Resolution approving re-designation of one selling space on Leavenworth Street, west side, at Jefferson Street, for six months for street artists certified by the Arts Commission, City and County of San Francisco; exempting said space from the regulations of Police Code, Section 2405(c)(6) and (11), prohibiting selling within ten feet from the outer edge of any entrance to any building and prohibiting selling within five feet of the display of any other street artist.

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, The Board of Supervisors by Resolution No. 572-77 previously designated ten (10) spaces on Leavenworth Street, west side, Jefferson to Beach streets, as a street artist sales area; and

WHEREAS, In the 1980’s the creation of a doorway in The Cannery building adjacent to the first two of the above described ten spaces rendered the first two spaces in violation of Police Code Section 2405(c)(6) which prohibits street 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 measured in each direction parallel to the building line and thence at a 90-degree angle to the curb; and

WHEREAS, Ordinance No. 388-83 authorizes the Board of Supervisors in a resolution designating or re-designating spaces in a street artist sales area to exempt the area from one or more of the regulations set forth in subsection (c) of Police Code Section 2405 if the Board
finds that the exemption will not be inconsistent with or interfere with the purposes of the regulation from which the area is exempted; and

WHEREAS, The Board of Supervisors by Resolution No. 629-89 and Resolution No.407-90 re-designated for one (1) year the above-described first two spaces, known as space “Leavenworth-1” and space “Leavenworth-2”, by exempting them from the regulation of Police Code Section 2405(c)(6); and

WHEREAS, The Arts Commission in a review of a proposal to request re-designation of one of the two spaces determined that a prohibition of street artists from selling in the above-described space “Leavenworth-2” represents a severe hardship for artists, especially those artists who have sold their wares in the spaces since 1977; and

WHEREAS, The Arts Commission on December 3, 2012 unanimously approved a request to the Board of Supervisors to re-designate for a trial period of six (6) months space “Leavenworth-2” only and subject to its exemption from the regulations of Police Code Section 2405(c)(6) and its exemption from Police Code Section 2405(c)(11) which prohibits a street artist from selling within five (5) feet of the display of any other street artist; and

WHEREAS, The Board of Supervisors in Resolution No. 053-13 approved the re-designation for a trial period of six (6) months space “Leavenworth-2” and its exemption from Police Code Section 2405(c)(6) and (c)(11); and

WHEREAS, The Arts Commission on October 7, 2013 unanimously approved a request to the Board of Supervisors to re-designate for a trial period of six (6) months space “Leavenworth-2” and subject to its exemption from the regulations of Police Code Section 2405(c)(6) and (c)(11);

WHEREAS, The Board of Supervisors finds that space “Leavenworth-2” on Leavenworth Street, west side, Jefferson to Beach streets, will not be inconsistent with or
interfere with the purpose of the adjacent entrance of the store in The Cannery building; now, therefore be it

RESOLVED, That the following selling space is hereby re-designated for six (6) months for street artists certified by the Arts Commission:

Spaces:

1. Leavenworth Street (space "Leavenworth-2"), Jefferson to Beach streets.

FURTHER RESOLVED, That "Leavenworth-2" is hereby exempt from the provision of Police Code Section 2405(c)(6) which prohibits street artists from selling within ten (10) feet of 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 said space is hereby exempt from the provision of Police Code Section 2405(c)(11) which prohibits a street artist from selling within five (5) feet of the display of any other street artist.
Resolution approving re-designation of one selling space on Leavenworth Street, west side, at Jefferson Street, for six months for street artists certified by the Arts Commission; exempting said space from the regulations of Police Code, Sections 2405(c)(6) and (11), prohibiting selling within ten feet from the outer edge of any entrance to any building and prohibiting selling within five feet of the display of any other street artist.

January 27, 2014 Land Use and Economic Development Committee - RECOMMENDED.

February 04, 2014 Board of Supervisors - ADOPTED
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 131057

I hereby certify that the foregoing Resolution was ADOPTED on 2/4/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Edward Lee
Mayor

Date Approved