Resolution approving continuous designation of temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for each year's winter holiday season, beginning on November 15 and ending on January 15.

WHEREAS, The Street Artists Ordinance adopted by the voters of San Francisco as Proposition “L” at the election held on November 4, 1975, authorizes the Board of Supervisors, by resolution, to designate sales areas where any street artist or craftsperson previously certified may sell art or craft items; and

WHEREAS, A survey by the Arts Commission found that in recent years more street artist spaces in the Downtown area have been eliminated due to construction, curb zone changes, newsracks, planter boxes, etc.; and

WHEREAS, The winter holiday season is the street artists' busiest selling period; and

WHEREAS, Last year and the previous twenty-five years the Board of Supervisors in resolutions approved temporary selling spaces for the street artists for the winter holiday selling season; and

WHEREAS, Last year and the previous twelve years and the year of 1992 the Board of Supervisors approved temporary selling spaces for street artists at Harvey Milk Plaza for the winter holiday selling season; and

WHEREAS, The Arts Commission, after conducting a public hearing, recommends the renewal of the previous five years' temporary sales spaces in the Downtown area; and

WHEREAS, The Arts Commission recommends the renewal of the previous five years' temporary sales spaces at Harvey Milk Plaza; now, therefore, be it
RESOLVED, That the Board of Supervisors hereby approves the continuous designation of the following temporary selling spaces for street artists certified by the Arts Commission henceforth for each year’s winter holiday season beginning on November 15 and ending on January 15:

Spaces:

10 – Market Street, south side, 4th to 5th Streets
2 – Market Street, north side, Montgomery to Kearny Streets
2 – Market Street, north side, Grant to Kearny Streets
10 – Market Street, north side, Battery to Sansome Streets
5 – Stockton Street, west side, Post to Sutter Streets
1 – Stockton Street, east side, Post to Sutter Streets
6 – Stockton Street, east side, O’Farrell to Geary Streets
3 – Stockton Street, east side, Market to O’Farrell Streets
2 – Montgomery Street, west side, Post to Sutter Streets
2 – Post Street, north side, Montgomery to Kearny Streets
2 – Post Street, south side, Grant to Kearny Streets
5 – California Street, north side, Sansome to Montgomery Streets
2 – California Street, south side, Sansome to Montgomery Streets
3 – Harvey Milk Plaza (upper level)
4 – Harvey Milk Plaza (lower level)
12 – Grant Avenue, west side, Post Street to Maiden Lane; and be it

FURTHER RESOLVED, That the five (5) temporary spaces on Stockton Street, west side, Post to Sutter Streets, are exempt from the provisions of Police Code Section

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2405(c)(8)(1) which prohibits street artists from selling, offering for sale or soliciting offers to purchase on any sidewalk adjacent to a curb which has been designated as a white zone; and be it

FURTHER RESOLVED, That the two (2) temporary spaces on Post Street, south side, Grant to Kearny Streets, are exempt from the provision of Police Code Section 2405(c)(8)(1); and be it

FURTHER RESOLVED, That the one (1) temporary space on Stockton Street, east side, Post to Sutter Streets, is exempt from the provision of Police Code Section 2405(c)(8)(1); and be it

FURTHER RESOLVED, That one (1) of the five (5) temporary spaces on Stockton Street, west side, Post to Sutter Streets, is exempt from the provision of Police Code Section 2405(c)(6) which prohibits artists from selling, offering for sale or soliciting offers to purchase on any sidewalk within ten (10) feet from the outer edge of any entrance to any building including, but not limited to, doors, driveways, emergency exits measured in each direction parallel to the building line and thence at a 90-degree angle to the curb; and be it

FURTHER RESOLVED, That the two (2) temporary spaces on Post Street, north side, Montgomery to Kearny Streets, are exempt from the provisions of Police Section 2405(c)(6) and 2405(c)(8)(3) which prohibits street artists from selling, offering for sale or soliciting offers to purchase on any sidewalk adjacent to a curb which has been designated a yellow zone; and be it

FURTHER RESOLVED, That the two (2) temporary spaces on Montgomery Street, west side, Post to Sutter Streets, are exempt from the provisions of Police Code Section 2405(c)(6), 2405(c)(8)(3), and 2405(c)(16) which requires street artists to engage in their activities in such a manner that at all times there shall remain open for the passage of pedestrians a space of at least eight (8) feet in width, as measured on a line perpendicular to
the curb line, between the edge of the sidewalk farthest from the curb and the street artists' activities; and be it

FURTHER RESOLVED, That two (2) of the three (3) temporary spaces on Stockton Street, east side, Market to O'Farrell Streets, are exempt from the provision of Police Code Section 2405(c)(6); and be it

FURTHER RESOLVED, That five (5) of the ten (10) temporary spaces on Market Street, south side, 4th to 5th Streets, are exempt from the provision of Police Code Section 2405(c)(6); and be it

FURTHER RESOLVED, That the four (4) spaces in the lower level of Harvey Milk Plaza are exempt from the provision of Police Code Section 2405(c)(6); and be it

FURTHER RESOLVED, that for the winter holiday season of any year henceforth the Board of Supervisors, upon recommendation of the Arts Commission and after public hearing, may approve the deletion of any temporary selling space from or the addition of any new temporary selling space to the above list of selling spaces.

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Resolution approving continuous designation of temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for each year's winter holiday season, beginning on November 15 and ending on January 15.

April 22, 2008 Board of Supervisors — ADOPTED
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick
I hereby certify that the foregoing Resolution was ADOPTED on April 22, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

Date Approved: 4-23-08