9 “Shared Spaces Program” or “Program” is the San Francisco Shared Spaces Program
10 established and described in this Chapter 94A.

11 “Sidewalk Shared Space” is a Shared Space with activities occurring on a portion of
12 sidewalk.

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

15 **SEC. 94A.3. PLACES FOR PEOPLE SHARED SPACES POLICIES AND OBJECTIVES**

16 **PROGRAM FUNCTIONS.**

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

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

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

1 (c) Sustain strategic partnerships with stakeholders of *People Places Shared Spaces*,
2 including community organizations, nonprofit organizations, and businesses, in supporting
3 and enhancing *the Program People Places Citywide*.

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

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

10 (f) Seek *Stewards Permitees* for *People Places Shared Spaces* through a *Steward Permitee*
11 identification process that utilizes existing City partnership efforts where possible and builds
12 strong relationships with *Steward Permitees*.

13 (g) Network communication and coordinate efforts of the various *Steward Permitees*
14 within the *Places for People* Program.

15 (h) Identify opportunities to streamline permitting for active uses of *People Places and*
16 *access to Shared Spaces* so that barriers to event permitting are eliminated or minimized.

17 (i) Encourage *People Place Steward Permitees* to maximize events and activities that are
18 free to the public.

19 (j) Collect *People Place Shared Space* participation data and user feedback, and use
20 established criteria to evaluate *Steward Permitee* performance outcomes in various areas,
21 including *racial equity, transportation, the environment*, economic impact, type of activities, and
22 community engagement.

23 (k) Support development of long-term maintenance and activity partnerships for *People*
24 *Places Shared Spaces*.

25

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

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

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

11 (o) Provide access for people and goods (e.g. bus stop, commercial or passenger loading zone,
12 disabled loading and parking, etc.); movement (e.g. accommodating transit and bike lanes, etc.); public
13 accessibility; public safety (e.g. red zones for daylighting, fire hydrants, etc.); and bicycle parking and
14 storage (e.g. bike corrals and bike sharing stations).

15 (p) Ensure equitable access for all who live and work in San Francisco through the
16 implementation of regulations and requirements that account for disability and access needs.

17 (q) Support San Francisco's economic recovery following the COVID-19 pandemic by creating
18 ways for the public to activate public spaces and safely engage in economic activities, like dining and
19 retail, outdoors.

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

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

23 (a) **Planning Department; General Coordination of Program Activities.** After a
24 prospective Steward-Permittee submits an application for a People-Place-Shared Space Proposal to
25

1 ~~the Program pursuant to Section 94A.5, Planning will *coordinate*~~ensure review and approval of the
2 ~~application proposed People Place project.~~ Specifically, Planning will:

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

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

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

14 (5) Collaborate with the appropriate Core City Agency in the review and approval
15 of a ~~People Place Shared Space~~ permit.

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

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

23 (5) Coordinate Core City Agency outreach to prospective ~~Steward Permittees~~.

24 In performing the coordination role described in subsections (a)(1) - (5), Planning
25 shall, if necessary, obtain the recommendations of staff of the other Core City Agencies,

1 including, among others: Director of Public Works ~~or his or her designee~~, the Director of
2 Transportation ~~or his or her designee~~, the Director of the Real Estate ~~Department~~ Division, and/or
3 the Executive Director of the Entertainment Commission.

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

7 (c) **Entertainment Commission; ~~People Places~~ Shared Spaces with Entertainment**
8 **Activities**. The Entertainment Commission will review and consider any application for a
9 ~~People Place Shared Space~~ Permit that proposes an activity or activities within the jurisdiction of
10 the Entertainment Commission, consistent with fitting the description of a Limited Live Performance
11 Locale in Police Code, Section 1060(~~r~~) but, as applied to a ~~People Place~~ Shared Space, the
12 proposed activity or activities may include ~~allows~~ the service of food and beverages for
13 consumption on the premises. The Commission may approve an application that satisfies all
14 the applicable requirements for creation of a Limited Live Performance Locale and authorize
15 issuance of a ~~People Place~~ Shared Space Permit subject to the requirements stated in Police
16 Code Section 1060.

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

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

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

24 (B) MTA will approve or deny the proposed closure of the curbside lane
25 pursuant to Section 204 of Division II of the Transportation Code, including permit terms and

1 conditions as established by the Director of Transportation, and participate, as applicable, in design
2 review of all physical treatments or improvements proposed by a Steward Permittee, and, at the
3 MTA's discretion, implement any approved (i) restriping of travel and parking lanes, (ii) ground
4 surface treatments to delineate right-of-ways temporarily converted for the project, (iii)
5 placement of upright bollards and other traffic control devices, and (iv) other reversible site
6 improvements not included within subsection (d)(1)(C) below that are needed for the project.
7 ~~MTA will carry out its role pursuant to the process set forth in Division II of the Transportation Code,~~
8 ~~including making the determination of any necessary street closure and circulation changes.~~

9 (C) Public Works will, pursuant to the process set forth in Section s 793 et
10 seq. of the Public Works Code, (i) participate in the design review and approval of physical
11 treatments or improvements proposed by a Steward Permittee, (ii) participate in the review and
12 approval of the Steward Permittee's proposed program of events intended to activate the People
13 Place Shared Space, (iii) consult with additional City agencies such as the Public Utilities
14 Commission and the Fire Department regarding the design and construction of any proposed structure
15 proposed to occupy the right-of-way as part of a Shared Space, (iv) review and approve the
16 ~~Stewardship Shared Spaces~~ Agreement, ~~and~~ (iv) provide approval for the People Place Shared
17 Space Permit along with the other Core City Agencies with jurisdiction over the proposed
18 People Place Shared Space, and (vi) issue the Curbside Shared Space permit. The Director of Public
19 Works, consistent with Sections 793 et seq. of the Public Works Code, may issue regulations setting
20 forth standard design and operating requirements for any Curbside Shared Space. In addition, Public
21 Works, in its sole discretion, may install reversible site improvements (planters, furnishings,
22 etc.) associated with the project.

23 (D) The Core City Agencies shall review the proposed Curbside Shared Space
24 for potential conflicts with future City projects, such as streetscape initiatives (including streetscape
25 redesigns, paving projects, transit improvements), on-going maintenance needs, and planned

1 improvements. A Permittee's right to occupy the Curbside Shared Space shall be conditioned upon the
2 obligation to remove or modify the Curbside Shared Space at any time, as necessary for any City
3 project or maintenance work, which necessity shall be determined solely by the City Agency that issued
4 the Shared Space Permit. The Permittee shall be obligated to remove or modify the Curbside Shared
5 Space at the Permittee's cost and return the right-of-way to a condition that the Director of Public
6 Works deems appropriate. If the proposed Curbside Shared Space would conflict with a future City
7 project or necessary maintenance work, Public Works may inform the Permittee of any potential
8 disruption from the conflict, but the failure to do so shall not give rise to any rights to occupy, or
9 otherwise not remove or modify the Permittee's occupancy of, the Curbside Shared Space.

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

11 (A) Planning will review the overall concept of the application~~People Place~~
12 ~~Proposal~~, approve the ~~Steward~~Permittee's proposed program of offerings and events that will
13 activate the ~~People Place space~~Shared Space, and participate in the design review of all
14 proposed physical treatments or improvements. ~~Planning will also coordinate the collection of~~
15 ~~baseline pedestrian, bicycle, and vehicular data at the relevant location(s) (i) pre-occupancy, that is,~~
16 ~~before project implementation, (ii) during short term temporary street closures, and (iii) post-~~
17 ~~occupancy, that is, for at least six months after project implementation, or a longer time period if~~
18 ~~warranted. Planning staff, inclusive of Environmental Planning, will consult with MTA staff as~~
19 ~~necessary on collection methodology.~~

20 (B) MTA will carry out its role in evaluating the application~~People Place~~
21 ~~Proposal pursuant to the process set forth in Division II of the Transportation Code~~, including making
22 the determination of any necessary street closure and circulation changes. In its discretion, the
23 MTA may consider ~~The MTA is urged to consider the following requirements in developing the Division~~
24 ~~II procedures.~~

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

3 (ii)b. participate in the review and approval of the ~~Steward~~
4 Permittee's proposed program of events intended to activate the ~~People Place~~ space-Shared
5 Space;

6 (iii)c. review and approve the ~~Stewardship~~ Shared Spaces
7 Agreement; ~~and~~

8 (iv)d. provide approval for the ~~People Place~~ Shared Space
9 Permit along with the other Core City Agencies with jurisdiction over the proposed ~~People~~
10 Place-Shared Space;

11
12 (v)e. review and approve any necessary street closure and
13 circulation changes; and

14 f. issue the Roadway Shared Space permit.

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

20 (i)a. participate in the design review and approval of physical
21 treatments or improvements proposed by a Permittee;

22 (ii)b. participate in the review and approval of the Permittee's
23 proposed program of events intended to activate the Shared Space;

24 (iii)c. review and approve the Shared Spaces Agreement;

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

3 (v) e. issue the Roadway Shared Space permit.

4 (C) For all Roadway Shared Space permit applications, Public Works will (i)
5 participate in the design review and approval of physical treatments or improvements proposed by a
6 Permittee, (ii) participate in the review and approval of the Permittee's proposed program of events
7 intended to activate the Shared Space, (iii) review and approve the Shared Spaces Agreement, and (iv)
8 provide approval for the Shared Space Permit along with the other Core City Agencies with
9 jurisdiction over the proposed Shared Space. In addition, Public Works, in its sole discretion, may
10 install reversible site improvements (planters, furnishings, etc.) associated with the project.

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

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

16 (B) Public Works will, pursuant to the process set forth in Section 793 ~~et~~
17 ~~seq.~~ of the Public Works Code, (i) participate in the design review and approval of physical
18 treatments or improvements proposed by a ~~Steward~~ Permittee, (ii) participate in the review and
19 approval of the ~~Steward~~ Permittee's proposed program of events intended to activate the ~~People~~
20 ~~Place~~ Shared Space ~~space~~, (iii) review and approve the ~~Stewardship~~ Shared Spaces Agreement,
21 ~~and~~ (iv) provide approval for the ~~People Place~~ Shared Space Permit along with the other Core
22 City Agencies with jurisdiction over the proposed ~~People Place~~ Shared Space, and (v) issue the
23 Sidewalk Shared Space permit. In addition, Public Works, in its sole discretion, may install
24 reversible site improvements (planters, furnishings, etc.) associated with the project.
25

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

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

10 (2) Implement the pertinent elements as specified in this Section 94A.4 for
11 review of the individual ~~People Place~~ Shared Space Categories.

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

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

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

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

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

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

24 ~~—— (5) The number of restricted access events, if any, that will be held annually. In no~~
25 ~~event may the number of restricted access events allowed exceed eight single-day events per year.~~

1 ~~Scheduling of any approved restricted access events shall not be concentrated during a particular time~~
2 ~~or times a year but be spread throughout the calendar year. Consistent with Section 94A.7(b)(2) Public~~
3 ~~access to the People Place shall not be restricted except for restricted access events approved by the~~
4 ~~Places for People Program.~~

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

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

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

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

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

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

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

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

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

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

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

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

22 ~~(a) Submission of Permit General Application Requirements. A prospective Permittee may~~
23 ~~submit an application for a Shared Spaces Permit consistent with the requirements of this Section~~
24 ~~94A.5. After Planning has reviewed the application for completeness and compliance with Program~~
25 ~~requirements, Planning will circulate the application to the Core City Agencies with jurisdiction over~~

1 the proposed Shared Space. Each proposed Shared Space application must include the following
2 components:

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

5 (2) Documentation of community outreach and support.

6 (3) Documentation showing that all property owners of any building fronting a
7 proposed Sidewalk or Curbside Shared Space or the property owners' agents have been notified by the
8 prospective Permittee of the intent to submit an application for a Shared Space.

9 (A) Sidewalk Shared Spaces. If the prospective Permittee is not the ground-
10 floor tenant of the building fronting the sidewalk area proposed to be used as a Sidewalk Shared Space,
11 and/or the Permittee proposes to use sidewalk space other than the sidewalk fronting Permittee's
12 location, then documentary proof of consent from any ground-floor tenant(s) fronting the areas
13 proposed to be used as the Shared Space is also required. In the event there is no ground-floor tenant
14 of a building fronting the areas proposed to be used as a Shared Space, then documentary proof of
15 consent from the fronting property owner or their agent is required.

16 (B) Curbside Shared Spaces. If the prospective Permittee is not the ground-
17 floor tenant of the building fronting the parking space proposed to be used as a Curbside Shared
18 Space, and/or if half or more of a marked parking space or any portion of an unmarked parking space
19 proposed to be used for a Curbside Shared Space would be outside of Permittee's ground-floor
20 frontage, then documentary proof of consent from any ground-floor tenant(s) fronting the areas
21 proposed to be used as the Shared Space is also required. In the event there is no ground-floor tenant
22 of a building fronting the areas proposed to be used as a Shared Space, then documentary proof of
23 consent from the fronting property owner or their agent is required.

24 (4) A list and frequency schedule for routine maintenance tasks.
25

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

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

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

8 (B) If the Permittee intends to use a Curbside Shared Space for the exclusive
9 benefit of a business, a description of the proposed hours of use, and proposed activities. In no event
10 may the exclusive use of the Curbside Shared Space exceed the hours of operation of the associated
11 business or businesses.

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

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

19 **(b) Permit Application Requirements for Specific Types of Shared Spaces.** In addition
20 to the general permit requirements set forth in subsection (a), ~~the~~ the following additional permit
21 application requirements for specific ~~People Place~~ Shared Space Categories ~~shall apply~~ are set
22 forth as follows:

23 (1) for City Lot ~~People Places~~ Shared Spaces, in Section 94A.7~~8~~ of this Chapter
24 94A;

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

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

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

9 (c) ~~People Place~~ Shared Space **Permit – Issuance; Conditions of Approval; Limited**
10 **Duration.**

11 (1) **Issuance.** Issuance of a ~~People Place P~~ permit authorizes the ~~Steward~~
12 Permittee to create a ~~People Place~~ Shared Space by occupying the location with reversible
13 physical treatments or improvements and/or activating the location with programming. For the
14 Core City Agencies, a ~~People Place~~ Shared Space Permit shall incorporate the requirements of
15 and substitute for a permit that would otherwise be required under other sections of the
16 Municipal Code. ~~Copies of approved and issued People Place Permits for People Places on City-~~
17 ~~Owned Lots shall be maintained by Real Estate. Copies of approved and issued People Place Permits~~
18 ~~for People Places in the public right-of-way shall be maintained by Public Works.~~

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

20 The ~~People Place~~ Shared Space Permit sets forth the permit terms, conditions of approval,
21 operational requirements, and duration of the permit, People Place and is approved by all the
22 Core City Agencies with jurisdiction over the ~~People Place~~ Shared Space. In addition to any
23 conditions that a Core City Agency is authorized to impose on a ~~People Place~~ Shared Space
24 Permit pursuant to ~~the provisions of~~ this Chapter 94A, a participating Core City Agency with
25 jurisdiction over the ~~People Place~~ Shared Space shall impose any condition that it would have

1 been required to impose on a permit separately issued under the Code that regulates its
2 activities; provided, however, that Public Works, with the approval of the City's Risk Manager,
3 is authorized to modify standard liability insurance and indemnification requirements for
4 Sidewalk Shared Space projects and Curbside ~~People-Place-Shared Space~~ projects. For ~~People-Place~~
5 Shared Space projects developed in whole or in part, or installed in whole or in part, by a City
6 Agency, the Core City Agency that issues the permit~~Public Works~~, with the approval of the City's
7 Risk Manager, may limit the ~~Steward~~Permittee's required liability insurance and indemnification
8 requirements to the non-physical aspects of the ~~People-Place-Shared Space~~.

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

21 (d) ~~Permit Cover Sheet. The approval of the People-Place Permit shall be memorialized by a~~
22 ~~Permit Cover Sheet that is attached to the Permit. The Permit Cover Sheet must be signed by a person~~
23 ~~designated by the Director of each Core City Agency with jurisdiction over the proposed People-Place.~~
24 ~~A Core City Agency with jurisdiction over the proposed People-Place may, at its own discretion,~~
25

1 ~~request that a person designated by the Director of another Core City Agency involved in the review of~~
2 ~~the People-Place Permit also sign the Permit Cover Sheet.~~

3 (e) **Stewardship-Shared Spaces Agreement.** At the request of a Core City Agency with
4 jurisdiction over the ~~People-Place-Shared Space~~ Category, the Program and ~~Steward-Permittee~~
5 ~~will shall~~ jointly develop a ~~People-Place-Stewardship-Shared Spaces~~ Agreement for approval by all
6 the Core City Agencies with jurisdiction over the ~~People-Place-Shared Space~~. The ~~Stewardship~~
7 ~~Shared Spaces~~ Agreement will impose conditions and operational requirements on the ~~People~~
8 ~~Place-Shared Space~~ that are in addition to those set forth in the ~~People-Place-Shared Space~~
9 Permit. A copy of the ~~Stewardship-Shared Spaces~~ Agreement, approved by the applicable Core
10 City Agencies, shall be attached to the ~~People-Place-Shared Space~~ Permit, and its provisions
11 shall be considered permit requirements equivalent to those set forth in the ~~People-Place~~
12 ~~Shared Space~~ Permit and enforceable pursuant to Section 94A.910.

13 (ef) **Coordination of Additional Permits Required from Other City Agencies.**
14 Certain activities may require additional permits or approvals from another City agency, board,
15 commission, or department that is not a Core City Agency. In such cases, the Core City
16 Agencies shall coordinate regarding all other permits or approvals that may be necessary for
17 or related to activities at the ~~People-Place-Shared Space~~. ~~The issuance of a Shared Space Permit~~
18 ~~shall be conditioned upon compliance with any necessary approvals and inspections by Fire~~
19 ~~Department, Department of Building Inspection, or any other City agency with jurisdiction. If~~
20 ~~additional permits or approvals are required from other City agencies, boards, commissions, or~~
21 ~~departments, they may be granted by the signature of an authorized representative of the entity on the~~
22 ~~Permit Cover Sheet described in subsection (d) above.~~

23 (fg) **Coordination of Additional Permits Required from Other Governmental**
24 **Authorities.** Certain activities in the public right-of-way may require additional review and
25 approvals from Federal or State authorities, or other County agencies, boards, commissions,

1 or departments. In such cases, the Core City Agencies shall coordinate, to the extent feasible,
2 regarding all other review or approvals that may be necessary for or related to the activities at
3 the *People-Place-Shared Space*.

4 **(g~~h~~) Modification of a *People-Place-Shared Space* Permit; Withdrawal of Approval.**

5 (1) **Permit Modification.** *People-Place-Shared Space* Permits on public space are
6 revocable at will. Therefore, each Core City Agency that has approved issuance of a *People*
7 *Place-Shared Space* Permit may at any time modify those portions of the Permit that are within
8 its jurisdiction, including any conditions. If a Core City Agency makes a determination to
9 modify the *People-Place-Shared Space* Permit or any conditions that it has imposed, or to
10 impose additional conditions, the Agency shall notify Planning and -the other Core City
11 Agencies with jurisdiction over the *People-Place-Shared Space*. Upon notification of a
12 modification of the Permit, Planning and any Core City Agency that approved issuance of the
13 *People-Place-Shared Space* Permit shall determine if other portions of the Permit also need to be
14 modified, or if the entire *People-Place-Shared Space* Permit needs to be revoked pursuant to
15 subsection (*hi*) below. A new *People-Place-Shared Space* Permit is required to be issued if
16 Planning and the other participating Core City Agencies determine that the proposed
17 modifications are major. Minor modifications to a *People-Place-Shared Space* Permit may be
18 made without the issuance of a new Permit. The Core City Agency ~~ies that issued with~~
19 ~~jurisdiction over~~ the *People-Place-Shared Space Permit* will notify the *Steward-Permittee* of any
20 permit modifications or if revocation of the entire Permit pursuant to subsection (*hi*) below is
21 required.

22 (2) **Withdrawal of Approval.** A Core City Agency may at any time withdraw its
23 approval of the *People-Place-Shared Space* Permit. If a Core City Agency makes a determination
24 to withdraw its approval of the *People-Place-Shared Space* Permit, any activities requiring its
25 approval shall be severed from the Shared Space Permit. ~~†~~The Agency shall notify Planning and

1 the Core City Agencies that approved issuance of the People-Place-Shared Space Permit of its
2 decision to sever from the permit those portions that are within the Agency's jurisdiction. Upon
3 receipt of a notification of severance, ~~Planning and any the other~~ Core City Agencies that
4 approved issuance of the Permit shall determine if the severance requires revocation of the
5 permit in its entirety pursuant to subsection (hi) below, or whether the permit can be modified
6 rather than revoked. If the remaining Core City Agencies determine that the severance does not
7 require revocation but requires a major modification of the permit, a new People-Place-Shared
8 Space Permit must be issued. ~~In the case of a severance, t~~The Core City Agency ~~that issued or~~
9 ~~Agencies with jurisdiction over the People-Place-Shared Space Permit~~ will send the Steward
10 Permittee written notification of the severance and any resulting modification or revocation of
11 the People-Place-Shared Space Permit.

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

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

19 (2) notification of a permit modification by a Core City Agency pursuant to
20 subsection (gh)(1) above; or

21 (3) notification of withdrawal of approval by a Core City Agency pursuant to
22 subsection (gh)(2) above.

23 If the People-Place-Shared Space Permit is revoked, the Core City Agency~~ies~~ that
24 issued with jurisdiction over the People-Place Shared Space Permit shall send the Steward-Permittee
25 written notification of the revocation.

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

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

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

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

9 (A) ~~the~~ The Director of Real Estate (for a City Lot *People-Place-Shared Space*),
10 ~~or the Director of Public Works (for a *Curbside Shared Space or Sidewalk People-Place-Shared*~~
11 ~~*Space on a portion of the public right-of-way within the jurisdiction of Public Works*), or the Director~~
12 ~~of MTA (for a *Roadway Shared Space*)~~ may grant a non-material exception or other minor
13 amendment to the Good Neighbor Policies set forth in subsection (b)(8) or ~~to~~ waive or modify
14 one or more of the other Operational Requirements if the Director finds, in ~~his or her~~ the
15 Director's sole discretion, that the Requirement is not warranted or appropriate for a particular
16 *People-Place-Shared Space* or event and that the public interest would be served by granting the
17 waiver or modification or exception.

18 (B) Additional regulations regarding waivers, modifications, or exceptions for
19 a City Lot *People-Place-Shared Spaces* may be adopted by the Director of Real Estate pursuant
20 to the Director's authority under Section 94A.78(fg); ~~additional regulations for *Curbside Shared*~~
21 ~~*Spaces or Sidewalk a People-Place-Shared Spaces on the public right-of-way may be adopted,*~~ by the
22 Director of Public Works pursuant to the Director's authority under Section 793.3(a) of the
23 Public Works Code; ~~and for *Roadway Shared Spaces*, by the Director of MTA.~~

24 (b) **Operational Requirements.**

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

11 (2) **Peddling and Vending Merchandise.** No person shall bring, or cause to be
12 brought, for the purposes of sale or barter, or have for sale, or sell in exchange, or offer for
13 sale or exchange any goods, wares, or merchandise in the *People Place Shared Space* unless
14 the City has issued any required permit or other authorization. Notwithstanding the previous
15 sentence, the sale or distribution of newspapers, periodicals, or other printed or otherwise
16 expressive material is allowed subject to the applicable requirements of the Public Works
17 Code.

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

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

5 (5) **No Unpermitted Occupancy Structures Allowed.** There shall be no stationing
6 or erecting of any structure on a ~~People Place Shared Space~~ without prior permission from (A)
7 the Director of Real Estate for City Lot ~~People Place Shared Spaces~~, (B) the Director of Public
8 Works for Sidewalk, or Curbside, ~~or Roadway People Places Shared Spaces~~, and/or (C) Director
9 of Transportation for any ~~People Place Roadway Shared Space within the MTA's jurisdiction~~. Such
10 permission shall be specified in the ~~People Place Shared Space~~ Permit.

11 (6) **Smoking Prohibited.** Pursuant to Article 19I of the Health Code, smoking is
12 prohibited on any unenclosed area of property in the City that is under the jurisdiction of any
13 City department if the property is a park, square, garden, sport or playing field, pier, or other
14 property used for recreational purposes or as a farmers' market. Given the use of the subject
15 areas as an outdoor public ~~People Place Shared Space~~, this prohibition on smoking shall apply to
16 all ~~People Places Shared Spaces~~.

17 (7) **Other Restrictions.**

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

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

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

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

8 (8) **Good Neighbor Policies.** ~~Steward Permitees~~ of all ~~People Place Shared Space~~
9 Categories shall manage the ~~People Place Shared Space~~ in accordance with the following good
10 neighbor policies during the times of use set forth in the ~~People Place Shared Space~~ Permit:

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

13 (B) Proper and adequate storage and disposal of debris and garbage
14 shall be provided;

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

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

22 (E) The ~~Steward Permitee~~ or its employees or volunteers shall walk a
23 100-foot radius from the ~~People Place Shared Space~~ within 30 minutes after programmed events
24 have concluded and/or at the conclusion of its hours of operation, and shall pick up and dispose
25 of any discarded trash left by patrons.

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

2 (A) Because *People-Places-Shared Spaces* are intended to be publically
3 accessible open spaces, private dining and table service shall not be permitted in Sidewalk
4 *People-Places-Shared Spaces*, Curbside *People-Places-Shared Spaces*, or Roadway *People-Places*
5 *Shared Spaces*, unless expressly authorized in the Shared Space Permit. Any approved use of a
6 Sidewalk, Curbside, or Roadway Shared Space for private dining and table service is limited to the
7 normal hours of the business's operation.in the course of day-to-day operations. Any business that
8 uses a Shared Space exclusively for private dining and table service must provide public seating
9 consistent with Section 94A.6(b)(1) during the hours of commercial use.

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

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

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

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

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

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

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

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

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

11 The Director of Real Estate may elect to authorize the People Place Shared Space under ~~the~~
12 ~~provisions of~~ Chapter 23 of this Code. If the Director elects to authorize the People Place Shared
13 Space under the ~~provisions of~~ this Chapter 94A-, the Director shall use the following procedure:

- 14 (1) An application for a City Lot People Places Shared Spaces Permit shall include
15 the following:
- 16 (A) Documentation of community outreach and support.
 - 17 (B) A list of and frequency schedule for routine maintenance tasks.
 - 18 (C) A prospective activities calendar describing the frequency and types
19 of free public programming.
 - 20 (D) The number of restricted access events, if any, that will be held
21 annually. In no event may the number of restricted access events allowed exceed eight
22 single-day events per year. Scheduling of any approved restricted access events shall not be
23 concentrated during a particular time or times a year but be spread throughout the calendar
24 year. Public access to the People Place Shared Space shall not be restricted except for approved
25 restricted access events.

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

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

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

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

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

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

25

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

4 (be) **Permit Conditions; Grant of Exceptions.**

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

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

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

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

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

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

20 (F) an authorized signage program;

21 (G) the delineation of maintenance responsibilities between the City and
22 the ~~Steward Permittee~~;

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

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

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

2 (2) **Exceptions; Public Notice.** Upon written request from a *Steward Permittee*,
3 the Director of Real Estate may grant a non-material exception or other minor amendment to
4 the conditions imposed on a City Lot *People-Place-Shared Space* Permit if the Director
5 determines that the exception or minor amendment is reasonably within the purposes of the
6 *Places for People Shared Spaces* Program and, in consultation with the City Attorney's Office,
7 further determines that such exception or amendment does not materially increase the City's
8 costs or obligations or *materially* decrease the benefit the City receives under the *Steward*
9 *Permittee's* City Lot *People-Place-Shared Space* Permit. Any exceptions or minor amendments of
10 the Permit conditions that the Director ~~has~~ *granted* pursuant to this subsection (~~be~~)(2) shall be
11 in writing and retained in a file available for public review. In addition, at the *Steward Permittee's*
12 request, the Director's letter granting the exception(s) and/or minor amendments, and any
13 other written communications relevant to the Director's determination, shall be posted on the
14 websites of Real Estate and the *Places for People-Shared Spaces* Program.

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

21 (~~de~~) **Calendar of Events.** In addition to the requirements of Section 94A.78(~~be~~), the
22 City Lot *People-Place-Shared Space* Permit shall require the *Steward Permittee* to submit a
23 monthly calendar of activities and events to the local District Police station, the Director of
24 Real Estate, and the *Places for People Shared Spaces* Program by seven days prior to the start
25 of each month.

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

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

8 (2) **Other Operational Requirements.** Upon written request from a ~~Steward~~
9 Permittee, the Director of Real Estate is authorized to waive or modify one or more of the other
10 Operational Requirements in Section 94A.~~67~~ if the Director finds, in ~~his or her~~ the Director's
11 sole discretion, that the Requirement is unwarranted or not appropriate for a particular City Lot
12 ~~People Place~~Shared Space or event due to special circumstances and that the public interest
13 would be served by granting an exception.

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

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

22
23 **SEC. 94A.98. APPEAL OF PERMIT DECISIONS.**
24
25

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

4 (1) Permits issued by Public Works: Any appeal of a decision by Public Works or
5 Planning shall be heard by ~~to~~ the Board of Appeals pursuant to the provisions of Charter Section
6 4.106 and Section 8 ~~et seq.~~ of the Business & Tax Regulations Code, ~~provided, however, that~~
7 ~~any portion of the People-Place Permit that has been approved by the MTA pursuant to its Charter~~
8 ~~authority may be heard and decided by the Board of Appeals only upon authorization by the MTA~~
9 ~~Board of Directors. In the absence of such authorization, those portions of the People-Place Permit~~
10 ~~that fall within the MTA's Charter authority shall be severed from the appeal and heard pursuant to the~~
11 ~~process that applies to appeals of MTA approvals.~~ With respect to an appeal to the Board of
12 Appeals, it shall be filed in writing with the Clerk of the Board of Appeals within 15 days of the
13 date of issuance, denial, revocation, or suspension of the ~~People-Place~~ Shared Space Permit.

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

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

18 (b) **Permit Renewal.** For purposes of an appeal to the Board of Appeals, the renewal
19 of an existing ~~People-Place~~ Shared Space Permit is considered to be a new permit and may be
20 appealed in accordance with the provisions of subsection (a) above. Pursuant to Section
21 ~~8(e)(9)(E)(i)(5)~~ of the Business and Tax Regulations Code, any activities on the site would be
22 suspended during the pendency of the appeal; however, the Core City Agency or Agencies
23 with jurisdiction over the site may, in their discretion, authorize any authorized physical
24 treatments or improvements to the site to remain pending a decision by the Board of Appeals.

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

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

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

8 (1) Each Core City Agency shall enforce the requirements of the ~~People-Place~~
9 Shared Space Permit that are within its jurisdiction. The Core City Agency that issues the permit
10 shall be the primary point of contact for any enforcement action. Enforcement may be exercised
11 either by (A) using the procedures of Section 94A.56 to modify conditions of the issued permit,
12 or to withdraw approval of the permit by severance or revocation, or (B) using the
13 enforcement provisions of the Code that regulates its activities: the Public Works Code for
14 Public Works; the Transportation Code for the MTA; the Planning Code for private property; and
15 the Police Code for the Entertainment Commission. Enforcement by the Director of Real
16 Estate is set forth in subsection (b)(2) below.

17 (2) The Director of Real Estate shall establish administrative procedures and
18 methods for verifying, addressing, and responding to any complaints concerning a City Lot
19 ~~People-Place~~ Shared Space. If the Director receives a verified complaint concerning violations of
20 the terms and conditions of a ~~Steward-Permittee's~~ City Lot ~~People-Place~~ Shared Space Permit, the
21 Director may conduct a public hearing on the ~~Steward-Permittee's~~ conduct. Based on the
22 information presented at the hearing, the Director ~~or his or her designee~~ may revoke, suspend,
23 modify, or condition the ~~People-Place~~ Shared Space Permit or take any other action the Director
24 deems appropriate under the terms of the ~~People-Place~~ Shared Space Permit to address the
25 ~~Steward-Permittee's~~ conduct.

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

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

7 (a) ~~People Place~~ Shared Space **Permit and License Fees**. Pursuant to Section 94A.~~56~~
8 (c)(1), a ~~People Place~~ Shared Space Permit substitutes for a permit that would otherwise be
9 required by the Municipal Code. Notwithstanding any other provision of the Municipal Code
10 including Public Works Code Section 2.1.3, the permit and license fees may be adjusted each year,
11 without further action by the Board of Supervisors, only to reflect changes in the relevant Consumer
12 Price Index, as determined by the Controller.

13 (1) The permit and license fees amounts for ~~a Sidewalk~~ People Place Shared Space
14 Permits in the public right of way shall be one-half the fees that Public Works is are authorized by
15 Article 2.1 of the Public Works Code ~~to charge for a permit granting permission to occupy a portion~~
16 ~~of the public right of way that is equivalent in scope to the People Place Permit. These fees shall be~~
17 ~~paid to Public Works pursuant to Section 793.2(b) of the Public Works Code.~~

18 (2) The permit and license fee amounts for Curbside Shared Space Permits are set forth
19 in Public Works Code Section 2.1.1(s) and shall be collected by the Tax Collector and due and payable
20 as follows:

21 (A) The permit fees for Curbside Shared Spaces shall be due and payable upon
22 the Tax Collector's issuance of the bill following permit approval, and the annual license fees shall be
23 due and payable annually on March 31, in accordance with Article 2, Section 76.1 of the Business and
24 Tax Regulations Code, with the initial license fee, prorated as described in Section 76.1(a), being due
25 and payable upon the Tax Collector's issuance of the bill for that fee following permit approval.

1 (B) The permit and license fees for a Curbside Shared Space shall be reduced by
2 50% for a person or combined group within the meaning of Article 12-A-1 of the Business and Tax
3 Regulations Code if the person or combined group's gross receipts within the City as determined under
4 Article 12-A-1 reflected on the person or combined group's most recently filed gross receipts tax
5 return, business registration renewal, or initial business registration application did not exceed
6 \$2,000,000, adjusted annually in accordance with the increase in the Consumer Price Index: All Urban
7 Consumers for the San Francisco/Oakland/San Jose Area for All Items as reported by the United State
8 Bureau of Labor Statistics, or any successor to that index, as of December 31 of the preceding year. If
9 no San Francisco gross receipts were reflected on a person or combined group's gross receipts tax
10 return, business registration renewal, or initial business registration application, such person or
11 combined group will be treated as having \$0 San Francisco gross receipts for purposes of this
12 subsection (B).

13 (C) If a Permittee does not pay the permit fee within 30 days after it becomes
14 due and payable, the Tax Collector shall add 10% to the amount of the permit fee as a penalty for
15 nonpayment. If the permittee does not pay the fee within 60 days after it becomes due and payable, the
16 Tax Collector shall add 15% to the amount of the permit fee as a penalty for nonpayment. If the
17 permittee does not pay the fee within 90 days after it becomes due and payable, the Tax Collector shall
18 add 25% to the amount of the permit fee as a penalty for nonpayment. If the permittee has failed for a
19 period of six months or more to pay a permit fee, the Tax Collector shall impose an additional penalty
20 of 25% on the amount of the delinquent permit fee, and shall refer the delinquent permittee to the
21 Department of Public Works for administrative action on the permit. These penalties are mandatory
22 and City officers and employees may not waive them in whole or in part. Licensees shall be subject to
23 penalties for delinquent payment of license fees as provided in Article 2, Section 76.1 of the Business
24 and Tax Regulations Code.

1 (3) The fees for Roadway Shared Space Permits shall be authorized by the
2 Transportation Code.

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

11 ~~(c) Condition of Approval. Payment of all fees due shall be a condition of any permit, license,~~
12 ~~or other approval to establish and/or operate a People Place.~~

13 Increased Renewal Fees Based On Additional Enforcement Activities. When there have been
14 three or more verified complaints in the prior year regarding the Permittee’s compliance with the terms
15 of the permit, the Core City Agency that issued the permit is authorized to develop and charge an
16 additional fee to any Permittee seeking renewal of their permit. The fee shall be based on the
17 additional time and materials spent by City staff in enforcing the terms of the permit.

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

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

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

24 (2) At any time prior to the expiration of the pandemic Shared Spaces Permit, the
25 Shared Spaces permittee may apply to convert their pandemic Shared Spaces Permit into a new Shared

1 Spaces Permit as provided herein. Conversion of a pandemic Shared Spaces Permit shall follow the
2 process set forth in this Section 94A.11, and any pandemic Shared Spaces Permit that is converted to a
3 new Shared Spaces Permit under this Chapter 94A must comply with all of the terms of this Chapter
4 94A, including any approvals for the closure of the curbside or roadway. The pandemic Shared Spaces
5 permit shall be converted upon the issuance of a new Shared Spaces Permit consistent with the
6 requirements of Chapter 94A. In the event of a conflict between this Chapter 94A and the terms of a
7 pandemic Shared Spaces Permit, the terms of this Chapter 94A shall prevail.

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

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

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

1 (2) At any time prior to the expiration of the Parklet Permit, the Parklet Permittee may
2 apply to convert their Parklet Permit into a Curbside Shared Spaces Permit authorized by the terms of
3 this Chapter 94A. Conversion of a Parklet Permit into a Curbside Shared Space Permit shall follow the
4 process set forth in this Section 94A.11, and any Parklet Permit that is converted to a Curbside Shared
5 Space Permit must comply with all of the terms of this Chapter 94A, including any approvals for the
6 closure of the curbside, provided that any Parklet Permittee shall not be subject to the notice
7 requirements of Public Works Code 793.2(b). The Parklet Permit shall be converted upon the issuance
8 of a Shared Space Permit. In the event of a conflict between this Chapter 94A and the terms of an
9 existing Parklet Permit, the terms of this Chapter 94A shall prevail over any aspect of the Parklet
10 program.

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

20 **(c) Temporary Fee Waiver and Deferral for Parklet and Pandemic Shared Space Permit**
21 **Conversion.** Notwithstanding the provisions regarding permit and license fee payment set forth in
22 Section 94A.10(a)(2)(A), for any Parklet Permittee or pandemic Shared Spaces Permittee that seeks to
23 convert to a Curbside Shared Space Permit: (i) the permit fees shall be due and payable on the first
24 March 31 following the date the Curbside Shared Space Permit is approved, (ii) the initial annual
25 license fees and the first subsequent annual license fees shall be waived, and (iii) the annual license

1 fees thereafter shall be due and payable annually on March 31, in accordance with Article 2, Section
2 76.1 of the Business and Tax Regulations Code, beginning with the second March 31 following the date
3 the Curbside Shared Space Permit is approved.

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

7
8 Section 3. Articles 2.1 and 15 of the Public Works Code are hereby amended by
9 revising Sections 2.1.1, 2.1.3, 793, 793.1, 793.2, and 793.3; deleting existing section 793.4;
10 renumbering existing Sections 793.5 and 793.6 as Sections 793.4 and 793.5, respectively,
11 and revising new Sections 793.4, and 793.5, to read as follows:

12 **SEC. 2.1.1. FEES.**

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

15 * * * *

16 (s) **Curbside Parklet Fee.** The permit and license fees for the types of Curbside Shared Space
17 Permits issued pursuant to Administrative Code Chapter 94A and Public Works Code Section 793 et
18 seq. are as follows, with one half of the fees allocated to the San Francisco Municipal Transportation
19 Authority, and one half of the fees allocated to Public Works. The permit and license fees shall be due
20 and payable as provided in Chapter 94A of the Administrative Code.

21 (i) **Public Parklet fees**

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

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

25 (ii) **Movable Commercial Parklet fees**

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

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

4 (iii) Fixed Commercial Parklet fees

5 (A) Permit fee of \$3,000 for the first parking space and \$1,500 for each
6 additional parking space;

7 (B) Annual license fee of \$2,000 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 Permittee."

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 Permittee; and Temporary Closure**” is, for Curbside People Places, Roadway~~
19 ~~People Places, and Sidewalk People Places, any person or entity who has been issued a People Place~~
20 ~~Permit that authorizes the permittee, acting as a Steward, to manage and activate a People Place under~~
21 ~~the 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 and Review Procedure; Payment of Permits Fees.** The
14 prospective ~~*Steward-Permittee*~~ may submit the application for a Curbside or Sidewalk People
15 Place-Shared Space Permit to Public Works for its review and approval. Public Works shall review
16 the application consistent with the interagency coordination process described in Administrative Code
17 Section 94A.4. The Shared Spaces Permit shall incorporate the requirements of and substitute for a
18 permit that would be required under other sections of the Municipal Code. ~~*Payment of the permit fees*~~
19 ~~*is required by Administrative Code Section 94A.11 at the time of submittal.*~~

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

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

1 shall submit to Public Works photographic evidence that the Notice(s) were posted
2 appropriately. The prospective ~~Steward Permitee~~ shall remove the Notice of Application the
3 day after expiration of the ~~seven-10~~-day notice period. Public Works shall accept public
4 comments on the Notice of Application for ~~seven-10~~ calendar days from the first day the Notice
5 was posted at the site(s).

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

9 (3) For Roadway ~~and Curbside People Places Shared Spaces, and Curbside Shared~~
10 Spaces where the proposal would result in a Longer-Term Closure, the public notice shall ~~also~~
11 include notice of any public hearing by the Municipal Transportation Agency Board ~~proceed~~ in
12 accordance with the ~~applicable~~ process set forth in Transportation Code, Division II, Article
13 200, Section 202; (Notice of Public Hearing).

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

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

1 **(de) Permit Issuance and Conditions of Approval; ~~Grant of Exceptions.~~**

2 (1) ~~After approval by~~ Public Works may issue any Curbside or Sidewalk a People
3 Place-Shared Space Permit consistent with Sections 793 et seq. and Administrative Code Chapter 94A
4 is issued. The conditions of approval required or authorized by Administrative Code Section
5 94A.56(c) or other applicable sections of Administrative Code Chapter 94A shall be imposed
6 on the ~~People-Place-Shared Space~~ Permit and enforced pursuant to Administrative Code Section
7 94A.910, including the obligation to remove or modify a Curbside Shared Space at any time, as
8 necessary for any City project or maintenance work at the Permittee's own cost consistent with
9 Administrative Code Section 94A.4(d)(1)(D). The Director of Public Works ~~or designee~~ may choose
10 to apply additional conditions on the ~~People-Place-Shared Space~~ Permit that are pertinent to
11 Public Works jurisdiction.

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

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

1 ~~Any exceptions or minor amendments of the Permit conditions that the Director has~~
2 ~~granted pursuant to this subsection (e)(2) shall be in writing and retained in a file available for public~~
3 ~~review. In addition, at the Steward's request, the Director's letter granting the exception(s) and/or~~
4 ~~minor amendments, and any other written communications relevant to the Director's determination~~
5 ~~shall be posted on the websites of Real Estate and the Places for People Program.~~

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

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

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

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

1 (2) **Good Neighbor Policies.** Upon written request from a *Steward Permitee*,
2 the Director of Public Works may grant a non-material exception or other minor amendment to
3 the Good Neighbor Policies set forth in Administrative Code Section 94A.67(b)(8) if the
4 Director finds, in ~~his or her~~ *the Director's* sole discretion, that a Good Neighbor Policy is
5 unwarranted or not appropriate for a particular *People Place Shared Space* or event on the public
6 right-of-way under the jurisdiction of Public Works due to unique circumstances and that the
7 public interest would best be served by granting an exception. ~~The Director of Public Works~~
8 ~~shall issue such exceptions in writing, retain the granted exceptions in a file available for public~~
9 ~~review, and shall post such correspondence on the Department's and Places for People Program's~~
10 ~~website.~~

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

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

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

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

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

6 **SEC. 793.5. VIOLATION OF PERMIT CONDITIONS, OPERATIONAL**
7 **REQUIREMENTS, OR ADMINISTRATIVE REGULATIONS; ENFORCEMENT ACTIONS**
8 **AND PENALTIES.**

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

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

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

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

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

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

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

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

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

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

24 _____ (D) Notwithstanding any other provision of this Section 793.4, if the Director
25 determines that any structure or furniture is placed in public sidewalk or roadway areas in such a

1 place or manner as to pose an immediate and serious danger to persons or property, the City may seize
2 such structure and furniture without prior notice to the Permittee if it is impractical to remedy the
3 danger by moving the structure or furniture to another point on the sidewalk or public right-of-way.

4 (F) Following any seizure, the Permittee shall be notified promptly of such
5 seizure and shall have the right to request an informal hearing before a designated City official to
6 determine whether the seizure was proper. The Permittee must request the hearing within 10 days of
7 receiving notice of the seizure. Any furniture seized pursuant to this Section shall be retained by the
8 City and may be recovered as provided herein.

9 Failure to provide any notice to a Permittee pursuant to this section shall not give rise to any
10 claims or cause of action against the City; and

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

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

16 (1) process, verify, and respond to complaints from the public concerning a
17 Curbside or Sidewalk ~~People Place Shared Space~~ in the Public Right of Way that is routed from the
18 311 Customer Relationship Management System, as described in Administrative Code
19 Section 94A.210(a);

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

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

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

6 **SEC. 793.56. FINANCIAL RECORDS.**

7 The ~~Steward~~Permittee shall make its financial records related to the use of the ~~People~~
8 ~~Place~~Shared Space available to the Director of Public Works for inspection upon written request
9 of the Director.

10
11 Section 3. The Transportation Code is hereby amended by revising Sections 6.1, 6.2,
12 6.7, and 6.11, and adding new Section 6.16, to read as follows:

13 **SEC. 6.1. INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND**
14 **TRANSPORTATION (ISCOTT).**

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

1 on any application for temporary use or occupancy of public streets, street fair or an athletic
2 event, ISCOTT shall conduct a public hearing at a publicly noticed time and place to be
3 determined by ISCOTT.

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

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

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

12 (b) paragraph:

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

20 (2) The ~~Mayor's Film and Video Arts Commission (the "Film Commission")~~, or
21 other successor commission or ~~division of the Mayor's~~ office, may file with the Director of
22 Transportation an application on behalf of a film or other video production company (which
23 company shall be responsible for the payment of all applicable fees) for a proposed temporary
24 use or occupancy scheduled to occur fewer than 30 calendar days after the application date,
25 provided that there is adequate time available for the Director of Transportation to conduct the

1 required public hearing and post notice of the scheduled hearing at least 72 hours in advance
2 of the hearing. The Film Commission (or the film company on whose behalf the application
3 was made) shall (A) notify residents, merchants and other occupants of the public street(s) to
4 be closed of the dates proposed for street closure, and (B) notify any and all affected City
5 departments, including the Police Department and the Department of Public Works.

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

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

21 (e) ISCOTT Review and Approval Process. In reviewing an application, ISCOTT
22 shall consider the impact of the temporary use or occupancy of public streets on the traffic,
23 security, health, and safety of the public; determine the traffic, security, health, and safety
24 requirements of the proposed temporary use or occupancy; and evaluate the measures
25 proposed by the applicant to satisfy those requirements. For major events, ISCOTT shall

1 forward the applicant's proposed emergency medical services plan to the Director of
2 Emergency Medical Services and Emergency Operations Section (EMSEO). ISCOTT shall
3 consider the recommendations of EMSEO regarding the proposed emergency medical
4 services plan. It shall be the duty of ISCOTT to also consider the following:

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

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

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

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

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

1 because of the subsequent filing of an application for a permit for an event traditionally or
2 historically associated with a particular day or dates.

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

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

23 (g) ISCOTT shall take action to approve or disapprove an application within 30 days
24 of receipt of a complete application. Notice of ISCOTT's action of approval or disapproval
25 shall be submitted to the Chief of Police; the Fire Chief; the Director of Public Health; the

1 Director of Public Works; and the Executive Director of the Entertainment Commission, and
2 be maintained as a matter of record. For major events, notice of ISCOTT's action of approval
3 or disapproval shall also be submitted to the Director of EMSEO.

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

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

23 (j) If the Director of Transportation denies the application after the appeal described
24 in the preceding subsection (j) paragraph, the applicant may then appeal the decision to the
25 Board of Supervisors. Such appeal shall be made by filing the appeal with the Clerk of the

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

15 (k) Any permission for the temporary use ~~of~~or occupancy of a public street
16 authorized pursuant to these provisions shall be subject to the conditions set forth in Sections
17 6.7 and 6.8.

18 (l) Late Application. Should the applicant file an application for a proposed
19 temporary use or occupancy fewer than 30 days prior to the date of the proposed use or
20 occupancy, and not far enough in advance of the proposed use or occupancy to allow
21 ISCOTT to consider the application at a regularly scheduled meeting of ISCOTT, then the
22 Director of Transportation shall have the responsibility and duty to consider and approve or
23 disapprove the application after consulting with the members of ISCOTT. The Director of
24 Transportation shall conduct a public hearing for which notice shall be posted at least 24
25 hours in advance of the hearing at the Municipal Transportation Agency, the main library, and

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

12 **SEC. 6.7. CONDITIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

23 (l) Applicants for permission to hold a street fair on a predominantly commercial
24 street shall comply with the following requirements for insurance coverage. For purposes of
25 this ~~S~~ subsection (l), a "predominantly commercial street" shall mean a street block on which at

1 least 50% *percent* of front footage of private property on the ground floor of the street is used
2 for commercial purposes. A street block shall be measured from street intersection to street
3 intersection, but shall not include any alley intersection.

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

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

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

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

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

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

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

24 (3) Certificates of insurance, in format and with insurers satisfactory to the
25 City evidencing all applicable coverages shall be furnished to the City not less than 10

1 working days prior to the date of the event and before commencing any operations under the
2 permit, with complete copies of policies to be furnished to the City upon request.

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

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

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

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

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

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

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

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

1 **SEC. 6.16. TEMPORARY STREET CLOSURES FOR ROADWAY SHARED SPACE**

2 **ACTIVITIES.**

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

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

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

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

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

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

1 permitted locations that are located on Municipal Railway or other public transit lines, approval may
2 take longer than 30 days after receipt of an application.

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

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

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

22
23 Section 4. Article 7 of Division 1 of the Transportation Code is hereby amended by
24 adding Section 7.2.55, to read as follows:

25 **SEC. 7.2. INFRACTIONS.**

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

9 * * * *

10 **SEC. 7.2.55. NO PARKING ZONES.**

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

13
14
15 Section 5. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

19
20
21 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
25

LEGISLATIVE DIGEST
(Substituted, 5/4/2021)

[Administrative, Public Works, 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, setting permit and license 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; 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.

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.

Fees:

Amendments to the Administrative Code would provide for the collection of permit and license fees pursuant to Business and Tax Regulations Code section 76.1. Existing Parklet Permits and Shared Spaces Permits that convert to Curbside Shared Space Permits under the proposed ordinance would be eligible for a waiver and deferral of certain fees. Small businesses would also be eligible for reduced permit and license fees. The specific fee amounts 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, and any fees collected for curbside permits must be split evenly between Public Works and MTA. The fee provisions were amended as part of the substitute legislation introduced on May 4, 2021.

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.

On May 4, 2021, the sponsor introduced substitute legislation making several changes. The primary changes were to align the fee structure with Business and Tax Regulations Code section 76.1. The proposed changes would also exempt existing Parklet permittees from the notice requirements of Section 793.2(b) due to the extensive notice and public outreach process included in the existing Parklet approval process.

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