

1. ISSUE: Design standards
 - Currently: Public Works may issue regulations setting forth standard design and operating requirements
 - Proposed: Public Works shall issue regulations setting forth standard design and operating requirements, including, in collaboration with Planning, to ensure integration with existing neighborhood-specific architecture and other design elements, and to minimize conflicts with existing site-specific fixtures in the public right of way.
 - *MYR Response: OK*

2. ISSUE: Consistency with City projects
 - Currently: Core City Agencies must review for potential conflicts with "future City projects."
 - Proposed: Core City Agencies would also be required to review for conflicts with past City projects, to ensure that Shared Spaces enhance Vision Zero, Transit-First, and Better Street Policies.
 - *MYR Response: OK*

3. ISSUE: Revocation of Permits
 - Currently: Permittee is obligated to remove a Curbside Shared Space at any time.
 - Proposed: Permittees shall be obligated to remove within 15 days of receiving notice, unless in the event of an emergency, threat to public health or safety, or extraordinary cost to the City.
 - *MYR Response: OK.*
 - Proposed: Within 6 months and annually thereafter, require a report to BOS on revocation of Shared Spaces Permits due to inconsistencies with Vision Zero, Better Streets, and Transit First Policies.
 - *MYR Response: OK*

4. ISSUE: Disability Access
 - Currently: General policy to ensure equitable access for people with disabilities.
 - Proposed: If an Integrated Shared Space proposes adjacent Curbside and Sidewalk Shared Spaces, require stationary elements on the sidewalk, with the possibility for the Department to issue a waiver based on site-specific conditions and a finding of minimal risk of intrusion into public rights of way.
 - *MYR Response: Departments, especially Public Works, strongly recommend against affixing structures to the sidewalk. There are already strong, standards for demarcating flexible use areas on the sidewalk (i.e. tables and chairs), for example, structures called diverters.*
 - Proposed: For purposes of assessing adequate access for people with disabilities, the Department shall provide at least 8 feet of unimpeded access on sidewalks over 12 feet wide, and at least 6 feet of unimpeded access on sidewalks under 12 feet wide.
 - *MYR Response: A version of this is already included in a number of ADA amendments that we, MOD, and Supervisor Melgar have been negotiating with SDA and others. We*

prefer that version, which has been better vetted. It requires 6' at all times, and 8' if physically possible.

- Proposed: Public Works shall develop, and Permittees shall be required to post on their Shared Space in a visible location, a public notice in English, Filipino, Spanish, and Chinese, which directs members of the public on how to file complaints with 311, along with any relevant information pertaining to required disability access at the Shared Space.
- *MYR Response: OK*

5. ISSUE: Community Outreach and Support

- Currently: Applicant must provide documentation of community outreach and support. Proposed: Applicant must also provide documentation of any known concerns with the proposed Shared Space, and of efforts made by the applicant to address such concerns.
- *MYR Response: OK*

6. ISSUE: Liability Insurance and Indemnification

- Currently: Public Works and the City's Risk Manager are authorized to modify standard liability insurance and indemnification requirements.
- Proposed: Permittee must submit proof of required liability insurance and indemnification with each application and renewal application.
- *MYR Response: Submittal of proof liability insurance and indemnification has been required by DPW Regulations for years. Current Shared Spaces Regs requires that the sponsor hold the insurance, but did not mandate submittal of the certificate as a condition of permit approval as this was causing significant holdup in the mandated 72-hour turnaround time for permit issuance. OK with mandating a submission.*

7. ISSUE: Duration of permits

- Currently: Limited Duration with max initial terms of 2 years for Curbside and Sidewalk Shared Spaces, 5 years for a City Lot Shared Space. No limit on additional terms.
- Proposed: Establish corresponding max 2 year and 5 year limits on additional terms after the initial term.
- *MYR Response:*
- *Sidewalk and Curbside Shared Spaces permits have a maximum duration of 1 year, and require an annual renewal. It is preferred to keep permits for one year, with the ability to renew, to ensure compliance over time. See ADM 94A.5 (c) (3)*
- *Roadway Shared Spaces permits have a maximum duration of 1 year, thereafter requiring an annual renewal. See TRA 6.16 (b). The first 2 years are permitted via ISCOTT; after 2 consecutive years, Roadway Shared Spaces permits are reviewed and issued by MTAB. See ADM 94A.5 (c) (3)*
- *City Lot Shared Spaces permits or licenses issued by Real Estate can have a maximum duration of 5 years, but may be fewer at the discretion of the Director.*

8. ISSUE: List of coordinating departments

- Currently: Core City Agencies include Planning, Public Works, MTA, Real Estate, Fire, and Entertainment Commission. Coordinating Agencies also include DBI.
- Proposed: Add DPH to Core City Agencies. Add DPH and Entertainment Commission to coordinating agencies.
- *MYR Response:*
- *DBI does not have jurisdiction nor has performed any agency services in the locations contemplated by Shared Spaces (formerly Places for People). Enforcing building and other codes on interventions in the public ROW are the purview of DPW.*
- *The Ordinance does not establish a definition for ‘coordinating agencies’, and there is no purpose in defining such. Prefer to keep relevant departments as Core City Agencies.*
- *OK to add Entertainment Commission to ‘Core Agencies’*
- *What is the rationale for adding DPH to ‘Core Agencies’? DPH has not participated in design review nor enforcement of parklets before the pandemic nor during the pandemic.*

9. ISSUE: Public access

- Currently: Commercial Parklets shall provide alternate public seating, including a public bench, which is accessible to persons who are not patrons of the business for any period when the Curbside Shared Space is being activated for commercial use.
- Proposed: Public seating shall include at least one public bench or other seating arrangement for every 15 linear feet of Curbside Shared Space, or per subdivided section of a Curbside Shared Space. This seating would not need to be made available for the public during hours when a Permittee is using the Shared Space for commercial use. Currently: Shared Spaces must be open to the public "during daylight hours." "Shared Spaces" are defined as "a publicly-accessible location"
- *MYR Response: a single per-linear foot metric would be difficult to apply to all situations. Given required setbacks and emergency responder easements, it's possible that many single-space parklets could be shorter than 15 linear feet. Suggest instead “per parking space or average equivalent, which is 20 linear feet”*
- Proposed: Remove "During daylight hours" modification on public access.
- *MYR Response: We believe the daylight hours provision is necessary for success across the City and that some operators may elect to secure their sites overnight from vandalism or hazard.*

10. ISSUE: Advertising signs

- Currently: General advertising is prohibited.
- Proposed: Planning shall provide additional guidance on the display of business signs, consistent with the intent and purpose of Planning Code Section 607 .1.
- *MYR Response: Agree that we should define / constrain what acceptable advertising or commercial signage could be, for example to ensure it is discrete and the whole parklet does not become a billboard. Suggest that these standards are simple and dimensional in their definitions (i.e. “no larger than # x # feet” or “no more than 20% of the parklet façade”); so they are easily evaluated for compliance by a DPW inspector rather than rely on complex Planning Code.*

- *Additional Context: To facilitate emergency / first responders, parklet operators are already required (per [Regulations IV. c.](#) and [Design Guidelines](#)) to their street address numbers on the street-facing side of the parklet.*

11. ISSUE: Safety and cleanliness

- Currently: Permittee must maintain the safety and cleanliness of the Shared Space and its adjacent area within a 100-foot radius
- Proposed: Permittee may also request, and Public Works shall provide, any necessary assistance with the removal of hazardous waste.
- *MYR Response: OK*
- Proposed: Public Works shall report back within one year of the effective date of the ordinance on any disruption to mechanical street sweeping routes, and provide recommendations on how to address cleanliness where those routes have been disrupted or removed.
- *MYR Response: OK*

12. ISSUE: Enforcement

- Currently: Core City Agencies shall be the primary points of contact for enforcement actions. Enforcement may include modification of permit conditions, and any enforcement provisions in the Public Works, Transportation, Planning and Police Codes.
- Proposed: Prohibit administrative fines during the term of the emergency authorization of Shared Spaces for failure to bring a Shared Space into compliance with physical requirements (other than physical requirements to preserve and enhance access for people with disabilities).
- *MYR Response: OK*

13. ISSUE: Expiration of "pandemic Shared Spaces Permits"

- Currently: Pandemic Shared Spaces Permits may continue to operate pursuant to the terms of the applicable permit - many of which expire on June 30, 2021, although the sponsor's office has represented that they intend to extend permits through December 31, 2021.
- Proposed: Allow pandemic Shared Spaces to continue to operate until 60 days following the expiration of the Mayor's authorization of the Shared Spaces program, or until July 1, 2022, whichever is earlier.
- *MYR Response: Keep timeline as is. It was carefully worked out to balance staffing resources, allow for a quicker path toward compliance and aesthetic improvement as necessary, while minimizing impacts on small businesses to a single round of necessary capital improvements.*

14. ISSUE: Initial fees

- Currently: Initial fees kick in on March 31, 2022.
- Proposed: Extend the Shared Spaces recovery period so that fees don't start until March 31, 2023.
- *MYR Response: Would require a funding source to cover staff costs if fees are waived.*

15. ISSUE: Sidewalk widening

- Proposed: Within one year of the effective date of the Ordinance, Public Works shall provide to the Board of Supervisors a list of opportunity sites for block-scale sidewalk extensions.
- *MYR Response: OK*

16. ISSUE: Impacts to small businesses that don't have Shared Spaces permits.

- Proposed: Within one year of the effective date of the Ordinance, the Office of Economic and Workforce Development and Office of Small Business shall report back to the Board of Supervisors on the impact of Shared Spaces on businesses who have not been able to avail themselves of the Shared Spaces Program, or whose business model may be impaired by Shared Spaces - along with recommendations on how to mitigate those impacts.
- *MYR Response: Suggest instead that this reporting be required of the Controller's Office as tax data is otherwise confidential and not accessible to City Departments.*

17. ISSUE: Planning Department's roll is ill-defined.

- Proposed: Remove the Planning Department from the Program
- *MYR Response: SF Planning not only developed the program more than a decade ago, but it has played a key cross-Departmental coordinating role both in the pre-COVID Places for People + Parklet program, and instrumental role in the COVID Shared Spaces Program. The Core Departments rely on the Planning Department for essential executive functions. More detail can be provided if needed.*