

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

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

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*italics Times New Roman font*~~.
Board amendment additions are in Arial font.
Board amendment deletions are in ~~Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

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Section 1. Environmental Finding. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act

1 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with
2 the Clerk of the Board of Supervisors in File No. 160893 and is incorporated herein by
3 reference. The Board affirms this determination.
4

5 Section 2. General Findings.

6 (a) San Francisco leads the nation in innovations in good civic governance.
7 Pavement to Parks, initiated in 2009 as a joint program of the Planning Department,
8 Department of Public Works, Municipal Transportation Agency, and Mayor's Office of
9 Greening, is touted internationally for its community-based approach to creating and testing
10 publicly-accessible, neighborhood-serving open spaces.

11 (b) In 2013, the Mayor's Pedestrian Strategy recognized the importance of
12 community-based public space projects as part of the toolkit for creating safe, walkable
13 neighborhoods by including a goal to create twenty "parklets" and two "pedestrian plazas" per
14 year.

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

23 (d) Though public demand for community-generated public open spaces continues
24 to increase, the City's interagency review, permitting, technical, and financial assistance
25 services remain based on older models for managing our public spaces and rights-of-ways.

1 The interagency and often cross-jurisdictional nature of projects poses procedural
2 complexities that form barriers to wide participation by community groups; while weak or
3 inconsistent code bases limit the range of enforcement and quality-control responses
4 available to City agencies.

5 (e) This ordinance creates “Places for People” – a comprehensive, interagency
6 permitting framework that will streamline the community-based development of non-
7 permanent projects and public activation events across San Francisco. The framework
8 reflects national best practices, synthesizing the models of New York City, Los Angeles,
9 Chicago, Philadelphia, and other cities.

10 (f) The intent of this ordinance is to provide a framework for the consideration,
11 implementation, testing, and stewardship of non-permanent public spaces prior to those
12 spaces being contemplated for adoption as permanent improvements through other City
13 programs, such as the San Francisco Plaza Program established by Administrative Code
14 Chapter 94.

15 (g) The broad goals of this ordinance are to:

16 (1) Lower procedural and resource barriers to increase public participation in
17 the People for Places Program;

18 (2) Facilitate greater equity in geographic distribution of projects under the
19 Program in all neighborhoods, especially those neighborhoods that have fewer resources;

20 (3) Enable more activation that is frequent, diverse, and free to the public;

21 (4) Streamline interagency permitting and agency review processes by
22 establishing a clear and transparent sequence of review, approval, and adjudication of
23 appeals by the pertinent City agencies;

24 (5) Create self-financing opportunities to better support long-term
25 stewardship of community-sponsored Places; and,

1 (6) Define clear parameters for operations, application requirements, permit
2 terms and conditions, and enforcement.

3 (h) Projects will generally meet the following criteria:

4 (1) be located on public property;

5 (2) be initiated by a locally-based entity and stewarded in partnership with
6 the City;

7 (3) be accessible to the public;

8 (4) provide additional public amenities;

9 (5) be activated with regular, free public programming;

10 (6) prohibit for-profit activities or revenue generation, unless the revenue
11 goes directly into management and maintenance of the site,

12 (7) be temporary or reversible, allowing the site to return to pre-installation
13 conditions with minimal restoration;

14 (8) for some projects, receive baseline physical treatments or improvements
15 implemented by the City; and

16 (9) be authorized for an initial period of a maximum of 24 months, with the
17 option to extend or renew the authorization through established public process.

18
19 Section 3. The Administrative Code is hereby amended by adding Chapter 94A, "The
20 San Francisco Places for People Program," consisting of Sections 94A.1 through 94A.11, to
21 read as follows:

22 **CHAPTER 94A: THE SAN FRANCISCO PLACES FOR PEOPLE PROGRAM**

23
24 **SEC. 94A.1. THE PLACES FOR PEOPLE PROGRAM; ESTABLISHMENT AND PURPOSE;**

25 **CORE AGENCY JURISDICTION.**

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

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

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

22 The procedures by which the Department of Public Works and Municipal Transportation
23 Agency will review and approve a permit issued pursuant to this Chapter 94A are set forth in Sections
24 793 et seq. of the Public Works Code (for DPW Public Works) and Article 1200, Division II of the
25 Transportation Code (for MTA). The Department of Real Estate’s procedures are set forth in Section

1 94A.8 of this Chapter. The Entertainment Commission’s jurisdiction over “Limited Live Performance
2 Locales” is set forth in Section 1060 of the Police Code.

3
4 **SEC. 94A.2. DEFINITIONS.**

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

6 “Core City Agencies” are the City departments and agencies participating in the Places for
7 People Program: the Planning Department (“Planning”), Department of Public Works (“DPW
8 Public Works”), Municipal Transportation Agency (“MTA”), Department of Real Estate (“Real
9 Estate”), and Entertainment Commission.

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

18 “People Place Categories” are: (a) “City Lot People Place,” which has activities occurring on
19 property owned by the City; (b) “Curbside People Place,” which has activities occurring in a portion
20 of the curbside lane of a roadway; (c) “Roadway People Place,” which has activities occurring in or
21 on any portion of the roadway, except for activities occurring only in the curbside lane; (d) “Sidewalk
22 People Place,” which has activities occurring on a portion of sidewalk; and (e) “Integrated People
23 Place,” which is a single project with activities occurring on a combination of locations that are
24 People Place Categories in close proximity to one another and operated by the same Steward.

1 “People Place Permit” is a permit issued under the Places for People Program through its
2 Core City Agencies that allows a Steward to create a People Place by temporarily occupying and
3 activating the location for a specified period of time.

4 “People Place Proposal” is a proposed concept for a People Place project submitted to the
5 Places for People Program by a prospective Steward prior to the submittal of an application for a
6 People Place Permit, for the purpose of initial evaluation and determination of suitability for further
7 development by the Core City Agencies.

8 “Steward” is, for a City Lot People Place, (a) any person or educational, recreational, or
9 social agency, (b) any bona fide fraternal, charitable, religious, benevolent, or other nonprofit
10 organization which is exempt from taxation under the Internal Revenue Code as a bona fide fraternal,
11 charitable, religious, benevolent, or nonprofit organization, or (c) a public agency with programs
12 based in San Francisco. For Curbside People Places, Roadway People Places, and Sidewalk People
13 Places, a “Steward “may be any person or entity and is not restricted to the organizations and entities
14 described above.

15
16 **SEC. 94A.3. PLACES FOR PEOPLE PROGRAM FUNCTIONS.**

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

21 (a) Coordinate principles and practices in People Places designated under the Places for
22 People Program with other public agencies operating similar public realm initiatives and projects in the
23 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, including community
2 organizations, nonprofit organizations, and businesses, in supporting and enhancing People Places
3 Citywide.

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

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

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

12 (g) Network communication and coordinate efforts of the various Stewards within the
13 Places for People Program.

14 (h) Identify opportunities to streamline permitting for active uses of People Places so that
15 barriers to event permitting are eliminated or minimized.

16 (i) Encourage People Place Stewards to maximize events and activities that are free to the
17 public.

18 (j) Collect People Place participation data and user feedback, and use established criteria
19 to evaluate Steward performance outcomes in various areas, including economic impact, type of
20 activities, and community engagement.

21 (k) Support development of long-term maintenance and activity partnerships for People
22 Places.

23 (l) Strive to ensure that People Places remain available to the public, while recognizing
24 that some small number of restricted access events in suitable locations may be helpful in supporting
25 People Place operations.

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

3
4 **SEC. 94A.4. INTERAGENCY COORDINATION.**

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

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

11 (1) Receive a People Place Proposal submitted by a prospective Steward pursuant to
12 Section 94A.5 and review the Proposal for completeness, and compliance with Program requirements,
13 and suitability for further development by the Places for People Program.

14 (2) If the People Place Proposal is determined to be complete and in
15 compliance with suitable for further development by the Program requirements, route the People
16 Place Proposal to all Core City Agencies with jurisdiction over the proposed People Place for an initial
17 evaluation of the desirability of the Proposal.

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

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

1 (5) Approve the People Place Permit in conjunction with approvals by each
2 Core City Agency with jurisdiction over the People Place. Collaborate with the appropriate
3 Core City Agency in the approval of a People Place permit.

4 (6) At the request of a Core City Agency with jurisdiction over a proposed People
5 Place, develop with the prospective Steward a Stewardship Agreement pursuant to Section 94A.6(e).

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

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

11 In performing the coordination role described in subsections (a)(1) - (8), Planning shall, if
12 necessary, obtain the recommendations of staff of the other Core City Agencies, including, among
13 others: the City Engineer at DPW Director of Public Works or his or her designee, the Director
14 of Transportation or his or her designee, the Director of the Real Estate Department, and/or the
15 Executive Director of the Entertainment Commission.

16 **(b) Director of Real Estate; City Lot People Places.** The Director of Real Estate will
17 administer People Places that are solely on a City-owned lot, pursuant to Section 94A.8.

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

1 (d) **Planning, MTA, and Public Works; People Places in the Public Right-of-**
2 **Way.**

3 (e) (1) **Curbside People Places.**

4 (1) (A) *Planning will review the overall concept of the People Place Proposal,*
5 *approve the Steward's proposed program of offerings and events that will activate the People Place*
6 *space, and participate in the design review of all proposed physical treatments or improvements.*

7 (2) (B) *MTA will participate, as applicable, in design review of all physical*
8 *treatments or improvements proposed by a Steward and, at the MTA's discretion, implement any*
9 *approved (A i) restriping of travel and parking lanes, (B ii) ground surface treatments to delineate*
10 *rights-of-ways temporarily converted for the project, (C iii) placement of upright bollards and other*
11 *traffic control devices, and (D iv) other reversible site improvements not included within subsection*
12 *(d)(3.1)(C) below that are needed for the project. MTA will carry out its role pursuant to the process*
13 *set forth in ~~Article 1200~~, Division II of the Transportation Code, including making the determination*
14 *of any necessary street closure and circulation changes.*

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

1 (e) (2) Roadway People Places.

2 (1) (A) Planning will review the overall concept of the People Place Proposal,
3 approve the Steward's proposed program of offerings and events that will activate the People Place
4 space, and participate in the design review of all proposed physical treatments or improvements.
5 Planning will also coordinate the collection of baseline pedestrian, bicycle, and vehicular data at the
6 relevant location(s) (A i) pre-occupancy, that is, before project implementation, (B ii) during short-term
7 temporary street closures, and (C iii) post-occupancy, that is, for at least six months after project
8 implementation, or a longer time period if warranted. Planning staff, inclusive of Environmental
9 Planning, will consult with MTA staff as necessary on collection methodology.

10 (2) (B) MTA will carry out its role in evaluating the People Place Proposal
11 pursuant to the process set forth in ~~Article 1200~~, Division II of the Transportation Code, including
12 making the determination of any necessary street closure and circulation changes. The MTA is
13 urged to consider the following requirements in developing the ~~Article 1200~~, Division II procedures:

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

17 (B) (ii) Review and analyze, or oversee a contract for professional
18 services to review and analyze, transit and vehicular circulation data from (i) baseline pre-occupancy
19 and/or (ii) occupancy of short-term temporary trial(s), and issue a technical memorandum or
20 "Preliminary Circulation Assessment." ~~The technical memorandum would also state including~~
21 MTA's conclusion as to approval of the proposed temporary street closure.

22 (C) (iii) Develop procedures for participation in design review of physical
23 treatments or improvements proposed by a Steward.

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

4 ~~(E)~~ (v) Implement any approved (i) restriping of travel and parking
5 lanes, (ii) ground surface treatments to delineate rights-of-ways temporarily converted for the project,
6 (iii) placement of upright bollards and other traffic control devices, and (iv) other reversible site
7 improvements that are needed for the project.

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

11 ~~(3)~~ (C) If the MTA approves a temporary street closure pursuant to the process
12 set forth in Article 1200, Division II of the Transportation Code, DPW Public Works will, pursuant to
13 the process set forth in Section 793 et seq. of the Public Works Code, (A i) participate in the design
14 review and approval of physical treatments or improvements proposed by a Steward, (B ii) participate
15 in the review and approval of the Steward's proposed program of events intended to activate the
16 People Place space, (C iii) review and approve the Stewardship Agreement, and (D iv) provide
17 approval for the People Place Permit along with the other Core City Agencies with jurisdiction over
18 the proposed People Place. In addition, Public Works, in its sole discretion, may install
19 reversible site improvements (planters, furnishings, etc.) associated with the project.

20 ~~(f)~~ (3) **Sidewalk People Places.**

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

24 ~~(2)~~ (B) DPW Public Works will, pursuant to the process set forth in Section
25 793 et seq. of the Public Works Code, (A i) participate in the design review and approval of physical

1 treatments or improvements proposed by a Steward, (B ii) participate in the review and approval of
2 the Steward's proposed program of events intended to activate the People Place space, (C iii)
3 review and approve the Stewardship Agreement, and (D iv) provide approval for the People Place
4 Permit along with the other Core City Agencies with jurisdiction over the proposed People Place.
5 In addition, Public Works, in its sole discretion, may install reversible site improvements
6 (planters, furnishings, etc.) associated with the project.

7 (g) (e) **Integrated People Places.** Where a single proposal involves activities occurring in more
8 than one People Place category, each Core City Agency shall:

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

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

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

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

21 (1) Documentation of community outreach and support.

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

1 (3) A list and frequency schedule for routine maintenance tasks.

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

4 (5) The number of restricted access events, if any, that will be held annually. In no
5 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. Public access to the People Place shall not
8 be restricted except for restricted access events approved by the Places for People Program.

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

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

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

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

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

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

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

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

13 (c) Public Funds; Solicitation and Evaluation of Proposals.

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

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

1 **SEC. 94A.6. PEOPLE PLACE PERMIT – ISSUANCE, MODIFICATION, AND REVOCATION;**
2 **STEWARDSHIP AGREEMENT.**

3 (a) **Submission of Permit Application.** After a People Place Proposal has been reviewed
4 and evaluated by Planning and the Core City Agencies with jurisdiction over the People Place
5 Category, determined suitable for further development, and accepted into the Places for People
6 Program pursuant to Section 94A.5(b), the prospective Steward may submit an application for a People
7 Place Permit. After Planning has reviewed the application for completeness and compliance with
8 Program requirements, Planning will direct the prospective Steward to submit the application to the
9 Core City Agency with primary jurisdiction over the People Place.

10 (b) **Permit Application Requirements.** The permit application requirements for specific
11 People Place Categories are set forth as follows:

12 (1) for City Lot People Places, in Section 94A.8 of this Chapter 94A;

13 (2) for Sidewalk People Places, in Public Works Code Section 793 et seq.;

14 (3) for Curbside People Places, in Public Works Code Section 793 et seq. and
15 Article 1200, Division II of the Transportation Code.

16 (4) for Roadway People Places, in Public Works Code Section 793 et seq. and
17 Article 1200, Division II of the Transportation Code.

18 (c) **People Place Permit – Issuance; Conditions of Approval; Limited Duration.**

19 (1) **Issuance.** Issuance of a People Place Permit authorizes the Steward to create a
20 People Place by occupying the location with reversible physical treatments or improvements and/or
21 activating the location with programming. For the Core City Agencies, a People Place Permit shall
22 incorporate the requirements of and substitute for a permit that would otherwise be required under
23 other sections of the Municipal Code. Copies of approved and issued People Place Permits for People
24 Places on City-Owned Lots shall be maintained by Real Estate. Copies of approved and issued People
25

1 Place Permits for People Places in the public right-of-way shall be maintained by DPW Public
2 Works.

3 (2) **Conditions of Approval; Liability Insurance and Indemnity Provisions.** The
4 People Place Permit sets forth the permit terms, conditions of approval, operational requirements, and
5 duration of the People Place and is approved by Planning and all the Core City Agencies with
6 jurisdiction over the People Place. In addition to any conditions that a Core City Agency is authorized
7 to impose on a People Place Permit pursuant to the provisions of this Chapter 94A, a participating
8 Core City Agency with jurisdiction over the People Place shall impose any condition that it would have
9 been required to impose on a permit separately issued under the Code that regulates its activities;
10 provided, however, that DPW Public Works, with the approval of the City's Risk Manager, is
11 authorized to modify standard liability insurance and indemnification requirements for People Place
12 projects. For People Place projects developed in whole or in part, or installed in whole or in part, by a
13 City Agency, DPW Public Works, with the approval of the City's Risk Manager, may limit the
14 Steward's required liability insurance and indemnification requirements to the non-physical aspects of
15 the People Place.

16 (3) **Limited Duration.** A People Place Permit is intended to be temporary and has a
17 limited duration. The standard term for a Curbside People Place, a Roadway People Place, or a
18 Sidewalk People Place Permit shall be for no longer than two years, after which it may be renewed or
19 extended upon review and approval by the Core City Agencies with jurisdiction over the People Place.
20 The standard term of a City Lot People Place Permit shall be no longer than five years, which may be
21 extended by the Director of Real Estate pursuant to the provisions of Section 94A.8(d).

22 (d) **Permit Cover Sheet.** The approval of the People Place Permit shall be memorialized by
23 a Permit Cover Sheet that is attached to the Permit. The Permit Cover Sheet must be signed by a
24 person designated by the Director of each participating Core City Agency with jurisdiction over the
25 proposed People Place as authorized to approve of the People Place Permit and sign the

1 Permit Cover Sheet on the Agency's behalf. A Core City Agency with jurisdiction over the
2 proposed People Place may, at its own discretion, request that a person designated by the
3 Director of another Core City Agency involved in the review of the People Place Permit also
4 sign the Permit Cover Sheet.

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

13 (f) **Coordination of Additional Permits Required from Other City Agencies.** Certain
14 activities may require additional permits or approvals from another City agency, board, commission,
15 or department that is not a Core City Agency. In such cases, the Core City Agencies shall coordinate
16 regarding all other permits or approvals that may be necessary for or related to activities at the People
17 Place. If additional permits or approvals are required from other City agencies, boards, commissions,
18 or departments, they may be granted by the signature of an authorized representative of the entity on
19 the Permit Cover Sheet described in subsection (d) above.

20 (g) **Coordination of Additional Permits Required from Other Governmental Authorities.**
21 Certain activities in the public right-of-way may require additional review and approvals from Federal
22 or State authorities, or other County agencies, boards, commissions, or departments. In such cases, the
23 Core City Agencies shall coordinate, to the extent feasible, regarding all other review or approvals that
24 may be necessary for or related to the activities at the People Place.

1 (h) **Modification of a People Place Permit; Withdrawal of Approval.**

2 (1) **Permit Modification.** People Place Permits on public space are revocable at
3 will. Therefore, each Core City Agency that has approved issuance of a People Place Permit may at any
4 time modify those portions of the Permit that are within its jurisdiction, including any conditions. If a
5 Core City Agency makes a determination to modify the People Place Permit or any conditions that it has
6 imposed, or to impose additional conditions, the Agency shall notify Planning and the other
7 applicable ~~Core City Agencies~~ with jurisdiction over the People Place.

8 Upon receipt of a request for notification of a modification of the Permit, Planning and
9 any Core City Agency Agencies that participated in the review and approval approved issuance
10 of the People Place Permit shall determine if other portions of the Permit also need to be modified, or if
11 the entire People Place Permit needs to be revoked pursuant to subsection (i) below. A new People
12 Place Permit is required to be issued if Planning and the other participating Core City Agencies
13 determine that the proposed modifications are major. Minor modifications to a People Place Permit
14 may be made without the issuance of a new Permit. The Core City Agencies with jurisdiction over the
15 People Place will notify the Steward of any permit modifications or if revocation of the entire Permit
16 pursuant to subsection (i) below is required.

17 (2) **Withdrawal of Approval.** A Core City Agency may at any time withdraw its
18 approval of the People Place Permit. If a Core City Agency makes a determination to withdraw its
19 approval of the People Place Permit, the Agency shall notify Planning and the other Core City
20 Agencies that approved issuance of the People Place Permit of its decision to sever from the permit
21 those portions that are within the Agency's jurisdiction. Upon receipt of a request for notification of
22 severance, Planning and the other any Core City Agencies that approved issuance of the People
23 Place Permit shall determine if the severance requires revocation of the permit in its entirety
24 pursuant to subsection (i) below, or whether the permit can be modified by the and remaining
25 conditions of the permit need to be modified or whether the severance requires revocation of

1 ~~the permit in its entirety. If the remaining Core City Agencies determine that the severance does not~~
2 ~~require revocation but requires a major modification of the permit, a new People Place Permit must be~~
3 ~~issued.~~

4 The Core City Agency or Agencies with jurisdiction over the People Place will send the Steward
5 written notification of the severance and any resulting modification or revocation of the People Place
6 Permit.

7 (i) **Permit Revocation.** A People Place Permit issued pursuant to this Chapter 94A may be
8 revoked at any time with the consent of all by any of the Core City Agencies that approved the
9 issuance of the Permit or, if revocation is required by a modification or withdrawal of approval by
10 a Core City Agency pursuant to subsection (h)(1) or (h)(2) above, by the remaining Core City
11 Agencies that approved issuance of the Permit. The revocation process is may be initiated by:

12 (1) a request for revocation from one or more of the participating Core City
13 Agencies that approved issuance of the People Place Permit to the other Core City Agencies;

14 (2) notification of a permit modification by a Core City Agency pursuant to
15 subsection (h)(1) above; or

16 (3) notification of withdrawal of approval by a Core City Agency pursuant to
17 subsection (h)(2) above.

18 If all the participating People Place Permit is revoked, the Core City Agencies authorize
19 the revocation, Agency or with jurisdiction over the People Place shall send the Steward written
20 notification of the revocation.

21
22 **SEC. 94A.7. OPERATIONAL REQUIREMENTS.**

23 (a) **Applicability of Requirements.** The Operational Requirements set forth in subsection
24 (b) below shall apply to all People Places except as follows:

1 (1) The applicability of the Operational Requirements to a People Place within the
2 jurisdiction of the MTA requires the MTA's approval.

3 (2) One or more of the Operational Requirements may not be warranted or
4 appropriate for a particular People Place or event occurring at a People Place, due to special
5 circumstances. In such situations, the Director of Real Estate (for a City Lot People Place) or the
6 Director of Public Works (for a People Place on a portion of the public right-of-way within the
7 jurisdiction of DPW Public Works) may grant a non-material exception or other minor amendment to
8 the Good Neighbor Policies set forth in subsection (b)(8) or to waive or modify one or more of the other
9 Operational Requirements if the Director finds, in his or her sole discretion, that the Requirement is not
10 warranted or appropriate for a particular People Place or event and that the public interest would be
11 served by granting the waiver or exception. Additional regulations for a City Lot People Place may be
12 adopted by the Director of Real Estate pursuant to the Director's authority under Section 94A.8(g);
13 additional regulations for a People Place on the public right-of-way may be adopted by the Director of
14 Public Works pursuant to the Director's authority under Section 793.3(a) of the Public Works Code.

15 **(b) Operational Requirements.**

16 (1) **Public Accessibility.** Unless authorized as a restricted access event, all People
17 Places shall remain accessible to the public.

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

24 (3) **Performance of Labor.** No person, other than authorized City personnel, shall
25 perform any labor on or upon a City Lot People Place, including, but not limited to, taking up or

1 replacing soil, turf, ground, pavement, structures, trees, shrubs, plants, grass, flowers, or similar
2 activities without prior permission from (A) the Director of Real Estate for City Lot People Places, and
3 (B) the Director of Public Works for Sidewalk, Curbside, or Roadway People Places. Such permission
4 shall be specified in the People Place Permit.

5 (4) **Camping Prohibited.** The provisions of Park Code Section 3.12 concerning
6 camping shall apply to all People Places. The Director of Real Estate shall administer those provisions
7 for City Lot People Places, and DPW Public Works shall administer them for Sidewalk, Curbside, or
8 Roadway People Places.

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

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

19 (7) **Other Restrictions.**

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

24 (B) No littering, feeding of wildlife, or defacing of public property is allowed.
25

1 (C) No alcohol may be consumed without prior permission from all required
2 City and State authorities, as well as from (i) the Director of Real Estate for City Lot People Places or
3 (ii) the Director of Public Works for Sidewalk, Curbside, or Roadway People Places.

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

6 (8) **Good Neighbor Policies.** Stewards of all People Place Categories shall manage
7 the People Place in accordance with the following good neighbor policies during the times of use set
8 forth in the People Place Permit:

9 (A) The safety and cleanliness of the People Place and its adjacent area
10 within 100-foot radius shall be maintained;

11 (B) Proper and adequate storage and disposal of debris and garbage shall be
12 provided;

13 (C) Noise and odors, unless otherwise permitted, shall be contained within
14 the immediate area of the People Place so as not to be a nuisance or annoyance to neighbors;

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

18 (E) The Steward or its employees or volunteers shall walk a 100-foot radius
19 from the People Place within 30 minutes after programmed events have concluded and shall pick up
20 and dispose of any discarded trash left by patrons.

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

22 (A) Because People Places are intended to be publically accessible open
23 spaces, private dining and table service shall not be permitted in Sidewalk People Places, Curbside
24 People Places, or Roadway People Places in the course of day-to-day operations.

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

4 (C) Additional operational requirements tailored to a People Place in
5 specific locations, including but not limited to hours of operation, may be imposed as a condition of
6 approval of a People Place Permit.

7
8 **SEC. 94A.8. SPECIAL PROCESS FOR PEOPLE PLACES ON CITY LOTS.**

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

11 **(a) Proposal Submittal and Review.**

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

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

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

23 **(b) Permit Application and Issuance; Public Notice.** The Director of Real Estate may elect
24 to authorize the People Place under the provisions of Chapter 23 of this Code. If the Director elects to
25

1 authorize the People Place under the provisions of this Chapter 94A, the Director shall use the
2 following procedure:

3 (1) An application for a City Lot People Places Permit shall include the following:

4 (A) Documentation of community outreach and support.

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

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

8 (D) The number of restricted access events, if any, that will be held annually.

9 In no event may the number of restricted access events allowed exceed eight single-day events per year.
10 Scheduling of any approved restricted access events shall not be concentrated during a particular time
11 or times a year but be spread throughout the calendar year. Public access to the People Place shall not
12 be restricted except for approved restricted access events.

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

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

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

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

1 (4) The Director of Real Estate shall accept written public comments on the
2 Proposal for at least 10 calendar days after the first day of the posting of notice of the Proposal, and a
3 City Lot People Place Permit shall not be issued before the end of the public comment period.

4 (5) The Director of Real Estate may, in his or her discretion, hold a public hearing
5 concerning the Proposal and application for a People Place Permit. If a public hearing is held, notice
6 of the hearing shall be given by posting a Notice of Public Hearing at the proposed People Place site
7 for at least 10 calendar days before the hearing. At the Director's discretion, the public hearing notice
8 may be combined with the Notice of Application.

9 (6) After approval of the Permit application by the Director of Real Estate, and at
10 the request of the Director, Planning shall issue the City Lot People Place Permit.

11 (c) **Permit Conditions; Grant of Exceptions.**

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

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

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

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

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

22 (E) the Steward's liability for and indemnification of the City with respect to
23 the People Place and the Steward's required liability insurance, which is required for activities on
24 publicly owned space, all as approved by the City Risk Manager or any successor agency;

25 (F) an authorized signage program;

1 (G) the delineation of maintenance responsibilities between the City and the
2 Steward;

3 (H) the expiration date of the People Place Permit;

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

5 and

6 (J) adherence to the Good Neighbor Policies in Section 94A.7(b)(8).

7 (2) **Exceptions; Public Notice.** Upon written request from a Steward, the Director of
8 Real Estate may grant a non-material exception or other minor amendment to the conditions imposed
9 on a City Lot People Place Permit if the Director determines that the exception or minor amendment is
10 reasonably within the purposes of the Places for People Program and, in consultation with the City
11 Attorney's Office, further determines that such exception or amendment does not materially increase
12 the City's costs or obligations or decrease the benefit the City receives under the Steward's City Lot
13 People Place Permit.

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

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

1 (e) **Calendar of Events.** In addition to the requirements of Section 94A.8(c), the City Lot
2 People Place Permit shall require the Steward to submit a monthly calendar of activities and events to
3 the local District Police station, the Director of Real Estate, and the Places for People Program by
4 seven days prior to the start of each month.

5 (f) **Grant of Exceptions to Standard Operational Requirements.**

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

12 (2) **Other Operational Requirements.** Upon written request from a Steward, the
13 Director of Real Estate is authorized to waive or modify one or more of the other Operational
14 Requirements in Section 94A.7 if the Director finds, in his or her sole discretion, that the Requirement is
15 unwarranted or not appropriate for a particular City Lot People Place or event due to special
16 circumstances and that the public interest would be served by granting an exception.

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

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

1 **SEC. 94A.9. APPEAL OF PERMIT DECISIONS.**

2 (a) **Right of Appeal.** Any person may appeal the decision to grant or deny an application
3 for any People Place Permit, or to revoke or suspend an existing Permit, to the Board of Appeals
4 pursuant to the provisions of Charter Section 4.106 and Sections 8 et seq. of the Business & Tax
5 Regulations Code; provided, however, that any portion of the People Place Permit that has been
6 approved by the MTA pursuant to its Charter authority may be heard and decided by the Board of
7 Appeals only upon authorization by the MTA Board of Directors. In the absence of such authorization,
8 those portions of the People Place Permit that fall within the MTA's Charter authority shall be severed
9 from the appeal and heard pursuant to the process that applies to appeals of MTA approvals. With
10 respect to an appeal to the Board of Appeals, it shall be filed in writing with the Clerk of the Board of
11 Appeals within 15 days of the date of issuance, denial, revocation, or suspension of the People Place
12 Permit.

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

20
21 **SEC. 94A.10. ENFORCEMENT OF REQUIREMENTS.**

22 (a) **Complaints from the Public.** The 311 Customer Relationship Management System is
23 designated to receive complaints from the public and to maintain an interagency complaint log. The
24 311 System shall route individual public complaints to the department(s) or agency(ies) with
25

1 jurisdiction in order for those departments or agencies to verify complaints regarding the People Place
2 Program or a particular People Place and take any necessary enforcement actions.

3 **(b) Enforcement of People Place Permit Requirements.**

4 (1) Each Core City Agency shall enforce the requirements of the People Place
5 Permit that are within its jurisdiction. Enforcement may be exercised either by (A) using the procedures
6 of Section 94A.6 to modify conditions of the issued permit, or to withdraw approval of the permit by
7 severance or revocation, or (B) using the enforcement provisions of the Code that regulates its
8 activities: the Public Works Code for ~~DPW~~ Public Works; the Transportation Code for the MTA; and
9 the Police Code for the Entertainment Commission. Enforcement by the Director of Real Estate is set
10 forth in subsection (b)(2) below.

11 (2) The Director of Real Estate shall establish administrative procedures and
12 methods for verifying, addressing, and responding to any complaints concerning a City Lot People
13 Place. If the Director receives a verified complaint concerning violations of the terms and conditions of
14 a Steward's City Lot People Place Permit, the Director may conduct a public hearing on the Steward's
15 conduct. Based on the information presented at the hearing, the Director or his or her designee may
16 revoke, suspend, modify, or condition the People Place Permit or take any other action the Director
17 deems appropriate under the terms of the People Place Permit to address the Steward's conduct.

18 If any person occupies a City Lot People Place in violation of the applicable requirements and
19 regulations, the Director of Real Estate or his or her designee shall order the violator to either correct
20 the violation or vacate the People Place site. If the violation is not corrected as ordered, the violator
21 shall be subject to enforcement pursuant to the Police Code.

22
23 **SEC. 94A.11. FEES.**

24 (a) People Place Permit Fee. Pursuant to Section 94A.6(c)(1), a People Place Permit
25 substitutes for a permit that would otherwise be required by the Municipal Code. The fees for a People

1 Place Permit in the public right-of-way shall be one-half the fees that DPW Public Works is
2 authorized by Article 2.1 of the Public Works Code to charge for a permit granting permission to
3 occupy a portion of the public right-of-way that is equivalent in scope to the People Place Permit.
4 These fees shall be paid to DPW Public Works pursuant to Section 793.2(b) of the Public Works
5 Code.

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

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

16
17 Section 3. The Public Works Code is hereby amended by adding Sections 793 through
18 793.6, to read as follows:

19 **SEC. 793. THE PLACES FOR PEOPLE PROGRAM – PEOPLE PLACES IN THE**
20 **PUBLIC RIGHT-OF-WAY.**

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

1 offerings and events. The space created is a “People Place” that is managed by the permittee, defined
2 as a “Steward.”

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

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

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

18 (b) **Definitions.** As provided in Section 94A.2 of the Administrative Code:

19 “People Place” is a publicly-accessible location approved under the Places for People
20 Program and located (a) on City-owned property, (b) on the sidewalk, and/or (c) in the curbside lane
21 or on all or any portion of the roadway between curbs where the public can gather and participate in
22 commercial or non-commercial offerings and events. Such offerings and events may include, but are
23 not limited to: cultural events, arts activities, and entertainment; food and drink; ~~retail sales;~~ and
24 general recreation. A People Place is managed, fully or partially, by a Steward under a People Place
25

1 Permit issued under the Program and may involve the temporary and reversible installation of
2 physical treatments, improvements or elements.

3 “People Place Categories” are: (a) “City Lot People Place,” which has activities occurring on
4 property owned by the City; (b) “Curbside People Place,” which has activities occurring in a portion
5 of the curbside lane of a roadway; (c) “Roadway People Place,” which has activities occurring in or
6 on any portion of the roadway, except for activities occurring only in the curbside lane; (d) “Sidewalk
7 People Place,” which has activities occurring on a portion of sidewalk, and (de) “Integrated People
8 Place,” which is a single project with activities occurring on a combination of locations that are
9 People Place categories in close proximity to one another and operated by the same Steward.

10 “People Place Permit” is a permit issued under the Places for People Program through its
11 Core City Agencies that allows a Steward to create a People Place by temporarily occupying and
12 activating the location for a specified period of time.

13 “Steward” is, for Curbside People Places, Roadway People Places, and Sidewalk People
14 Places, any person or entity who has been issued a People Place Permit that authorizes the permittee,
15 acting as a Steward, to manage and activate a People Place under the Places for People Program.

16 For purposes of Sections 793.2 through 793.6, a Sidewalk People Place, a Roadway People
17 Place, and a Curbside People Place shall be referred to collectively as People Places in the Public
18 Right-of-Way.

19 **SEC. 793.2. PERMIT APPROVAL PROCESS APPLICABLE TO ALL PEOPLE PLACES**
20 **IN THE PUBLIC RIGHT-OF-WAY⁷.**

21 (a) **Initiation of the Process.** Any prospective Steward wishing to establish a People Place
22 in the Public Right-of-Way may initiate the process by submitting a concept proposal to the Places for
23 People Program pursuant to Section 94A.5 of the Administrative Code (“People Place Proposal”). If
24 the People Place Proposal is accepted into the Program, the Core City Agencies shall work with
25 prospective Steward to develop the concept proposal, after which the prospective Steward may submit

1 an application for a People Place Permit to the People Place Program pursuant to the process set forth
2 in Administrative Code Section 94A.6. The application shall include the components specified in
3 Administrative Code Section 94A.6(a). The Planning Department will review the People Place Permit
4 application for completeness and compliance with Program requirements, and if found compliant will
5 direct the prospective Steward to submit the application to DPW Public Works.

6 (b) **DPW Public Works Application Review Procedure; Payment of Permit Fees.** The
7 prospective Steward may submit the application for a People Place Permit to DPW Public Works for
8 its review and approval. Payment of ~~the~~ permit fees is required by Administrative Code Section
9 94A.11 at the time of submittal.

10 (c) **Public Notice and Opportunity to Comment.** Upon submission of the People Place
11 Permit application, the prospective Steward shall post the site(s) with one or more Notices of
12 Application provided by DPW Public Works for a period of 10 calendar days. The Notice(s) shall be
13 posted in a location acceptable to the Department Public Works. The prospective Steward shall
14 submit to the Department Public Works photographic evidence that the Notice(s) were posted
15 appropriately. The prospective Steward shall remove the Notice of Application the day after expiration
16 of the 10-day notice period. The Department Public Works shall accept written public comments on
17 the Notice of Application for 10 calendar days from the first day the Notice was posted at the site(s).

18 For Roadway and Curbside People Places, the public notice shall also include notice of any
19 public hearing by the Municipal Transportation Agency Board, in accordance with the process set forth
20 in Transportation Code, Division II, Article 200, Section 202: Notice of Public Hearing. The Notice
21 may include notice of public hearing by the Entertainment Commission if proposed activities fall within
22 the purview of the Entertainment Commission described in Administrative Code Section 94A.4(c).

23 (d) **Public Hearing.** The Director of Public Works may wish to hold a public hearing
24 concerning the People Place Permit application. If the Director determines that a public hearing will
25 be held, the prospective Steward shall post on the site(s) a Notice of Public Hearing provided by DPW

1 Public Works for a period of 10 calendar days prior to the date of the scheduled hearing. The Notice
2 of Public Hearing posting shall be removed by the applicant the day after the expiration of the 10-day
3 period. Unless otherwise outlined in this Section 793.2, the Notice of Public Hearing posting shall
4 comply with Article 5.6 of the Public Works Code.

5 (e) **Permit Issuance and Conditions of Approval; Grant of Exceptions.**

6 (1) After approval by DPW Public Works of the Permit for a People Place in
7 the Public Right of Way a People Place Permit is issued by the People Place Program that
8 substitutes for a permit that would otherwise be required by the Public Works Code. The
9 conditions of approval required or authorized by Administrative Code Section 94A.6(c) or other
10 applicable sections of Administrative Code Chapter 94A shall be imposed on the People Place Permit
11 and enforced pursuant to Administrative Code Section 94A.10. The Director of Public Works or
12 designee may choose to apply additional conditions on the People Place Permit that are pertinent to
13 DPW Public Works jurisdiction.

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

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

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

2 **(a) Requirements.** *Except as specified in subsection (b) below, all People Places in the*
3 *Public-Right-of-Way shall conform to the Operational Requirements set forth in Administrative Code*
4 *Section 94A.7. The Director of Public Works may also adopt such additional regulations as he or she*
5 *deems appropriate and necessary for the proper management and use of a People Place in the Public*
6 *Right-of-Way.*

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

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

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

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

1 **SEC. 793.4. GRANT OF EXCEPTIONS TO PERMIT TERMS.** *Upon written request from a*
2 *Steward, the Director of Public Works may grant a non-material exception or other minor amendment*
3 *to the conditions imposed on a permit for a People Place in the Public Right-of-Way if the Director*
4 *determines that the exception or minor amendment is reasonably within the purposes of the Places for*
5 *People Program and, in consultation with the City Attorney's Office, further determines that such*
6 *exception or amendment does not materially increase the City's costs or obligations or decrease the*
7 *benefit the City receives under the Steward's People Place Permit.*

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

13 **SEC. 793.5. VIOLATION OF PERMIT CONDITIONS, OPERATIONAL**
14 **REQUIREMENTS, OR ADMINISTRATIVE REGULATIONS; ENFORCEMENT ACTIONS AND**
15 **PENALTIES.**

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

21 **(1) Modify the People Place Permit, withdraw the Director's approval of the Permit,**
22 **or request revocation of the Permit by the Core City Agencies pursuant to Section 94A.6(i) of this**
23 **Chapter;**

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

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

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

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

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

9 (1) process, verify, and respond to complaints from the public concerning a People
10 Place in the Public Right-of-Way that is routed from the 311 Customer Relationship Managements
11 System, as described in Administrative Code Section 94A.10(a);

12 (2) abate a violation of the terms and conditions of a Sidewalk, Curbside, or
13 Roadway Place Permit or other requirements of Administrative Code Chapter 94A that are within the
14 jurisdiction of the Director; and

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

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

22 **SEC. 793.6. FINANCIAL RECORDS.** The Steward shall make its financial records related
23 to the use of the People Place available to the Director of Public Works for inspection upon written
24 request of the Director.

1 Section 4. The Police Code is hereby amended by revising Sections 1060 and
2 1060.3.1, to read as follows:

3 **SEC. 1060. DEFINITIONS.**

4 For the purposes of this Article, unless otherwise provided in this Article, the following
5 words and phrases shall mean and include:

6 * * * *

7 (r) "Limited Live Performance Locale." A locale with all the following features:

8 (1) The presentation of Live Performances is a secondary purpose of the
9 locale rather than its primary purpose.

10 (2) The locale is indoors, or consists of an outdoor plaza, courtyard, or
11 similar space, enclosed by surrounding buildings, with or without open means of public
12 ingress and egress, with an area in which Live Performances are presented that is no greater
13 than 200 square feet. For purposes of this ~~§~~subsection (r)(2), "outdoor plaza, courtyard, or
14 similar space" also shall include (A) any Plaza, as *defined* in Administrative Code Chapter 94,
15 regardless of the square footage of the Live Performance area *and (B) a People Place as defined*
16 *in Administrative Code Chapter 94A regardless of the square footage of the Live Performance Area.*

17 (3) Live Performances presented at the locale conclude by 10 p.m., except
18 as otherwise provided in Section 1060.38.1.

19 (4) The locale is not a private residence.

20 (5) Patrons or members are admitted to the locale, which serves food,
21 beverages, or food and beverages, including but not limited to alcoholic beverages, for
22 consumption on the premises; *provided, however, that this subsection (r)(5) shall not apply to a*
23 *People Place pursuant to Administrative Section 94A.4(c).*

24 * * * *

1 **SEC. 1060.3.1. APPLICATION FORM FOR LIMITED LIVE PERFORMANCE**

2 **PERMIT.**

3 An application for a Limited Live Performance Permit shall specify the following and be
4 signed under penalty of perjury:

5 (a) The name and street address of the Business for which the permit is sought;
6 however, if the application relates to *(1) a Plaza as ~~defined identified~~ in Administrative Code*
7 *Chapter 94 or (2) a People Place as defined in Administrative Code Chapter 94A*, the application
8 shall instead include the name and location of the Plaza *or People Place* and the name and
9 street address of the Steward or permittee of the Plaza *or People Place*.

10 * * * *

11
12 Section 5. Scope of the Ordinance. In enacting this ordinance, the Board of
13 Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections,
14 articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the
15 Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board
16 amendment additions, and Board amendment deletions in accordance with the "Note" that
17 appears under the official title of the ordinance. Notwithstanding the previous sentence, the
18 Board intends to relocate existing Planning Code Sections 602.25 and 602.26 within the
19 alphabetical sequence of Section 602, as indicated in the sequencing within Section 602 in
20 this ordinance.

21
22 Section 6. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
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ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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

By: 

JUDITH A. BOYAJIAN
Deputy City Attorney

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City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160893

Date Passed: November 15, 2016

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

October 24, 2016 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

October 24, 2016 Land Use and Transportation Committee - DUPLICATED AS AMENDED

October 24, 2016 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

November 01, 2016 Board of Supervisors - PASSED, ON FIRST READING

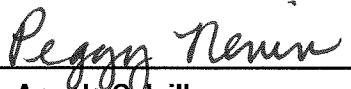
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

November 15, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin and Tang
Excused: 2 - Wiener and Yee

File No. 160893

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
11/15/2016 by the Board of Supervisors of
the City and County of San Francisco.


for Angela Calvillo
Clerk of the Board


Mayor

11/22/2016
Date Approved