

# Memo to the Planning Commission

INFORMATIONAL PRESENTATION HEARING DATE: MAY 1, 2014

*Project Name:* **Plaza Program**  
*Case Number:* **2014.0180T** [Board File No. 140062]  
*Initiated by:* Mayor, Co-Sponsored by Supervisor Cohen / Introduced January 28, 2014  
*Staff Contact:* Planning Department: Aaron Starr  
OEWD: Robin Havens

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Dear President Wu and Commissioners,

Thank you for the opportunity to address you again on the proposed amendments to Section 234 of the Planning Code that could support the more broad Plaza Program. We heard your feedback at the March 13<sup>th</sup> hearing, as well as the public comment that day and we have conducted the following additional outreach. Based in input from that additional outreach, OEWD made the amendments listed in the attached "Proposed Changes Based on Outreach". The SF Plaza Program substitute legislation was introduced to the Board of Supervisors on April 22<sup>nd</sup> (Planning Code and Public Works Code).

**OUTREACH** (In addition to the outreach described in our March 13<sup>th</sup> memo to the Commission):

- The Office of Economic and Workforce Development (OEWD), conducted meetings with or made presentations to 16 additional stakeholder groups
- OEWD presented the program to the Small Business Commission, which approved the program unanimously
- OEWD conducted an Informational SF Plaza Program Open House, which was noticed using the Planning Departments noticing lists
- OEWD compiled a list of 114 questions/clarifications based on this outreach, a summarized list of which is included in this packet

**LEGISLATIVE CHANGES:**

- Based on feedback and input from these meetings and the list of questions generated, OEWD made substantial changes to the amendments to the Administrative Code (Chapter 94), Public Works Code and Planning Code, three of the four amendments that would establish the program.
- These changes are listed in this packet as "Proposed Changes Based on Outreach"
- In addition, at the requested of your Commission, we have included the legislative elements in this packet that are outside of the Planning Code amendments, for your reference. Those include:
  - Administrative Code (Chapter 94, the main program element) – Revised: To be amended in Committee
  - Public Works Code – Substitute legislation was introduced on April 22<sup>nd</sup>
  - Police Code – No revisions made



## PROPOSED CHANGES BASED ON OUTREACH

*In response to many months of gathering input on this new legislation, these changes are proposed to the current legislative drafts (introduced in January) to address feedback.*

<b>Feedback</b>	<b>Change</b>	<b>Code Section</b>
<b>It is not clear if Recreational and Parks Department is included in this program.</b>	Legislation amended to clarify that no Plaza identified in this program shall be on property under the jurisdiction of the Recreation and Parks Department	Admin Code SEC. 94.1. DEFINITIONS.
<b>It is unclear who “approves” a plaza</b>	Legislation amended to more clearly state that the Board of Supervisors approval would be necessary for plaza adoption, any necessary permits and authorizations including, but not limited to Plaza encroachment Permits, Street vacation Ordinances, or licenses.	Admin Code: SEC. 94.2. PLAZA PROGRAM.(11)
<b>It is unclear how communities will know about this process for City Plazas in their neighborhoods</b>	Legislation amended to include additional noticing	Admin Code: SEC. 94.3. REGULATIONS FOR CITY PLAZAS. (c)
<b>The length and frequency of the up to 8 private events that could be approved by the Board of Supervisors is unclear for City Plazas</b>	Legislation amended to clarify event length as no more than one-day and to require that any approved events be spread throughout the calendar year	Admin Code: SEC. 94.3. REGULATIONS FOR CITY PLAZAS. (1) Operational Requirements.
<b>The legislation refers to a Plaza Program Strategy – where is that?</b>	Legislation amended to not include a Plaza Program Strategy – an Overview can be found on the Plaza program website: <a href="http://oewd.org/Neighborhoods-SF-Plaza-Program.aspx">http://oewd.org/Neighborhoods-SF-Plaza-Program.aspx</a>	Admin Code Section 1. Findings (g)

<b>The legislation refers to using either a lease or license agreement</b>	Legislation amended to only use licenses as the agreement form	Admin Code: throughout
<b>How will we be sure that plazas do not contain inappropriate structures?</b>	Legislation amended to add Open Space height requirement unless otherwise approved by the board of Supervisors. Legislation amended to clarify that any structures shall only occupy a de minimis amount of space so that they would not detract from the plaza's principal or exclusive purpose as open space. In no case may accessory nonpublic uses occupy more than 1/3 of the total lot area occupied by the principle use.	Admin Code: SEC.94.1 DEFINITIONS; Planning Code SEC. 234.1. PRINCIPAL USES PERMITTED, P DISTRICTS.(c) 1
<b>The Planning Code amendments are confusing</b>	Legislation amended to be more clear and readable	Planning Code: throughout
<b>The difference between accessory and ancillary seems arbitrary</b>	Legislation amended to remove use of word "ancillary" and indicating instead that accessory uses may or may not be related to the principal use.	Planning Code SEC. 234.1. PRINCIPAL USES PERMITTED, P DISTRICTS. (c)
<b>The section about City Plazas in the Planning Code is unclear</b>	Legislation amended to clarify that City Plazas, as defined in Section 94.1 of the Administrative Code, would be principally permitted when found to be in conformity with the General Plan	Planning Code SEC. 234.1. (e)
<b>It is unclear if formula retail uses are allowed in plazas</b>	Legislation amended to require a conditional use authorization for accessory uses that are defined as formula retail in approved plazas	Planning Code SEC. 234.1. PRINCIPAL USES PERMITTED, P DISTRICTS (4) and (6)
<b>The name for the Street Plaza agreement form is unclear</b>	Legislation amended to consistently refer to this permit as a Plaza Encroachment Permit	Public Works Code: SEC. 792. STREET PLAZAS. (b) (1)

<b>The length and frequency of the up to 8 private events that could be approved by the Board of Supervisors is unclear for Street Plazas</b>	Legislation amended to clarify event length as no more than one-day and to require that any approved events be spread throughout the calendar year	Public Works Code: SEC. 792. STREET PLAZAS. (b)4.D Application Submittal.
<b>It is unclear how communities will know about this process for Street Plazas in their neighborhoods</b>	Legislation amended to include additional noticing	Public Works Code: SEC. 792. STREET PLAZAS. (b) 5 Selection of Applicant Prior to Permit Processing.
<b>The steward identification process for City Plazas is unclear</b>	A document will be added to the Board file to clarify the intent of this process	Draft City Plaza Request for Proposals
<b>The steward identification process for Street Plazas is unclear</b>	A document will be added to the Board file to clarify the intent of this process	Draft Street Plaza draft Director's Order
<b>The community involvement process is unclear</b>	Two draft documents will be added to the Board file to clarify the intent of this process	Draft City Plaza Request for Proposals, draft Street Plaza DPW Director's Order
<b>There are some inconsistencies and typos in the legislation</b>	Legislation amended for inconsistencies and typos	Throughout all code amendments

1 [Administrative Code – Plaza Program]

2

3 **Ordinance amending the San Francisco Administrative Code by adding Chapter 94,**  
 4 **Sections 94.1 through 94.7 to establish a Plaza Program that coordinates City activities**  
 5 **in some City-owned plazas on public property and public right-of-way, to create a**  
 6 **process to identify stewards to activate plazas under the jurisdiction of the ~~Division of~~**  
 7 **City's Real Estate Division and regulate such plazas, establishing administrative fees**  
 8 **for the Plaza Program, and affirming the Planning Department's determination under**  
 9 **the California Environmental Quality Act.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
 11 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
 12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
 13 **Board amendment additions** are in double-underlined Arial font.  
 14 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
 15 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
 16 subsections or parts of tables.

14

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

16

17 Section 1. Findings.

18 (a) Through innovative approaches to transforming the public realm, San Francisco  
 19 has demonstrated nationally-recognized and innovative leadership with new and unique types  
 20 of public spaces. With these successes, there is now a need for a systemic program to  
 21 manage some City-owned urban plazas that benefit San Franciscans.

22 (b) This Board of Supervisors intends for various City, private, nonprofit, and  
 23 neighborhood groups to collaborate their efforts to provide long-term activation and/or  
 24 maintenance to some plazas.

25

1 (c) The City currently lacks dedicated coordination of activities in City-owned plazas  
2 that fall outside of traditional San Francisco Recreation and Parks Department jurisdiction and  
3 functions. There is no City staff dedicated to coordinating the Citywide, cross-departmental  
4 efforts to maintain and/or activate these spaces, and, as a result, there can be a lack of  
5 cohesion and policy-level coordination of the various City efforts to foster innovative  
6 approaches and partnerships for these public spaces.

7 (d) Various City programs and initiatives have demonstrated success in encouraging  
8 public realm engagement between the City and local stakeholders, including, but not limited  
9 to, the Planning Department's Pavement to Parks Program, Recreation and Parks  
10 Department partnership opportunities, the Department of Public Works Street Parks Program,  
11 development-enabled new open spaces (Planning Department), Octavia Boulevard Interim  
12 Use Projects (Mayor's Office of Economic and Workforce Development, "OEWD"), Living  
13 Innovation Zones (Mayor's Office of Civic Innovation), and Invest in Neighborhoods (OEWD).

14 (e) Other national and international cities have adopted similar approaches that fall  
15 outside traditional recreation and parks department jurisdiction and functions and also utilize  
16 community-supported open space partnerships. These include, but are not limited to, the New  
17 York City Department of Transportation Plaza Program, the Philadelphia University City  
18 District "Porch" at 30th Street Station, the Latham Square Project in Oakland, and the Paris  
19 Plage in Paris, France.

20 (f) OEWD convened over 20 meetings of interdepartmental working groups and  
21 multiple meetings with relevant stakeholders to: (1) identify various existing and related City  
22 public realm partnership efforts and (2) identify opportunities for coordination.

23 ~~(g) An outgrowth of this effort was the creation of the Plaza Program Strategy, which~~  
24 ~~further describes implementation guidelines and processes. A copy of this Strategy is on file~~  
25 ~~with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated~~

1 ~~herein by reference.~~ This effort also led to the establishment of the following goals related to  
2 the Plaza Program created by this legislation:

3 (1) Continue to strengthen San Francisco's vibrant communities by lowering City  
4 barriers to community and economic development-enhancing partnerships for City-owned  
5 open space;

6 (2) Improve the City's ability to provide more safe, clean, and active City-owned open  
7 space than are currently possible with existing City resources;

8 (3) Adopt innovative approaches to activate and manage Plazas in the urban public  
9 realm and share these approaches nationally;

10 (4) Work toward operational and fiscal sustainability of the Plazas as revenues  
11 generated in a Plaza could support Plaza activation, maintenance, and operations costs and,  
12 in cases of excess revenues, cross-fund other Plazas;

13 (5) Dedicate a staff person assigned to coordinating the Citywide, cross-departmental  
14 efforts to maintain and/or activate these spaces;

15 (6) Establish an Interagency Plaza Program Working Group (the "Plaza Working  
16 Group") to advise the Plaza Program Coordinator, the Directors of Department of Public  
17 Works ("DPW") and Real Estate Division ("RED"), as well as the Board of Supervisors, on  
18 Plaza Program actions, steward selection criteria, evaluation, and processes;

19 (7) Develop by April 1<sup>st</sup> 2014, standardized agreements and administrative processes,  
20 including documents that describe and establish management protocols for Plaza Program  
21 partner obligations, liabilities, and requirements; and,

22 (8) Facilitate the addition of at least three Plazas to the program by December 31,  
23 2014.

1 (h) Although capital improvements may occur, the main objective of the Plaza Program  
2 is not to build new plazas, but to capture long-term, sustainable approaches for Plazas and  
3 their associated stakeholders as these viable opportunities emerge from existing City efforts.

4 (i) Plazas that will be included in the Plaza Program will generally meet the following  
5 criteria:

6 (1) Public property under the jurisdiction of a City Department other than the  
7 Recreation and Parks Department;

8 (2) Public spaces that are generally permanent in nature;

9 (3) Pedestrian plazas that are generally over 2,000 square feet, but are not primarily  
10 an active recreational facility or urban agriculture;

11 (4) Public property, including open space areas, that have a demonstrable need for:  
12 (a) an operations and maintenance solution and/or (b) activation;

13 (5) Areas that have a location with high potential for natural activation (e.g., near an  
14 existing commercial corridor, high pedestrian and/or bicycle traffic, active local community,  
15 etc.) and where there is viable potential that activation could support Plaza maintenance,  
16 operations, and/or additional activation funding needs for the Plaza, if that is the main funding  
17 strategy;

18 (6) Locations where there is an existing community interest in activating that specific  
19 public open space;

20 (7) Projects with at least one identified potential partner that has demonstrated  
21 capacity to take on stewardship of the space for the ~~length~~ of the ~~lease~~, license, or permit  
22 term; and,

23 (8) Sites with potential to leverage related City efforts.

24 (j) This Ordinance is accompanied by companion legislation to support administration  
25 of the Plaza Program. This related legislation includes amendments to the Planning Code,

1 Police Code, and Public Works Code, copies of which are on file with the Clerk of the Board of  
2 Supervisors in File Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_, respectively,  
3 and are incorporated herein by reference.

4 (k) The Planning Department has determined that the actions contemplated in this  
5 ordinance comply with the California Environmental Quality Act (California Public Resources  
6 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination.  
7 Said determination is on file with the Clerk of the Board of Supervisors in File No.  
8 \_\_\_\_\_ and is incorporated herein by reference.

9  
10 Section 2. The Administrative Code is hereby amended by adding Chapter 94,  
11 Sections 94.1 to 94.7, to read as follows:

12 **CHAPTER 94: THE SAN FRANCISCO PLAZA PROGRAM**

13 **SEC. 94.1. DEFINITIONS.**

14 “Plaza” is City-owned land not under the jurisdiction of the Recreation and Parks  
15 Department: (a) where the public may gather and participate in commercial or non-commercial  
16 offerings, including, but not limited to, arts activities; entertainment; food, drink, and/or other  
17 refreshment; retail sales; sports; and general recreation, (b) that is managed fully or partially by a  
18 Steward or permittee, and (c) that the Board of Supervisors has approved as a Plaza under the Plaza  
19 Program adoption process defined herein.

20 “City Plaza” is a Plaza, as defined in this Section, that is not located on public right-of-way. In  
21 addition, the Board of Supervisors shall approve only those City Plazas zoned P (Public) with  
22 an Open Space (OS) height and bulk designation under the Planning Code unless the Board  
23 of Supervisors determines that a different zoning is appropriate for a particular City Plaza.

1 “Street Plaza” is a Plaza, as defined in this Section, that is located on public right-of-way and  
2 subject to the permitting jurisdiction of the Department of Public Works (“DPW”).

3 “Steward” is: (a) any educational, recreational or social agency, or any bona fide fraternal,  
4 charitable, or religious or benevolent or any other nonprofit organization or any public agency which  
5 organization or agency is exempt from taxation under the Internal Revenue laws of the United States as  
6 a bona fide fraternal, charitable, religious, benevolent, or nonprofit organization or a public agency  
7 with programs based in San Francisco, and (b) an organization or agency with a strong, demonstrated  
8 connection to the neighborhood in which the Plaza is located, and (c) selected through the Plaza  
9 Program to activate and/or maintain a City Plaza under a Real Estate Division (“RED”) license  
10 that the Board of Supervisors has approved.

11 **SEC. 94.2. PLAZA PROGRAM.**

12 (a) Establishment. There is hereby created a Plaza Program for the City and County of San  
13 Francisco. The Plaza Program shall be a joint effort of the Office of Economic and Workforce  
14 Development (“OEWD”), Real Estate Division (“RED”), and DPW, and any successor agency(ies)  
15 or department(s).

16 (b) Functions. The Plaza Program shall:

17 (1) Coordinate principles and practices in Plazas designated under the Plaza Program with  
18 other public agencies operating similar public realm initiatives and projects in the City.

19 (2) Be responsible for development and administration of program implementation, polices,  
20 and strategies.

21 (3) Sustain strategic partnerships with community organizations, nonprofit organizations, and  
22 businesses that have a stake in approved Plazas and, more broadly, in supporting and enhancing these  
23 Plazas City-wide.

24 (4) Establish financial sustainability opportunities to support the Plaza Program through the  
25 adoption of administrative fees.

1 (5) Explore efforts to cross-subsidize approved program Plazas by leveraging revenue  
2 generated in Plazas that exceeds the cost of managing and operating that Plaza and directing a portion  
3 of these excess funds to support other Plazas that have a demonstrated funding need.

4 (6) Seek Stewards for Plazas through a Steward identification process that utilizes existing City  
5 partnership efforts where possible and builds strong relationships with Stewards.

6 (7) Network communication and coordinate efforts of the various Stewards within the Plaza  
7 Program.

8 (8) Identify opportunities to streamline permitting for active uses of Plazas so that barriers to  
9 event permitting can be minimized.

10 (9) Encourage Plaza Stewards and permittees to maximize events and activities that are ~~fee~~  
11 free to the public.

12 (10) Place jurisdiction of Plazas in either DPW or RED and consider recommendations of the  
13 Director of DPW and/or RED for Plaza inclusion in the Plaza Program under the respective  
14 jurisdiction of each department.

15 (11) Present proposed Plazas, with DPW or RED Director recommendations ~~s~~ concerning  
16 Plazas to be placed within the respective proper jurisdictional of each department for the Plaza,  
17 to the Board of Supervisors for approval along with any necessary permits and authorizations  
18 including, but not limited to, Street Encroachment Permits, Street Vacation Ordinances, or licenses, ~~or~~  
19 leases.

20 (12) Collect Plaza participation data and user feedback, and use established criteria to  
21 evaluate Steward performance outcomes in various areas, including economic, activation, and  
22 community engagement.

23 (13) Support development of long-term maintenance and activation partnerships as successful  
24 Plazas emerge through various City and private efforts. Some Plazas also may have parallel capital  
25 improvement processes which should be planned collaboratively with the Plaza Program. However,

1 the affected City Departments should implement these capital funding efforts independently or in  
2 association with the Steward or permittee.

3 (14) Strive to ensure that Plazas remain accessible to the public, to the maximum extent  
4 feasible, with a recognition that some small number of restricted access events may be helpful in  
5 supporting Plaza operations.

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

8 (c) **Report.** The Plaza Program will prepare an impact analysis report after the first two years  
9 of Plaza Program establishment and every five years thereafter. Said report(s) shall be submitted to  
10 the Board of Supervisors and available to the general public.

11 **SEC. 94.3. REGULATIONS FOR CITY PLAZAS.**

12 (a) All City Plazas shall be administered by the Director of RED pursuant to the requirements,  
13 rules, and regulations set forth herein or in regulations that the Director of RED adopts.

14 (b) **Steward Identification Process.** The Plaza Program shall issue requests for proposals  
15 ("RFP") to identify a Steward for each City Plaza. The Plaza Program shall accept the RFP  
16 submittals by a specified deadline and the RFP submittals shall include all required information and  
17 documents to be deemed responsive.

18 (c) Upon issuance of any RFP, the Director of RED shall post the Plaza site with a notice of  
19 issuance of the RFP, mail notice of the request to property owners within a 300 foot radius of  
20 the exterior boundaries of the Plaza, and place a similar request on the Department's website. The  
21 Director of RED shall make reasonable efforts to keep the Plaza site notice visible and legible until the  
22 deadline for submitting the RFP. If more than one responsive RFP submission is received  
23 during this period, the Director of RED shall hold a public hearing on the potential applicant(s).  
24 The Director of RED shall provide the same notice for the hearing as provided for the  
25 issuance of the RFP as provided in this Subsection.

1 (1) **Operational Requirements.** Among other information required for submission as part of  
2 the RFP, the applicant shall specify the number of restricted access events, if any, that will be held  
3 annually, which number shall not exceed eight (8) such single day events. No more than one day  
4 shall be used to set up for any approved restricted access events and no more than one day  
5 shall be used for break down and clean-up of any approved restricted access events.  
6 Scheduling of any approved restricted access events shall be spread throughout the calendar  
7 year.

8 (d) The following operational requirements shall apply to City Plazas and shall be posted in a  
9 prominent location in each City Plaza:

10 (1) **Peddling and Vending Merchandise.** No person shall bring, or cause to be brought, for the  
11 purposes of sale or barter, or have for sale, or sell in exchange, or offer for sale or exchange any  
12 goods, wares, or merchandise in the City Plaza, except for which the City and County of San Francisco  
13 issues any required permit or other authorization. Notwithstanding the above provision, the sale or  
14 distribution of newspapers, periodicals, or other printed or otherwise expressive material is allowed  
15 subject to the applicable requirements of the Public Works Code.

16 (2) **Performance of Labor.** No person, other than authorized City personnel, shall perform any  
17 labor, on or upon the Plaza, including, but not limited to, taking up or replacing soil, turf, ground,  
18 pavement, structures, trees, shrubs, plants, grass, flowers, or similar activities without prior permission  
19 from the Director of RED.

20 (3) **Camping Prohibited.** The provisions of Park Code Section 3.12 concerning camping shall  
21 apply to the Plaza except that the RED shall administer these provisions.

22 (4) **No Unpermitted Structures.** There shall be no stationing or erecting of any structure(s) on  
23 the Plaza without prior permission from the Director of RED.

24 (5) **No Smoking.** Pursuant to the Municipal Code, smoking is prohibited on any unenclosed  
25 area of property in the City and County of San Francisco that is under the jurisdiction of any City

1 department if the property is a park, square, garden, sport or playing field, pier, or other property used  
2 for recreational purposes, or as a farmers' market. Given the use of the subject areas as an outdoor  
3 public plaza, this prohibition on smoking shall apply to City Plazas.

4 **(6) Other Restrictions.**

5 (A) There shall be no skateboarding, bicycle riding, or pets off leash without prior  
6 permission from the Director of RED.

7 (B) There shall be no littering, feeding of wildlife, or defacing of public property.

8 (C) No alcohol is allowed to be consumed in City Plazas without prior permission from  
9 the Director of RED and all required City and State authorizations and permits.

10 (D) General ~~Advertising~~Advertising is prohibited.

11 **(e) Additional Requirements Adopted at Time of City Plaza Approval. Other regulations and**  
12 requirements, including hours of operation, shall be adopted when each City Plaza is legislatively  
13 approved and incorporated into the Plaza Program. Such regulations and requirements shall be  
14 posted in a prominent location in each City Plaza.

15 **(f) ~~Lease or~~ License Terms.**

16 (1) The terms of operation, use, and maintenance of a City Plaza shall be specified in a RED  
17 ~~lease or~~ license that is subject to approval of the Board of Supervisors. These terms shall include, but  
18 are not limited to, scope of permissible activities; daily, weekly, and/or monthly time periods authorized  
19 for such permissible ~~Steward use and~~ activities and the scope of such ~~use and~~ activities and  
20 uses; ~~a the~~ minimum number of yearly programmed events; ~~the~~ permissible number of annual  
21 restricted access events, if any; ~~Steward's liability for and, indemnity of the City with respect to the~~  
22 City Plazas, and ~~the Steward's required~~ insurance, ~~all~~ as approved by the City Risk Manager or  
23 ~~any~~ successor agency; ~~the~~ on-going community engagement plan; ~~the~~ strategies to engage with  
24 existing City programs; ~~the~~ authorized signage program; the expiration date of the ~~lease or~~ license;  
25 remedies for violating the ~~license or lease~~, including termination; and ~~the~~ payment of fees, including

1 any administrative fees as set forth in Section 94.7 and any amounts that the Steward pays to RED  
2 in consideration of its City Plaza license.

3 (2) The standard term of a City Plaza ~~Lease or L~~icense shall be no longer than five (5)  
4 years; provided, however, that in unique circumstances or in cases where the Steward installs  
5 significant improvements as part of the ~~lease or license~~, the Director of RED is authorized to  
6 provide for ~~may recommend~~ a longer term to the Board of Supervisors for its consideration.

7 (3) The ~~lease or license~~ shall require that the Steward submit a monthly calendar of events to  
8 the local District Police station, the Director of RED, and the Plaza Program thirty (30) days prior to  
9 the start of the subject month.

10 (g) **Exceptions to Operational Requirements and Terms of the ~~Lease or License~~.**

11 (1) **Exceptions to Operational Requirement** ~~Exceptions~~. From time to time and due to  
12 unique circumstances, the Operational Requirements set forth above in Subsections (d) or (e) may not  
13 be appropriate for a particular event. In such cases, and after a duly noticed public hearing, the  
14 Director of RED may issue an exception to the requirements of Subsection (d) or (e) if he or she finds  
15 in his or her sole discretion that the public interest would be served by the grant of the exception.

16 (2) **Exceptions to ~~Lease or License Terms~~ Exceptions**. After written request from a  
17 Steward, the Director of RED is authorized to issue non-material exceptions or other minor  
18 amendments to the terms of a City Plaza ~~lease or license~~ as long as the Director of RED, in  
19 consultation with the City Attorney's Office, determines that such exceptions or amendments  
20 do not materially increase City's costs or obligations, decrease the benefit the City receives  
21 under the Steward's license for the City Plazas, and are reasonable within the purpose of the  
22 Plaza Program. The Director shall issues such exceptions in writing, retain the granted exceptions in  
23 a file available for public review, and shall post such correspondence on the Department's and Plaza  
24 Program's website.

1 (h) **Additional Permits Required for Certain Activities.** Because certain activities may require  
2 additional permits or approvals from City or State agencies, boards, commissions, or departments, the  
3 Steward shall be solely responsible for obtaining all other permits or approvals that may be necessary  
4 for or related to activities at the City Plaza. The Director of RED, as necessary, may consult with the  
5 Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), to identify and coordinate  
6 streamlined permitting opportunities that may be available for certain activities on City Plazas.

7 (i) **Violation of Requirements and Regulations.**

8 (1) If any person has occupied a City Plaza in violation of the requirements and regulations,  
9 the Director of RED or his designee or agent shall immediately order the violator to vacate the  
10 occupied area or abate the violation. Should the violation not be corrected as ordered, the permittee or  
11 person shall be subject to enforcement pursuant to the Police Code.

12 (2) The Plaza Program will establish administrative procedures concerning methods to  
13 process, address, respond to, and document any complaints concerning operation of a Plaza. If the  
14 Director of RED receives verified complaints concerning violations of the terms and conditions of the  
15 Steward's ~~lease or~~ license within the initial six (6) month period of operation, the Director of RED  
16 shall conduct a public hearing on the Steward's conduct. After the initial six (6) month term, the  
17 Director of RED may extend the term to every twelve (12) months for the consideration of subsequent  
18 complaints and action thereon. Based on the information presented at the hearing, the Director may  
19 terminate, suspend, modify, or condition the ~~lease or~~ license or take any other action the Director  
20 deems appropriate under the terms of the ~~lease or~~ license in response to the Steward's conduct.

21 (3) If the Plaza Steward conducts less than the minimum number of annual programmed events  
22 stipulated in the ~~lease or~~ license, the Director of RED may terminate, suspend, modify, or condition  
23 the ~~lease or~~ license or take any other action the Director deems appropriate under the terms of the  
24 ~~lease or~~ license in response to the Steward's conduct.

1 (i) **Regulations.** The Board of Supervisors authorizes the Director of RED to adopt regulations  
2 as set forth in this Ordinance and any additional regulations that the he or she deems appropriate and  
3 necessary for the proper management and use of the City Plazas (“Regulations”). The Director of  
4 RED also is authorized to post signage setting forth the Regulations. Such Regulations shall be  
5 adopted after a public hearing and thereafter made available to any member of the public that requests  
6 such Regulations.

7 **SEC. 94.4. GOOD NEIGHBOR POLICIES.**

8 (a) The Steward for a City Plaza shall manage the Plaza in accordance with the following good  
9 neighbor policies during the times of use as set forth in the Plaza ~~lease or license~~:

10 (1) The quiet, safety, and cleanliness of the Plaza and its adjacent area shall be maintained;

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

12 (3) Noise and odors, unless otherwise permitted, shall be contained within immediate area of  
13 the Plaza so as not to be a nuisance to neighbors;

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

17 (5) ~~Employees of the Plaza~~The Steward or its employees or volunteers shall walk a 100-  
18 foot radius from the Plaza some time within thirty (30) minutes after the daily use period as set forth in  
19 the ~~lease or license~~ and shall pick up and dispose of any discarded beverage containers and other  
20 trash left by patrons.

21 (b) **Exceptions.** After written request from a Steward, the Director of RED is authorized to  
22 issue non-material exceptions or other minor amendments to the Good Neighbor Policies. The Director  
23 of RED shall issues such exceptions in writing, retain the granted exceptions in a file available for  
24 public review, and shall post such correspondence on the Department’s and Plaza Program’s website.

1        **SEC. 94.5. REGULATIONS FOR STREET PLAZAS.** The regulations for Street Plazas are  
2 set forth in Public Works Code Section 792.

3        **SEC. 94.6. FEES.**

4        (a) The Plaza Program shall charge an administrative fee to Stewards or permittees for Plazas.  
5 Such fee shall be based on actual costs that the Plaza Program incurs in administering and processing  
6 the action or procedure. The Plaza Program shall provide the applicant with a written estimate of said  
7 costs at the time of application, and the applicant shall pay such fees prior to the time that the  
8 application is deemed complete. To the extent that the estimated fees do not cover actual costs, any  
9 outstanding amount due shall be a condition of the City's final decision on the action or procedure. To  
10 the extent that the estimated fees exceed the actual costs, the Plaza Program shall refund the excess  
11 amount to the applicant within a reasonable period after the City's final decision on the action or  
12 procedure.

13        (b) The administrative fee identified in Subsection (a) shall be sufficient to recover actual costs  
14 that the Plaza Program incurs and shall be charged on a time and materials basis. The Plaza Program  
15 also may charge for any time and materials costs that other agencies, boards, commissions, or  
16 departments of the City, including the City Attorney's Office, incur in connection with the processing or  
17 administration of a particular application, action, or procedure unless such costs are fully included as  
18 part of an existing permit fee.

19        (c) Payment of said fee shall be a condition of any permit, license, ~~lease~~, or other approval to  
20 establish and/or operate a Plaza.

21        (d) Additional administrative fees may be charged for subsequent Plaza Program staff  
22 consultation with Stewards or permittees in accordance with the fee requirements specified above. Said  
23 fees shall be paid on a monthly, quarterly, or annual basis, as specified in a written fee request from  
24 the Plaza Program.

25        **SEC. 94.7. PLAZAS PARTICIPATING IN THE PLAZA PROGRAM.**

1                  (a) [Intentionally left blank].

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Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the 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: \_\_\_\_\_  
John D. Malamut  
Deputy City Attorney

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DELETE THIS FIELD: Before sending a version of the ordinance to the sponsor or the Clerk’s office for introduction or for Board amendments, highlight the above file path and press the YELLOW TRIANGLE CAUTION button on your toolbar.

1 [Police Code - Plaza Program Entertainment Permits]

2

3 **Ordinance amending the Police Code to include “Plazas” as identified in Administrative**  
4 **Code, Chapter 94, as a type of limited live performance locale, and establish various**  
5 **requirements applicable to such Plazas; affirming the Planning Department’s**  
6 **determination under the California Environmental Quality Act.**

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

11

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

13

14 Section 1. Findings.

15 (a) The Findings set forth regarding the Plaza Program in companion legislation  
16 amending the Administrative Code Chapter 94 to establish the Plaza Program are  
17 incorporated herein by reference. Said findings are in Clerk of the Board of Supervisors File  
18 No. \_\_\_\_\_.

19 (b) A regulatory program authorizing loudspeaker permits for a maximum of one year  
20 would facilitate and ease activation of Plazas established under the Plaza Program.

21 (c) The Planning Department has determined that the actions contemplated in this  
22 ordinance comply with the California Environmental Quality Act (California Public Resources  
23 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination.  
24 Said determination is on file with the Clerk of the Board of Supervisors in File No.  
25 \_\_\_\_\_ and is incorporated herein by reference.

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Section 2. The Police Code is hereby amended by revising Sections 1060, 1060.1, 1060.3.1, 1060.19, and 1060.28, to read as follows:

**SEC. 1060. DEFINITIONS.**

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

\* \* \* \*

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

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

(2) The locale is indoors, or consists of an outdoor plaza, courtyard, or similar space, enclosed by surrounding buildings, with or without open means of public ingress and egress, with an area in which Live Performances are presented that is no greater than 200 square feet. For purposes of this Subsection, "outdoor plaza, courtyard, or similar space" also shall include any Plaza as identified in Administrative Code Chapter 94, regardless of the square footage of the Live Performance area.

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

(4) The locale is not a private residence.

(5) Patrons or members are admitted to the locale, which serves food, beverages, or food and beverages, including but not limited to alcoholic beverages, for consumption on the premises.

\* \* \* \*

**SEC. 1060.1. PERMIT REQUIRED.**

1 (a) It shall be unlawful for any Person to own, conduct, operate, or maintain, or to  
2 cause or permit to be conducted, operated, or maintained, any Place of Entertainment,  
3 Limited Live Performance Locale, or One-Time Event in the City and County of San Francisco  
4 without first having obtained the required permit from the Director or Entertainment  
5 Commission. No Person shall operate a Place of Entertainment between 2:00 a.m. and 6:00  
6 a.m. without having both a Place of Entertainment Permit and an Extended-Hours Premises  
7 Permit.

8 (b) It shall be unlawful for any Person to conduct, operate or maintain, or cause or  
9 permit to be conducted, operated, or maintained, a Place of Entertainment, Limited Live  
10 Performance Locale, or One-Time Event for which a permit has been granted (1) after the  
11 permit has been revoked or is otherwise invalid or (2) for any period of time during which the  
12 permit has been suspended.

13 (c) It shall be unlawful for any Person who is required to surrender a permit upon the  
14 sale of a Business as required under Section 1060.24(b) to fail to do so.

15 (d) Any place or premises where a Place of Entertainment Permit, Limited Live  
16 Performance Permit, or One-Time Event Permit is sought must (1) conform to all existing  
17 health, safety, zoning, ~~and fire,~~ and other Municipal ordinances of the City and County of San  
18 Francisco, and (2) must have a valid permit to operate (formerly referenced in this Article as a  
19 public eating place permit) from the Department of Public Health, if applicable. The  
20 Entertainment Commission, including the Director in the case of a One-Time Event Permit,  
21 may issue a permit under this Article conditional upon the applicant receiving the other  
22 required permits.

23 **SEC. 1060.3.1. APPLICATION FORM FOR LIMITED LIVE PERFORMANCE**  
24 **PERMIT.**

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

3 (a) The name and street address of the Business for which the permit is sought;  
4 however, if the application relates to a Plaza as identified in Administrative Code Chapter 94, the  
5 application shall instead include the name and location of the Plaza and the name and street address of  
6 the Steward or permittee of the Plaza.

7 \* \* \* \*

8 **SEC. 1060.19. PERMIT FEE; EXEMPTIONS.**

9 The provisions of Section 1060.2 relating to a permit fee shall not apply to any Place  
10 of Entertainment or Limited Live Performance Locale used exclusively for any of the following  
11 purposes:

12 (a) Places of Entertainment or Limited Live Performance Locales that are operated  
13 by any public agency or by any educational, recreational or social agency, or by any bona fide  
14 fraternal, charitable, or religious or benevolent or any other nonprofit organization having a  
15 regular membership association primarily for mutual social, mental, political and civic welfare,  
16 to which admission is limited to members and guests and revenue accruing therefrom to be  
17 used exclusively for the benevolent purposes of said organization and which organization or  
18 agency is exempt from taxation under the Internal Revenue laws of the United States as a  
19 bona fide fraternal, charitable, religious, benevolent or nonprofit organization.

20 (b) Notwithstanding the above Subsection, the Steward or permittee for a Plaza as identified in  
21 Administrative Code Chapter 94 shall be subject to the permit fee of Section 1060.2.

22 **SEC. 1060.28. EARPLUGS AND FREE DRINKING WATER.**

23 (a) If the location for which the place of entertainment permit is issued contains a  
24 dance floor or other place primarily designated for dancing, the permit holder shall provide:  
25

1           (~~a~~1) Free cool drinking water to patrons by means of an automatic drinking fountain  
2 or by providing cups of water at all beverage service locations, or both; and

3           (~~b~~2) Earplugs for free, or for sale on the premises at a reasonable price.

4           **(b) Notwithstanding the above Subsection, these requirements shall not apply to a Plaza as**  
5 **identified in Administrative Code Chapter 94.**

6  
7           Section 3. Effective Date. This ordinance shall become effective 30 days after  
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
10 of Supervisors overrides the Mayor's veto of the ordinance

11  
12           Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
16 additions, and Board amendment deletions in accordance with the "Note" that appears under  
17 the official title of the ordinance.

18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21 By: \_\_\_\_\_

22           John D. Malamut  
23           Deputy City Attorney

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1 [Public Works Code - Plaza Program]

2

3 **Ordinance amending the San Francisco Public Works Code by adopting Section 792 to**  
4 **establish a permit program for plazas on the public right-of-way and affirming the**  
5 **Planning Department’s determination under the California Environmental Quality Act.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
9 **Board amendment additions** are in double-underlined Arial font.  
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
11 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
12 subsections or parts of tables.

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

14

15 Section 1. Findings.

16 (a) The findings set forth regarding the Plaza Program in companion legislation  
17 creating Administrative Code Chapter 94 that establishes the Plaza Program are incorporated  
18 herein by reference. Said findings are in Clerk of the Board of Supervisors File No.  
19 \_\_\_\_\_.

20 (b) A regulatory program governing plazas on public right-of-way, which are referred to  
21 as Street Plazas, should be established in the Public Works Code and under the jurisdiction of  
22 the Department of Public Works.

23 (c) The Planning Department has determined that the actions contemplated in this  
24 ordinance comply with the California Environmental Quality Act (California Public Resources  
25 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination.  
Said determination is on file with the Clerk of the Board of Supervisors in File No.  
\_\_\_\_\_ and is incorporated herein by reference.

1  
2 Section 2. The Public Works Code is hereby amended by adding Section 792, to read  
3 as follows:

4 **SEC. 792. STREET PLAZAS.**

5 (a) Purpose. The purpose of this Section is to establish a regulatory program for Street Plazas,  
6 as defined in Administrative Code Chapter 94.

7 **(b) Permit Requirements.**

8 (1) A Plaza Encroachment Permit ("Plaza Permit") shall be processed under the same terms  
9 and requirements as a Street Encroachment Permit, also known as a Major Encroachment Permit, in  
10 Public Works Code Section 786 except as provided in this Section 792.

11 (2) A Plaza Permit is not subject to the annual assessment fee as set forth in Section 786.7.

12 (3) Permit Applicant. The applicant for a Plaza Permit shall have a strong, demonstrated  
13 connection to the neighborhood in which the Plaza is located.

14 (4) Application Submittal. In addition to all the materials required for a Street Encroachment  
15 Permit in Section 786 et seq., the applicant shall provide the following information as part of the  
16 application submittal:

17 (A) Information demonstrating the requirements of Subsection (b)(3) above, including  
18 but not limited to, documentation of public outreach processes and proposals for on-going community  
19 engagement.

20 (B) Proposed daily, weekly, and monthly programmed hours of use of the Street Plaza  
21 on an annual basis for which the Permit will be active. The Permit shall specify a minimum number of  
22 yearly programmed events.

23 (C) Proposed scope of activities on an annual basis for which the Permit shall be  
24 active. This may include use of moveable, temporary, or fixed furniture or structures; maintenance of  
25 hardscape and/or landscaping on the plaza; general programming and activation of the Plaza; and

1 commercial or non-commercial offerings, including, but not limited to, arts activities; entertainment;  
2 food, drink, and/or other refreshment; retail sales; sports; and general recreation.

3 (D) The number of proposed restricted access events, if any, that will be held annually,  
4 which number shall not exceed eight (8) single day events. No more than one day shall be used to set  
5 up for any approved restricted access events and no more than one day shall be used for break down  
6 and clean-up of any approved restricted access events. Scheduling of any approved restricted access  
7 events shall be spread throughout the calendar year.

8 (E) Proposed strategies to engage with existing City programs.

9 (F) A proposed signage program.

10 **(5) Selection of Applicant Prior to Permit Processing.**

11 (A) When DPW determines that a portion of the public right-of-way should be eligible  
12 for Street Plaza status, it shall post the potential Plaza location with a request for applications for a  
13 Plaza Permit to activate the subject site, mail notice of the request to property owners within a 300 foot  
14 radius of the exterior boundaries of the Plaza, place a similar request on the Department's website,  
15 and take other actions the Director deems advisable to notify the public and interested organizations of  
16 the request for applications. The notices shall be posted and made available for at least three  
17 (3)months before DPW closes the application period. DPW shall make reasonable efforts to keep the  
18 Plaza location notice visible and legible during the application period.

19 (B) DPW shall conduct the same application notice process at the end of a Plaza Permit  
20 term for an established Street Plaza if DPW determines that the Street Plaza activation should continue  
21 at that location.

22 (C) If more than one application is received during this application period, the  
23 Department shall hold a public hearing on the potential applicant(s). DPW shall provide the same  
24 notice for the hearing as provided under Subsection (5)(A)above. Based on the information and  
25 testimony at the hearing as well as any other documentation provided, the DPW Director shall issue a

1 decision concerning the selected applicant. The DPW Director's decision shall be final and not subject  
2 to appeal. After such selection, the Department shall meet with the selected applicant to determine  
3 what outstanding materials are necessary to complete processing of the Plaza Permit.

4 (D) The Department shall complete any outstanding permit processing steps as set forth  
5 in Section 786 for Street Encroachment Permits.

6 **(6) Maintenance, Liability, Insurance, and Other Permit Terms.**

7 (A) DPW shall specify in the Plaza Permit the scope of Permittee's maintenance and  
8 liability responsibility that shall apply to the Permit based on the Permittee's authorized hours of use of  
9 the Street Plaza and the Permittee's scope of activities.

10 (B) The Permit shall identify required liability, indemnity, and insurance coverages, as  
11 approved by the City Risk Manager or successor agency.

12 (C) The Permit shall specify the number of annual restricted access events, if any.

13 (D) The Permit shall specify that the Permit may be deemed abandoned if the Plaza  
14 Permittee conducts less than the stipulated number of minimum annual programmed events.

15 (E) The Permit shall require that the Steward submit a monthly calendar of events to  
16 the local District Police station, the DPW Director, and the Plaza Program thirty (30) days prior to the  
17 start of the subject month.

18 (F) **Signage.** The Permit shall include an approved signage program.

19 (G) **Financial Records.** The Plaza Permittee shall make its financial records related to  
20 the use of the Street Plaza available to the DPW Director for inspection upon written request of the  
21 Director.

22 (7) Because certain activities may require additional permits or approvals from City or State  
23 agencies, boards, commissions, or departments, the Plaza Permittee shall be solely responsible for  
24 obtaining all other permits or approvals that may be necessary for or related to activities at the Street  
25

1 Plaza. Any event that involves at least one of the following activities, also shall be required to obtain  
2 approval from the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT):

3 \_\_\_\_\_ (A) Sales or service of alcohol;

4 \_\_\_\_\_ (B) A fuel-powered generator with a fuel capacity greater than 10 gallons;

5 \_\_\_\_\_ (C) Installation of a tent or canopy in excess of 400 square feet;

6 \_\_\_\_\_ (D) Closure of all or any portion any public right-of-way tangent to and/or outside the  
7 delineated area of the Plaza;

8 \_\_\_\_\_ (E) Events that exceed decibel maximums described in the Plaza Limited Live  
9 Performance permit, if applicable, issued pursuant to Police Code Sections 1060 et seq.; or

10 \_\_\_\_\_ (F) Activities that exceed the general scope of the Plaza Permit agreement.

11 (8) Due to possible damage to City infrastructure, any event that involves at least one of the  
12 following activities also shall be required to obtain review and possible issuance of a Temporary  
13 Occupancy permit from the Department:

14 \_\_\_\_\_ (A) Stages that are not pre-fabricated and that require installation or construction with  
15 trained staff; or

16 \_\_\_\_\_ (B) Any structure in excess of 250 pounds per square inch.

17 (9) The standard term of a Plaza Permit shall be no longer than 5 years; provided, however,  
18 that in unique circumstances or in cases where the Permittee installs significant improvements as part  
19 of the permit, the DPW Director is authorized to provide for a longer or unlimited term.

20 Notwithstanding the above, all Plaza Permits are revocable at the will of the DPW Director.

21 (10) **Regulations for Street Plazas.**

22 \_\_\_\_\_ (A) The DPW Director shall administer all Street Plazas pursuant to the requirements,  
23 rules, and regulations set forth herein or in regulations that the DPW Director adopts.

24 \_\_\_\_\_ (B) **Operational Requirements.** The following operational requirements shall apply to  
25 Street Plazas and shall be posted in a prominent location in each Street Plaza:

1           (i) **Peddling and Vending Merchandise.** No person shall bring, or cause to be brought,  
2 for the purposes of sale or barter, or have for sale, or sell in exchange, or offer for sale or exchange  
3 any goods, wares, or merchandise in the Street Plaza, except for which the City and County of San  
4 Francisco issues any required permit or other authorization. Notwithstanding the above provision, the  
5 sale or distribution of newspapers, periodicals, or other printed or otherwise expressive material is  
6 allowed subject to the applicable requirements of the Public Works Code.

7           (ii) **Performance of Labor.** No person, other than authorized City personnel, shall  
8 perform any labor, on or upon the Plaza, including, but not limited to, taking up or replacing soil, turf,  
9 ground, pavement, structures, trees, shrubs, plants, grass, flowers, or similar activities without prior  
10 permission from the DPW Director.

11           (iii) **Camping Prohibited.** The provisions of Park Code Section 3.12 concerning  
12 camping shall apply to the Plaza except that the DPW Director shall administer these provisions.

13           (iv) **No Unpermitted Structures.** There shall be no stationing or erecting of any  
14 structure(s) on the Plaza without prior permission from the DPW Director.

15           (v) **No Smoking.** Pursuant to the Municipal Code, smoking is prohibited on any  
16 unenclosed area of property in the City and County of San Francisco that is under the jurisdiction of  
17 any City department if the property is a park, square, garden, sport or playing field, pier, or other  
18 property used for recreational purposes, or as a farmers' market. Given the use of the subject areas as  
19 an outdoor public plazas, this prohibition on smoking shall apply to Street Plazas.

20           (vi) **Other Restrictions.**

21           (aa) There shall be no skateboarding, bicycle riding, or pets off leash, without  
22 prior permission from the DPW Director.

23           (bb) No alcohol is allowed to be consumed in City Plazas without prior  
24 permission from the DPW Director and all required San Francisco and State authorizations and  
25 permits.



1           (C) Noise and odors, unless otherwise permitted, shall be contained within immediate  
2 area of the Plaza so as not to be a nuisance to neighbors;

3           (D) Notices shall be prominently displayed during events that urge patrons to leave the  
4 Plaza premises and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or  
5 block driveways in the neighborhood. Such notices shall be removed after each event; and,

6           (E) The Plaza Permittee or its employees or volunteers shall walk a 100-foot radius  
7 from the Plaza some time within thirty (30) minutes after the daily use period as set forth in the Permit  
8 and shall pick up and dispose of any discarded beverage containers and other trash left by patrons.

9           (2) **Exceptions.** After written request from a Plaza Permittee, the DPW Director is authorized  
10 to issue non-material exceptions or other minor amendments to the Good Neighbor Policies. The DPW  
11 Director shall issues such exceptions in writing, retain the granted exceptions in a file available for  
12 public review, and shall post such correspondence on the Department's and Plaza Program's website.

13           **(e) Violation of Permit or Regulations; Penalties.**

14           (1) If any person has occupied a Street Plaza in violation of these regulations or those that the  
15 DPW Director has adopted, the DPW Director or his designee or agent shall immediately order the  
16 violation to vacate the occupied area or abate the violation. Should the violation not be corrected as  
17 ordered, the Permittee or person shall be subject to the actions and penalties set forth below for each  
18 violation.

19           **(A) Criminal Penalty.**

20           (i) Any person who shall violate any of the provisions of these regulations shall be  
21 guilty of an infraction. Every violation determined to be an infraction is punishable by (a) a fine not  
22 exceeding \$100 for the first violation within one year; (b) a fine not exceeding \$200 for a second  
23 violation within one year from the date of the first violation; (c) a fine not exceeding \$500 for the third  
24 and each additional violation within one year from the date of the first violation.

1           (ii) When a government official authorized to enforce this Section has reasonable cause  
2 to believe that any person has committed an infraction in the official's presence that is a violation of  
3 this Section, the official may issue a citation to that person pursuant to California Penal Code, Part II,  
4 Title 3, Chapters 5, 5C, and 5D.

5           (B) **Administrative Penalty.** In the alternative to the criminal penalty authorized by  
6 Subsection (e)(1)(A) of this Section, Department of Public Works officials designated in Section 38 of  
7 the Police Code may issue administrative citations for violations of these regulations. The  
8 administrative penalty shall not exceed \$300 per day for each violation. Such penalty shall be assessed,  
9 enforced, and collected in accordance with Section 39-1 of the Police Code.

10          (2) The Plaza Program will establish administrative procedures concerning methods to  
11 process, address, respond to, and document any complaints concerning operation of a Plaza. If the  
12 DPW Director receives verified complaints concerning violations of the terms and conditions of the  
13 Permit within the initial six (6) month period of operation, the DPW Director shall conduct a public  
14 hearing on the Permittee's conduct. After the initial six (6) month term, the DPW Director may extend  
15 the term to every twelve (12) months for the consideration of subsequent complaints and action  
16 thereon. Based on the information presented at the hearing, the Director may terminate, suspend,  
17 modify, or condition the Permit or take any other action the Director deems appropriate under the  
18 terms of the Permit in response to the Permittee's conduct.

19          (3) If the Permittee conducts less than the minimum number of annual programmed events  
20 stipulated in the Permit, the DPW Director may determine that the Permit has been abandoned or may  
21 terminate, suspend, modify, or condition the Permit or take any other action the Director deems  
22 appropriate under the terms of the Permit in response to the Permittee's conduct.

23          (f) **Regulations and Orders.** The Director may adopt such orders, policies, regulations, rules,  
24 or standard plans and specifications as he or she deems necessary in order to preserve and maintain  
25 the public health, safety, welfare, and convenience ("Regulations"). Such Regulations may include,

1 but are not limited to, permit application materials, placement of and information contained on signs,  
2 site conditions, accessibility of sidewalks and streets. When such Regulations may affect the operations  
3 and enforcement of the Municipal Transportation Agency, the Director of the Department of Public  
4 Works shall consult with and provide an opportunity to comment to the General Manager of the  
5 Municipal Transportation Agency prior to adoption of such Regulations.

6

7 Section 3. Effective Date. This ordinance shall become effective 30 days after  
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
10 of Supervisors overrides the Mayor's veto of the ordinance.

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

13 By: \_\_\_\_\_  
14 John D. Malamut  
Deputy City Attorney

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# Plaza Examples

- The following Plazas are listed for example only and may be eligible for participation, pending community processes and regulations, including environmental review

Plaza	Plan/Program	District
McCoppin Hub Plaza	Market & Octavia Area Plan, Ancillary Projects	6
Hallidie Plaza	Better Market Street Plan	6/3
Daggett Park	Showplace Square Open Space Plan	10
Mendell Plaza	Invest in Neighborhoods	10
Jane Warner Plaza	Castro/Upper Market Community Benefit District Neighborhood Beautification Plan, Pavement to Parks	8
Mission & Valencia PUC Plaza	Invest in Neighborhoods	9
Ocean/Phelan Plaza	Balboa Park Station Area Plan	7
San Jose/Guerrero	Pavement to Parks	8

**DRAFT Plaza Program questions with Clarifications/Amendments**

Question	Answer
<p><b>What is the working definition of “PLAZA” for the sake of this program? Does this apply to RPD land?</b></p>	<p>“Plaza” is City-owned land <b>not under the jurisdiction of the Recreation and Parks Department</b>: (a) where the public may gather and participate in commercial or non-commercial offerings, including, but not limited to, arts activities; entertainment; food, drink, and/or other refreshment; retail sales; sports; and general recreation, (b) that is managed fully or partially by a Steward or permittee, and (c) that the Board of Supervisors has approved as a Plaza under the Plaza Program adoption process defined herein.</p>
<p><b>Who are these nonprofits who could take on plazas? Define which types of NPs would be eligible. for City Plazas</b></p>	<p>Any educational, recreational or social agency, or any bona fide fraternal, charitable, or religious or benevolent or any other nonprofit organization or any public agency which organization or agency is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable, religious, benevolent, or nonprofit organization or a public agency with programs based in San Francisco could respond; such organizations also need to show a strong, demonstrated connection to the neighborhood in which the Plaza is located.</p>
<p><b>How will the program avoid excluding the homeless? Beyond the potential 8 one-day events, can the steward restrict access to the space?</b></p>	<p>All plazas to be adopted under the Plaza Program would be open to the public, with the exception of a small number of restricted access events (no more than 8, one-day events), if approved by the Board of Supervisors. Plaza Stewards may ask for a suggested donation at events outside of any approved restricted events, but could not restrict access.</p>
<p><b>Where do the activation interests come from – where is the need? How did this program idea come into being – who is asking for this? Need: How would the need be demonstrated? What are the criteria? Who would demonstrate the need and how would they demonstrate it? What is the need for this program? How did communities decide on this desire for activation?</b></p>	<p>Activation and stewardship interests emerge from various neighborhood and community area planning processes, as well as City sponsored initiatives that engage with local neighborhoods around streetscape and capital improvements like Pavement to Parks and Invest in Neighborhoods. Each plaza must have an existing community participation process in place and demonstrated support from the community for it to become part of the plaza program.</p>
<p><b>Which City departments will provide oversight? Just OEWD?</b></p>	<p>The Office of Economic and Workforce Development (OEWD) is partnering with the Real Estate Division (RED) and the Department of Public Works (DPW) to launch and oversee the SF Plaza Program.</p>
<p><b>Wouldn't the only reason a steward would want to participate would be to make money?</b></p>	<p>Any revenues that Stewards might generate could only be used to support the activation, management and maintenance of that Plaza. If a City Plaza Steward generates more revenue than it needs for its budgeted activation, management, maintenance activities, it can place some of that excess revenue in a limited reserve fund and the City would use any remaining excess revenue to fund activation and management activities in City Plazas that have inadequate activation and management funds.</p>
<p><b>Can you describe the selection process? Currently there is no identified, documented process for the adoption procedures. Please provide in writing. What is the process by which a Steward would be selected? Is there a chart such as the permit process chart that shows how the city go to the current proposed plaza program? What were previous iterations? What was deleted in the process?</b></p>	<p>The process for adopting plazas is described in the Plaza Program Overview on pages 4 and 5: <a href="http://oewd.org/media/docs/Plaza%20Program/FINAL_PLAZA%20PROGRAM%20OVERVIEW.pdf">http://oewd.org/media/docs/Plaza%20Program/FINAL_PLAZA%20PROGRAM%20OVERVIEW.pdf</a></p>

<b>What type of community outreach is required? Will tenant and resident outreach be required?</b>	The Legislation was amended to include additional noticing. Potential plaza stewards are required to conduct and document additional local outreach for their proposals.
<b>Who can be a steward of a plaza?</b>	Only nonprofit organizations could be approved by the Board of Supervisors as Stewards of City Plazas. Encroachment permits in a street right of way, including a permit for Street Plaza stewardship can not be limited to nonprofits, but for the plaza program the stewardship permit would include the same requirement that applicants show a strong, demonstrated connection to the neighborhood in which the Plaza is proposed to be located.
<b>How will the Plaza Program insure equity across the City?</b>	Plazas come from neighborhood planning efforts across the City. The plaza program is a City wide program. Additionally revenue from some plazas will cross-subsidize other plazas that have a demonstrated need for additional resources.
<b>What are the criteria for enabling plazas below 2,000 Sqft to be utilized for the program?</b>	Spaces smaller than 2000 square feet would need to be considered on a case-by-case basis.
<b>Please explain the idea of “activate” and its genesis. Please explain the reason in terms of research, feedback, etc. why the plazas need to be “activated”.</b>	Communities and stakeholders throughout San Francisco have asked the City to support their efforts to reduce the barriers to improve some of their neighborhood urban plaza-like spaces through intentional programs such as art and music events, farmers’ markets, movie nights, local food and retail opportunities, and much more.
<b>Please explain how it was/will be determined whether a plaza is “underutilized”.</b>	Some City programs, like Pavement to Parks, support communities in converting their underutilized space, like excess roadways, into vibrant community gather spaces. Identification of underutilized open spaces may also occur through formal community streetscape and neighborhood planning processes.
<b>Please explain the financial benefit to the City in terms of dollars/cents.</b>	The Plaza Program could benefit the citizens of San Francisco through increased public participation and positive activity within these additional open spaces, improving livability goals and making San Francisco a better place to live, work and play.
<b>What percentage of the money raised by Stewards/vendors, etc. is intended to go to which expenditures? How much money may be retained for “services” by Stewards/vendors? How will this be measured?</b>	Any revenues generated by the Steward must fund the costs of that plaza. In the case of revenues that exceed costs and an established reserve fund, additional revenues can cross fund program plazas, as well as Plaza Program administrative costs. The City will have access to these records and, in the case of City Plaza, require yearly budget and revenues records.
<b>How much money is spent by the City to maintain public plazas currently versus future goals?</b>	Since the program is aimed at responding to community desires to expand access, maintenance and programs in open spaces beyond existing City departmental resources and current budgets, the program could actually facilitate an increase the public maintenance benefit. City departments that have jurisdiction over city land currently budget annually for the baseline maintenance of city property. The existing city investments in its property would continue once a plaza is accepted into the plaza program. The plaza program would bring additional resources to the City’s plazas.
<b>Are there any limits on the Steward’s own commercial activities? On the commercial activities of the vendors that are selected by a Steward? How much time/space [will be reserved for non-commercial uses]? What are the limits to the Steward’s ability to sublease, charge fees, restrict or otherwise control activities in the plaza? How much space will be dedicated to retail v. non-commercial</b>	Parameters of relationship between Stewards or permittees and any programming providers, including any vendors, would be described in detail in each customized license or permit agreement and would require Board of Supervisors approval and community support. Each potential Steward will propose a customized Plaza Plan that will describe the mix of activities in the space.

<b>functions?</b>	
<b>What is the process and criteria by which the Steward is to make those decisions [If the public or an organization wished to host events at that plaza]?</b>	Stewards will consider all potential activation possibilities for plazas; they will take into consideration factors of event scheduling, safety and health. The program will encourage stewards to include a broad a variety of activation to address local community interests.
<b>Please provide a list and map of the plazas that are NOT subject to the program.</b>	The Plaza Program does not include specific plazas in its adoption process. If the program is adopted, plazas could be proposed on a plaza-by-plaza basis. Thus, there is no specific list of plazas that would not be included in the program, beside those that are not City-owned, or are under the jurisdiction of the Recreations and Parks Department.
<b>If the purpose is to “activate” public plazas, etc., why not focus on remote plazas and streets?</b>	Programming builds on natural pedestrian and bicycle traffic in plazas. The program aims to leverage existing pedestrians and bicyclists to enhance activation.
<b>What is meant by “streamlining” [of event permits]?</b>	Various methods are described in the program that lower barriers, both of processing time and cost, for events in plazas, especially small scale events that support community activation interests.
<b>What are the rules governing the public/private use of the plazas?</b>	Parameters of agreements between Stewards or permittees and any programming providers, including any vendors, will be described in detail in each customized license or permit agreement and would require Board of Supervisors approval.
<b>Are there any restrictions to types of enterprises/events to be employed in the plazas? How would formula retail be limited in these plazas?</b>	Yes. Besides existing City regulations, parameters of relationship between Stewards or permittees and any programming providers, including any vendors, would be described in detail in each customized license or permit agreement and would require Board of Supervisors approval. The legislation has been amended to require a conditional use authorization for accessory uses that are defined as formula retail in approved plazas
<b>Who is intended to pay for the infrastructure to support the plaza Stewards? Vendors? Events? Other activities?</b>	The Plaza Program would not directly fund building new plazas. Programming and other responsibilities would be described in detail in each customized license or permit agreement and would require Board of Supervisors approval.
<b>What is the emphasis or percentage share the plazas are intended to accommodate for community-focused art and music events?</b>	Programming and other responsibilities would be described in detail in each customized license or permit agreement and would require Board of Supervisors approval.
<b>Please explain the “could provide”, “programming coordination” and “day-to-day maintenance” [“Steward could provide programming coordination and day-to-day maintenance.”]. Please delineate in writing the specific role/responsibilities of the Steward.</b>	These parameters would be delineated by the City in each individual Street Plaza open permit process or City Plaza Request for Proposals (RFP). Some communities may have prioritized activation and programming, while, others may be looking to support additional maintenance. These community-driven priorities would be reflected in each City RFP or open permit description.
<b>Please provide a sample of the contract that a Steward would need to sign, explain the manner of overseeing/managing the Steward, and identify the responsibilities for that vendor management role. Please explain [The process documentation describes somewhat the process by which a Steward would be selected but does not describe the process/criteria by which the Steward would be evaluated on an ongoing basis].</b>	While a sample draft City Plaza RFP is available on the SF Plaza Program website ( <a href="http://oewd.org/Neighborhoods-SF-Plaza-Program.aspx">http://oewd.org/Neighborhoods-SF-Plaza-Program.aspx</a> ) and Street Plaza draft process descriptions will be available soon, license agreements and permits will be available per plaza, when those plazas are proposed.
<b>Who is going to oversee the Steward and how?</b>	City Plaza and Street Plaza agreements would be managed by both the Plaza Program Coordinator and the respective

<b>Who is accountable?</b>	department that has jurisdiction of the plaza, Real Estate or DPW. The board of Supervisors must approve the agreement between the Department of Public Works or the Real Estate Division and the plaza steward.
<b>Please explain the role of the City’s Real Estate Division (RED) in the Plazas Program. Please explain the rationale for the “final approver role” (the Director of RED for the City Plazas, and the Director of DPW for the Street Plazas).</b>	The Office of Economic and Workforce Development (OEWD) is partnering with the Real Estate Division (RED) and the Department of Public Works (DPW) to launch the SF Plaza Program. City Plazas would be in the RED jurisdiction and, after the steward identification process, the Director of RED could recommend an apparent steward for final approval by the Board of Supervisors. If approved, the Plaza Program, in coordination with RED, would manage that license agreement.
<b>Please explain [“City Plaza RFPs may occasionally offer associated grant opportunities that would be contingent on final approval of the respondent as that City Plaza’s Steward.”].</b>	Grant opportunities could be offered that would be contingent on final approval by the Board of Supervisors of the respondent as that City Plaza’s Steward.
<b>Please define the meaning of “EVENT” for the purposes of this program.</b>	Event could be either 1) the Board of Supervisors-approved number, if any, of restricted access events (no more than eight one-day events) or 2) events that proposing stewards describe in their Event Plans
<b>What are some examples of Events that may/may not be allowed?</b>	The scope of allowable events would be described in the license agreement to be approved by the Board of Supervisors, pending other necessary City approvals.
<b>Why allow any private events at all? How long could a restricted access event be?</b>	Stewards could propose no more than eight of these event days per year, pending Board of Supervisors approval. These events would need to be spread throughout the calendar year. Some Plaza Stewards might propose events that could help support the community-driven interest in additional activation and/or maintenance than is currently available. For example, a fundraiser to support yearly programming costs.
<b>Please identify the constraints on these private events [The program currently would allow 8 private events per plaza, per year.] Problems with 8 events – what if they were 8 Sundays?</b>	Stewards could propose no more than eight of these event days per year, pending Board of Supervisors approval. The legislation was amended to clarify event length as no more than one-day and to require that any approved events be spread throughout the calendar year.
<b>What guidelines would private events need to follow and who is responsible (what entity) for informing the vendor/event sponsor of those guidelines?</b>	The scope of allowable events would be described in the license agreement, to be approved by the board of Supervisors, pending other necessary City approvals.
<b>What opportunities will communities have for influencing:</b> <ul style="list-style-type: none"> <li>a. the Steward selection for their nearby plazas?</li> <li>b. the events chosen for their nearby neighborhoods? The vendors selected for their nearby plazas? The music and/or art events for their nearby plazas?</li> </ul>	<ul style="list-style-type: none"> <li>a) The plaza proposals require demonstration of community initiative and input, including recommending at least six (6) letters of support for proposed Plaza Plans.</li> <li>b) For plazas that have activation as a requested element, the plaza proposals will require demonstration of community initiative and input, including recommending at least six (6) letters of support for proposed Plaza Plans, which would include an Event Plan. In addition, proposer would need to describe an on-going outreach plan that will solicit local stakeholders feedback and input. The legislation was amended to include additional noticing, including a local mailer.</li> </ul>
<b>Please specify the process for community involvement at every level. Potential of Stewards to limit outreach – outreach only to supporters? What if someone wants do an activity on a plaza, but stewed says no. Who oversees - who’s administering? How</b>	Potential plaza stewards are required to conduct and document additional local outreach for their proposals. The plaza proposals will require demonstration of community initiative, including recommending at least six (6) letters of support for proposed Plaza Plans. In addition, proposer would need to describe an on-going outreach plan that will solicit local stakeholders feedback and input. The legislation was amended to include additional noticing, including a local mailer.

<p>will the program insure community involvement on an on-going basis?</p>	
<p><b>If/When a community member has a complaint about an element of the Plaza Program, what are his options for filing a complaint or having a responsible party take action? What the appeal process?</b></p>	<p>The legislation describe the following complaint process for City Plazas: “The Plaza Program will establish administrative procedures concerning methods to process, address, respond to, and document any complaints concerning operation of a Plaza. If the Director of RED receives verified complaints concerning violations of the terms and conditions of the Steward’s license within the initial six (6) month period of operation, the Director of RED shall conduct a public hearing on the Steward’s conduct. After the initial six (6) month term, the Director of RED may extend the term to every twelve (12) months for the consideration of subsequent complaints and action thereon. Based on the information presented at the hearing, the Director may terminate, suspend, modify, or condition the license or take any other action the Director deems appropriate under the terms of the license in response to the Steward’s conduct.”</p> <p>The legislation describe the following complaint process for Street Plazas: “The Plaza Program will establish administrative procedures concerning methods to process, address, respond to, and document any complaints concerning operation of a Plaza. If the DPW Director receives verified complaints concerning violations of the terms and conditions of the Permit within the initial six (6) month period of operation, the DPW Director shall conduct a public hearing on the Permittee’s conduct. After the initial six (6) month term, the DPW Director may extend the term to every twelve (12) months for the consideration of subsequent complaints and action thereon. Based on the information presented at the hearing, the Director may terminate, suspend, modify, or condition the Permit or take any other action the Director deems appropriate under the terms of the Permit in response to the Permittee’s conduct.”</p>
<p><b>What mechanisms for conflict resolution does the city intend to apply to the selection processes? Please specify the process for conflict resolution.</b></p>	<p>The process for identification of stewards for City Plazas and Streets Plazas are detailed in the draft City Plaza RFP and draft DPW Director’s order for Street Plazas.</p>
<p><b>Separate legislation that must be amended for this program includes some contradictory clauses; for example...</b></p> <ul style="list-style-type: none"> <li>• Length of Steward’s term: 3 years, 5 years, negotiable, indefinite</li> <li>• Chapter 94 of the Admin Code</li> <li>• Etc.</li> </ul>	<p>The legislation was amended for inconsistencies and typos.</p>
<p><b>What are the criteria for determining whether:</b></p> <ol style="list-style-type: none"> <li>a. an Event is “successful”?</li> <li>b. a Vendor is “successful”?</li> <li>c. a Steward is “successful”?</li> </ol>	<p>Expectations and responsibilities would be described in each specific agreement, pending other necessary City approvals. In addition, each agreement would specify that the agreement could be terminated or revoked if less than a stipulated number of minimum annual programmed events occurred per year.</p>
<p><b>Please explain the scope and role of each [According to the OEWD Plazas Program overview document on</b></p>	<p>Pavement to Parks: <a href="http://sfpavementtoparks.sfplanning.org/">http://sfpavementtoparks.sfplanning.org/</a>  Invest in Neighborhoods: <a href="http://oewd.org/IIN.aspx">http://oewd.org/IIN.aspx</a></p>

<p>their website, “The Plaza Program is intended to provide a long-term “home” for plaza projects created through various City programs, including but not limited to: Pavement to Parks, Invest in Neighborhoods, the Planning Department process for new residential and/or commercial developments and other City initiatives.]”.</p>	<p>Planning Department: <a href="http://www.sf-planning.org/">http://www.sf-planning.org/</a></p>
<p>Please explain how these decisions would be made [Separate from, but in coordination with, the Plaza Program, the City may elect to install temporary or permanent improvements at the Plazas, depending on funding.]</p>	<p>Any improvements to City owned land would need any necessary City approvals and review.</p>
<p>Does the Plaza Program require any changes in Land Use, Conditional Use, etc?</p>	<p>Various approvals could be required on a plaza-by-plaza basis. The legislation was amended to require a conditional use authorization for accessory uses that are defined as formula retail in approved plazas</p>
<p>Will the Plazas Program voluntarily request an Environmental Review prior to its inception?</p>	<p>Yes.</p>
<p>Provide examples of structure designs and show that they will not occupy 1/3 of the plaza automatically. Explain P OS how it applies to plazas. Will restaurants be allowed under any code? What is the definition of a restaurant? Discuss where and when restaurant may be appropriate and where or when it will not. Food to go with table and chairs is that a restaurant? What other codes and permits are required to regulate any proposed building structure on plazas? The Planning Code amendment around 1/3 use of space is unclear – please clarify. How would the program protect plazas from having too much space taken up by a private building? Would all adopted plaza have the OS height designation?</p>	<p>The legislation was amended to add Open Space height requirement unless otherwise approved by the Board of Supervisors. The legislation was amended to clarify that any structures shall only occupy a de minimis amount of space so that they would not detract from the plaza’s principal or exclusive purpose as open space. In no case may accessory nonpublic uses occupy more than 1/3 of the total lot area occupied by the principle use. Any improvements to City owned land would need any necessary City approvals and review.</p>
<p>Provide models of activation done by grass roots volunteer organizations that does not include retail or vendors.</p>	<p>Proposers could provide various programming mixes – these will be detailed in Event Plans, if proposed.</p>
<p>How is connection to a community defined?</p>	<p>Potential plaza stewards are required to conduct and document additional local outreach for their proposals. The plaza proposals will require demonstration of community initiative and support, including recommending at least six (6) letters of support for proposed Plaza Plans. In addition, proposer would need to describe an on-going outreach plan that will solicit local stakeholders feedback and input.</p>
<p>Who at DPW will review the street plaza permit applications? Nick Elsner? Bureau of Street Use Management?</p>	<p>DPW will review applications using a process similar to their processes for encroachment permits, unless otherwise described in the draft Street Plaza Director’s order.</p>

Will Street plaza permits be approved by the Board of Supervisors?	Yes.
The street plazas that are already in existence (Guerrero, Jane Werner) why do they want to join this program?	These plazas exist as temporary plazas through existing city programs. They could be proposed as Plaza Program plazas if area communities are interested using Plaza Program tools to keeping these maintained and activated in the longer-term beyond existing resources.
What is the proposed possible plaza mentioned in the planning information hearing in Potrero Hill?	Unknown; this meeting might have been Daggett Park: <a href="http://www.sf-planning.org/ftp/files/Citywide/showplace_square_open_space/Daggett_Park_Proposal_for_Civic_Design_Review_1-23-12.pdf">http://www.sf-planning.org/ftp/files/Citywide/showplace_square_open_space/Daggett_Park_Proposal_for_Civic_Design_Review_1-23-12.pdf</a>
Clarify the change from accessory to ancillary use arbitrary and artificial. Wholesale negation of Planning Code: Change in language of leg in re “use” from “accessory” to “ancillary” negates entire “accessory use” portion of Sec. 204 of PC. “Ancillary” use can be no more than 1/3 of the total floor space” open ended though not unlimited. Would “ancillary” use of no more than 1/3 of total floor space be consistent w/ the other code sections per above (Police Code, Admin Code, Plaza Program code)?	The legislation was amended to remove use of word “ancillary” and indicating instead that accessory uses may or may not be related to the principal use.
Is the City just dumping these spaces that they don’t want to maintain?	No. The SF Plaza Program creates tools to support communities that desire additional levels of activation and maintenance above and beyond what the City currently provides.
Legislation does not regulate how a NP can generate revenue and PP proposed to bring in entertainment and commercial ventures – what will limit size and scale?	Expectations and responsibilities would be described in each specific agreement, pending other necessary City approvals and Board of Supervisors approval. Revenues generated by the Steward, if any, could only fund the costs of that plaza.
How will public who finds activation problematic respond	Feedback can be provided directly to the Steward and additional feedback can be provided to City departments that govern the agreements or additional permits, including the Real Estate Division, Department of Public Works and the Entertainment Commission.
Why is there a focus on permit streamlining?	Small scale event scan be costly and time-intensive to produce. The SF Plaza Program aims to support communities that request activation by lowering event permitting barriers, when feasible, to support these community goals.
Will we have to appeal to a “Plaza Tsar”? Who will control them? DPW doesn’t have a commission.	The City currently lacks dedicated coordination of activities in City-owned plazas that fall outside of traditional San Francisco Recreation and Parks Department jurisdiction and functions. There is no full-time staff person dedicated to coordinating the Citywide, cross-departmental efforts to maintain and/or activate these spaces, and, as a result, there can be a lack of cohesion and policy-level coordination of the various City efforts to foster innovative approaches and partnerships for these public spaces. The program would dedicate a staff person to the coordination of the Citywide, cross-departmental efforts to maintain and/or activate these spaces. DPW, in coordination with the Plaza Program, would manage Plaza Encroachment Permits.

Plazas – low levels of RPD maintenance; what should City be responsible for?	The SF Plaza Program creates tool to support communities that desire additional levels of activation and maintenance.
What would that maintenance look like – capital maintenance?	The SF Plaza Program creates tool to support communities that desire additional levels of activation and maintenance. Individual agreement would describe the scope of maintenance responsibilities.
Why not connected with other public sites – Claudia Flores	The scope of the SF Plaza program does not include sites under jurisdiction of Recreation and Parks Department.
How would environmental review work for the Plaza Program?	Each proposed plaza would need its own environmental review process.
Activation is very laborious and expensive. How would the Plaza Program help with this?	Small scale events can be costly and time-intensive to produce. The SF Plaza Program aims to support community that request activation by lowering event permitting barriers, when feasible, to support these community goals.
How will we insure that a large formula retailer does not take over a plaza?	The legislation was amended to require a conditional use authorization for accessory uses that are defined as formula retail in approved plazas
Is there a map of the plazas? What are the space that would be natural fits to the program and who maintains those plazas now??	Adoption of the Plaza Program would not approve any specific plazas, but several plazas are listed, for example purposed only, in the Open House Presentation on the Plaza Program website that may be eligible for participation, pending community processes and regulations, including environmental review
How will excess monies be able to flow back into that plaza, not program-wide – a reserve?	A multiple of the approved budget, per-plaza, could be designated as a reserve.
Could steward bring in other vendors	Expectations, responsibilities and an Event Plan, if any, would be described in each specific agreement, pending other necessary City approvals. Revenues generated by the Steward, if any, could only fund the costs of that plaza.
What about if nobody comes forward – like McCoppin?	In those cases, the City would not be able to support communities in their desire for additional activation and/or maintenance.
Who manages the agreements?	The Office of Economic and Workforce Development (OEWD) is partnering with the Real Estate Division (RED) and the Department of Public Works (DPW) to launch the SF Plaza Program. City Plazas would be in the RED jurisdiction and Street Plaza would be in Department of Public Works (DPW) jurisdiction. After the steward identification process, the Director of RED or DPW could recommend an apparent steward for final approval by the Board of Supervisors. If approved, the Plaza Program, in coordination with RED and DPW, would manage that license or permit agreement.
Consider economic downtimes – what happens?	A multiple of the approved budget, per-plaza, could be designated as a reserve, for specific uses which could include budget shortfalls.
How is this not privatization?	The City will not give up control of these publically-owned spaces. Revenues that a steward may generate must go to fund plaza costs
IS the City just trying to get out of its maintenance responsibilities?	No. The SF Plaza Program creates tool to support communities that desire additional levels of activation and maintenance.
What spaces are covered under the P-district?	Public Use District, referred to as a "P District," applies to land that is owned by a governmental agency and in some form of public use, including open space.
Could the plazas go to the Board for Conditional Use	No. Conditional Use authorization would need Planning Commission approval.

authorizations?	
Which service would the steward be responsible for and which would be City responsibilities?	The SF Plaza Program creates tool to support communities that desire additional levels of activation and maintenance. Individual agreement would describe the scope of maintenance responsibilities.
How is this connected to the ROSE?	The ROSE and the SF Plaza Program are separate, but they are in line with each other.
Use of federal grants for the “Public” (P)-zoned Districts?	No specific restrictions of or inclusions of federal grant use is written in the SF Plaza program legislation
Selling portions of property for any of the “public” parcels?	SF Plaza Program legislation does not authorize sale of plazas.
Any money going to develop housing on / adjacent to / off site as a result of the provisions in this legislation? E.g. grant \$ use, “revenues” generated by “steward” / “people allowed to use the parcels”?	The SF Plaza Program legislation does not authorize a budget to fund housing.
What are the notification criteria to the neighbors?	The legislation was amended to include additional noticing
If DPW is providing hearing notices for an event, where can the public sign up to receive these notices like the great system Planning Dept. uses?	Noticing procedures will depend on event types and City approval requirements.
Inconsistency across codes for term of events/permit period of validity: Public Plaza Program says certain “temporary uses” can be for “up to 3 years” which is counter to the Sec. 205 time lengths and also in conflict with DPW Code of “no longer than 5 years” OR “for a longer or unlimited term.”	Legislation amended for inconsistencies and typos
Inconsistency across codes for number of allowed sq. ft. differs: Police code Sec. 1600 “Limited Live Performance” not to be “greater than 200 sq. ft. (live performances can be indoors or enclosed by buildings or have public ingress and egress – e.g. a building) and shall “include any Plaza as identified in Admin Code Chapter 94 REGARDLESS OF THE SQUARE FOOTAGE OF THE LIVE PERFORMANCE AREA. CLARIFY: Is the sq.ft. based on use also? Plaza Leg says “total gross floor area per establishment does “NOT EXCEED 2,500 SQ. Ft.”	Under the Police Code now, a place can be eligible for an LLP if, in addition to meeting all other criteria, the area in which live performances are presented is no greater than 200 square feet. Under the plaza program, plazas in the program would be eligible for LLPs regardless of the square footage of their performance areas (but would still need to meet other applicable requirements for an LLP permit). All LLPs must be approved by the Entertainment Commission.

# SAN FRANCISCO PLAZA PROGRAM OVERVIEW





## SAN FRANCISCO PLAZA PROGRAM

Through an initiative called the San Francisco Plaza Program, the city aims to create an environment where residents and visitors can engage in and implement uses of the public realm for community supported activities such as art and music events, farmers' markets, movie nights, local food and retail opportunities, and much more.

Contents include:

- Plaza Program Goals
- Plaza Types
- Process & Requirements: City Plazas
- Process & Requirements: Street Plazas
- City Responsibilities
- FAQs

San Francisco's plazas are vital to the livability of the City because they create a sense of place and community for residents and visitors to enjoy the local neighborhoods. As the City's population continues to grow, the transformation of underutilized public plazas will be instrumental in providing social, economic, and ecological benefits in neighborhoods citywide.

Through an initiative called the San Francisco Plaza Program, the City aims to create an environment where residents and visitors can use public spaces for relaxation and for community supported activities such as art and music events, farmers' markets, movie nights, local food and retail opportunities, and much more. The initiative aims to address the desire for pedestrian plazas in the midst of busy San Francisco neighborhoods for people to sit, relax, and enjoy the surrounding area. The SF Plaza Program is a new collaborative public realm initiative designed to leverage various City, private, nonprofit and stakeholder group efforts to provide long-term activation, management, and/or maintenance for designated City Plazas.

The Office of Economic and Workforce Development (OEWD) is partnering with the Real Estate Division (RED) and the Department of Public Works (DPW) to launch the SF Plaza Program.

This new initiative is designed to activate the public realm while empowering interested and City-identified stakeholder groups to steward the long term care, maintenance and/or activation of plazas adopted into the Plaza Program. If approved by the Board of Supervisors, the program would leverage benefits for the public realm by supporting community-based groups in becoming stewards of their neighborhood open space.

The SF Plaza Program intends to provide a long-term "home" for existing plaza projects created through various City programs, including but not limited to: Pavement to Parks, Invest in Neighborhoods, the Planning Department process for new residential and/or commercial developments and other City initiatives. Plazas that fit criteria to be adopted in this program would be located on City-owned property in active areas of San Francisco, like commercial corridors, transit or bicycle hubs or other naturally active areas. Only City property generally over 2,000 square feet and outside of the Recreation and Parks Department (RPD) jurisdiction would be eligible. Each proposed plaza would have a demonstrable need for a long-term activation and/or maintenance solution. Plazas would need to be adopted by the Board of Supervisors on a plaza-by-plaza basis as part of the Plaza Program.

The SF Plaza Program is an exciting new step in building on local efforts to implement more innovative, sustainable and livable solutions that engage and support San Francisco's many vibrant communities.

## PLAZA PROGRAM GOALS

1. Continue to strengthen San Francisco's vibrant communities by lowering City barriers to community and economic development-enhancing partnerships for City-owned open space. New standardized agreement forms, systemic processes and customized event permitting tools could make it easier for communities to activate their local plazas and craft long-term sustainable management plans.
2. Improve the City's ability to provide more safe, clean and active City-owned open spaces than currently possible with existing City resources.
3. Adopt innovative approaches to activate and manage Plazas that have been adopted by the Board of Supervisors into the program ("Plazas") in the urban public realm and share these approaches nationally.
4. Work towards operational and fiscal sustainability of the Plazas; revenues generated in a Plaza could support plaza activation, maintenance and operations costs and, sometimes in the case of an excess, cross-fund other Plazas.
5. Dedicate a staff person assigned to coordinating the City-wide, cross-departmental efforts to maintain and/or activate these spaces.
6. Establish an Interagency Plaza Program Working Group to advise the Plaza Program Coordinator, the Directors of Directors of Department of Public Works ("DPW") and Real Estate Division ("RED"), as well as the Board of Supervisors, on Plaza Program actions and Steward identification criteria, evaluation and processes.
7. Develop, by April 1st 2014, standardized agreements and administrative processes that describe and manage Steward obligations, liabilities, and requirements.
8. Submit proposals for at least three recommended Plaza Program Plazas for consideration by the Board of Supervisors by December 31st, 2014.

## PLAZA TYPES

The Plaza Program will include two types of plazas:

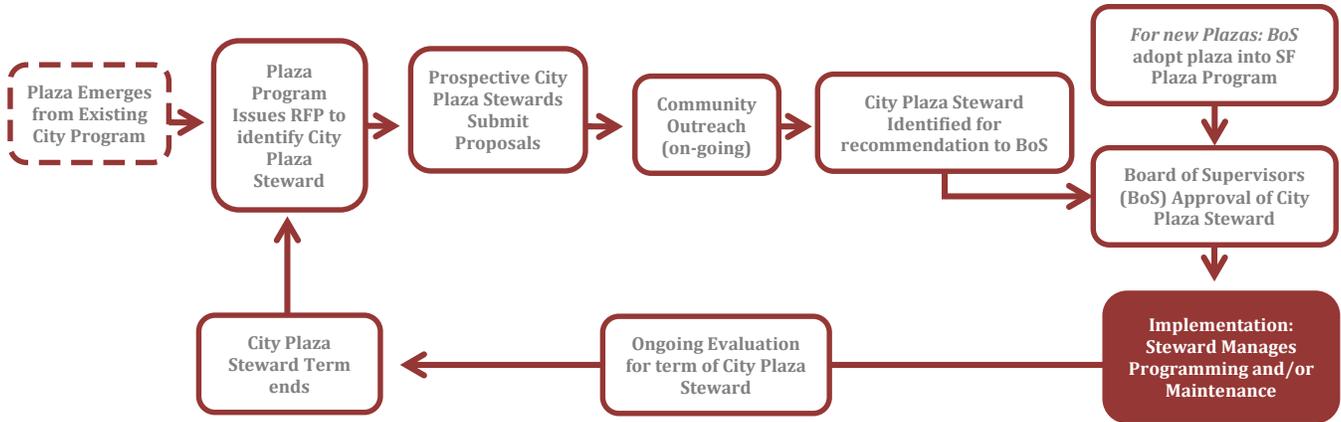
- "City Plazas" are Plazas that are not in the City right-of-way and under the jurisdiction of City's Real Estate Division ("RED").
- "Street Plazas" are Plazas in the City right-of-way and under the jurisdiction of City's Department of Public Works ("DPW").

While both types of Plazas will be included in the Plaza Program and share the program goals, they each require slightly different processes and requirements.

## EXAMPLES OF ACTIVATION

ACTIVITY	EXAMPLES	EXAMPLE LOCATIONS
Farmer's markets	Bayview Hunters Point Farmers' Market, Castro Farmers' Market, Divisadero Farmers' Market, Mint Plaza Farmers' Market	Bayview Opera House, Noe Street in the Castro, NoPa, Mint Plaza
Music/Dance	Lindy in the Park, People in the Plazas events, jazz events, DJs, Benefit for Typhoon Yolanda	Golden Gate Park, Activate McCoppin, Jane Warner Plaza, Hallidie Plaza, Mint Plaza
Arts/Technology events	Photo class, craft making events, painting events, drawing classes, Crochet-Jam, chalk party, screen printing class, Build an Inflatable Workspace (Headland Center for the Arts artists-in-residence), Red Umbrella Open Air Art Exhibition, Living Innovation Zones,	McCoppin Hub, Union Square, Market Street
Community events	Valencia McCoppin Neighborhood Watch meeting	McCoppin Hub
Public talks and lectures	SF Beautiful brown-bag talks	McCoppin Hub
Exercise classes	Yoga classes, exercise boot camps	Proxy, McCoppin Hub
Movie nights	Kids movies, local-made movies and documentaries	McCoppin Hub, McCoppin Park
Non-profit events	Rocket Dog Rescue pet event	McCoppin Hub
Retail events/vendors	Holiday Maker Mart, Flea Market, Urban Air Market, mobile vending carts	McCoppin Hub, Old Mint, Alemany Flea Market, Patricia's Green/Hayes Valley, various RPD locations
Game events/recreation	Ping-Pong, Scrabble-a-Thon, RPD Mobile Recreation Program	Sunday Streets, McCoppin Hub, various RPD locations
Food	McCoppin Hub and Fort Mason Off the Grid food truck markets	McCoppin Hub, Fort Mason

# PROCESS & REQUIREMENTS CITY PLAZAS

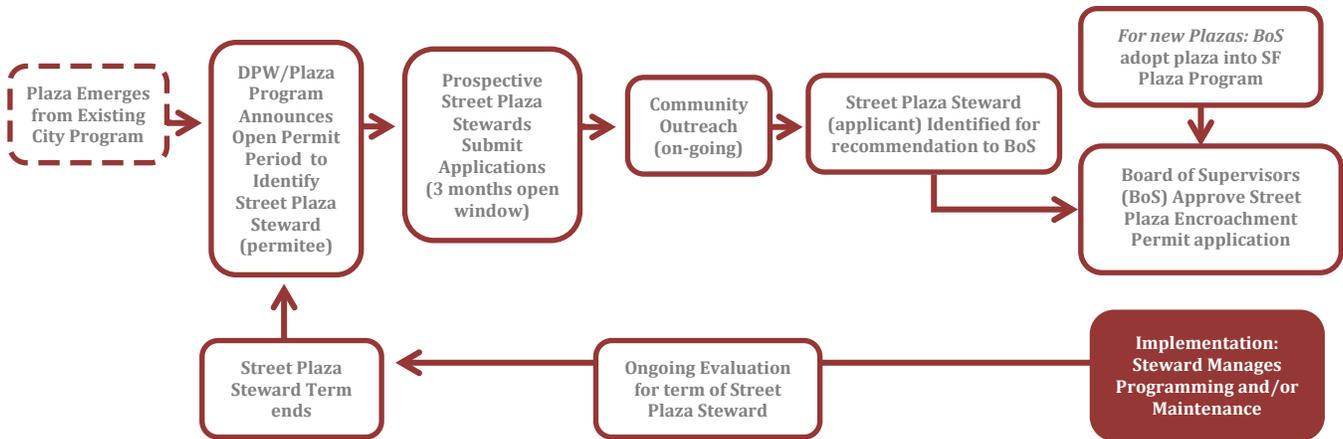


1. A Plaza emerges from an existing City program that meets criteria.
2. Plaza Program releases a Request for Proposals (RFP) to identify a City Plaza steward ("City Plaza Steward"). The RFP will be posted at the plaza site and on City websites. The Plaza Program will provide opportunities for any eligible party to make a stewardship proposal for a Plaza. Eligibility criteria, proposal requirements and operations obligations would be further detailed in each individual City Plaza RFP, but would broadly include the following:
  - a. Eligibility criteria:
    - Be a registered non-profit corporation with programs based in San Francisco.
    - Be able to demonstrate a strong connection to the neighborhood in which the Plaza is located.
    - Be able to demonstrate capacity for long-term management of the Plaza.
  - b. Proposal requirements: Plaza Plan describing vision and strategy for the subject Plaza:
 

<ul style="list-style-type: none"> <li>• Organization Background Contact Information</li> <li>• Organization Qualifications</li> <li>• Staff Qualification</li> <li>• Community Initiative</li> </ul>	<ul style="list-style-type: none"> <li>• Program Design, Site and Feasibility</li> <li>• Evaluation/Communications</li> <li>• Signage Plan</li> <li>• Program and Respondent Budget</li> </ul>
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  - c. Operations obligations - submit as a Plaza Plan:
    - Commit to enter into a license agreement with the City for stewardship of the Plaza, if approved by the Board of Supervisors.
    - If approved, maintain clear, on-going lines of communication with community stakeholders, as detailed in the approved license agreement.
    - If approved, agree to activate and/or maintain the Plaza through programming, marketing, management and event management, as described in the approved license agreement.
    - Maximize events that are free to the public.
    - Maintain insurance, as necessary.
    - Participate in periodic Plaza Program Steward meetings and workshops.
    - Plan for partnering with existing City programs that activate City property through public-private efforts.
3. Prospective City Plaza Stewards submit proposals.
4. On-going outreach: Proposer garners community support and Plaza Program raises local awareness of stewardship and program process.
5. Proposals reviewed by Plaza Program Review Committee and City Plaza Steward identified for recommendation to Director of RED, who would then recommend the proposer for approval as City Plaza Steward by Board of Supervisors. Apparent City Plaza Steward and RED negotiate terms and prepare draft license agreement. The Plaza Program will only recommend one City Plaza Steward per Plaza.
6. If the plaza has not yet been adopted into the program, submit to Board of Supervisors for adoption as a Plaza Program City Plaza in Chapter 94 of Administrative Code
7. Board of Supervisors approval of recommended City Plaza Steward.
8. Implementation: City Plaza Steward begins stewardship of Plaza (programming and/or maintenance).
9. Ongoing Evaluation for term of City Plaza Steward.
10. At end of term, begin process again with a City Plaza Steward identification RFP.

Notes:

- City Plaza RFPs may occasionally offer associated grant opportunities that would be contingent on final approval of the respondent as that City Plaza's Steward.
- RFP Review Committee Evaluation Criteria, based on a 100-point scale:
  - o Community Initiative- (25 points)
  - o Proposal Design, Implementation Approach and Site Context (25 points)
  - o Proposer Qualifications, Capacity and Staff Assignments (25 points)
  - o Project Feasibility, Evaluation Methods and Sustainability (25 points)



1. A Plaza emerges from an existing City program that meets criteria.
2. DPW/Plaza Program announces open permit period to identify Street Plaza Steward (the permittee for a Plaza Encroachment Permit). The announcement will be posted at the Plaza site and on City websites. The Plaza Program will provide opportunities for any eligible party to make a stewardship proposal for a Plaza. Eligibility criteria, application requirements and operations obligations would be further detailed in each individual Street Plaza open permit period announcement, but would broadly include the following:
  - a. Eligibility criteria:
    - Although not required, groups with non-profit corporation status with programs based in San Francisco are preferred.
    - Be able to demonstrate a strong connection to the neighborhood in which the Plaza is located.
    - Be able to demonstrate capacity for long-term management of the Plaza.
  - b. Application requirements: Plaza Application describing vision and strategy for the subject Plaza:
    - Organization Background Contact Information
    - Organization Qualifications
    - Staff Qualification
    - Community Initiative
    - Program Design, Site and Feasibility
    - Evaluation/Communications
    - Signage Plan
    - Budget Projections
  - c. Operations obligations:
    - Commit to complete and sign Plaza Encroachment Agreement, if approved as the Street Plaza Steward by the Board of Supervisors. Maintain general liability insurance, and naming the City as additional insured.
    - Maintain clear, on-going lines of communication with community stakeholders.
    - Activate and/or maintain the Plaza through programming, marketing, management and event management, as described in the approved permit agreement.
    - Maximize events that are free to the public.
    - Participate in periodic Plaza Program Steward meetings and workshops.
    - Plan to partner with existing City programs.
3. Prospective Street Plaza Stewards submit applications: Each Street Plaza application is a proposal to become the recommended Plaza Major Encroachment Permit applicant. The open permit period to identify Street Plaza Permittee shall be open for ninety (90) days.
4. On-going outreach: Applicant garners community support and Plaza Program raises local awareness of stewardship and program process.
5. Applications reviewed by DPW/Plaza Program staff for eligibility. If more than one proposal for application is received, DPW staff will review all proposals to determine whether there is more than one eligible proposal. DPW shall schedule a public hearing to review eligibility of all potential applicants. Based on the information provided, and testimony presented at the hearing, the DPW Hearing officer shall make a recommendation to the Director of Public Works, upon which, the Director shall select a final applicant. After such selection, DPW shall meet with the applicant to determine what outstanding information and/or materials are necessary to complete the application process. The DPW Director will only recommend one Street Plaza Steward (applicant) per Plaza.
6. If the plaza has not yet been adopted into the Plaza Program, DPW and Plaza Program staff would prepare legislation proposing adoption of the plaza into the Plaza Program as per Chapter 94 of Administrative Code, prior to approval of a Plaza Encroachment Permit. Board of Supervisors approval of Plaza Encroachment Permit application.
7. Implementation: Street Plaza Steward begins stewardship of Plaza (programming and/or maintenance).
8. Ongoing Evaluation for term of Street Plaza Steward.
9. At end of term, begin process again with an open permit period to identify Street Plaza Steward.

CITY RESPONSIBILITIES

- Separate from, but in coordination with, the Plaza Program, the City may elect to install temporary or permanent improvements at the Plazas, depending on funding.
- Plaza Program staff will monitor and regularly inspect Plazas to assess and confirm that the Street and City Plaza Stewards are fulfilling their responsibilities.
- Plaza Program Coordinator will be responsible for promoting the development of comprehensive Plaza Program policies and strategies; managing Plaza Program evaluation, reports and fees and networking Street and City Plaza Steward efforts and opportunities; leading a City Department Plaza Working Group and acting as liaison between Street and City Plaza Stewards and relevant City agencies. The Coordinator will also sustain strategic program-wide partnerships for Plaza maintenance and activation with community organizations, non-profits and businesses.
- The City has proposed several measures that aim to minimize cost and process time of permits for events in adopted Plaza Program Plazas. The Coordinator will continue to seek opportunities to streamline activation in an effort to increase public benefits of activation.



FAQs

Q: Which plazas could be in the Plaza Program?

A: Plazas will not be directly created by the Plaza Program; the Plaza Program is intended to provide a long-term “home” for existing plaza projects created through various City programs, including but not limited to: Pavement to Parks, Invest in Neighborhoods, the Planning Department process for new residential and/or commercial developments and other City initiatives. Plazas must 1) be generally over 2,000 square feet, 2) located in active areas of the City, like commercial corridors, transit or bicycle hubs or other naturally active areas, 3) not be primarily athletic or urban agriculture facilities, 4) have a demonstrable need for activation and/or maintenance, 5) have existing community support for public-private activation, and 6) have at least one identified potential partner that has capacity to steward the identified plaza for the proposed length of the agreement term. All Plazas would need to be adopted by the Board of Supervisors on a plaza-by-plaza basis as part of the Plaza Program.

Q: Can public art be incorporated in the Plaza?

A: Yes, through the San Francisco Art Commission process or other related art processes.

Q: How can I hold an event in the Plaza?

A: Events that comply with Plaza Program event requirements can be scheduled through a City or Street Plaza Steward. Interested parties can contact a City or Street Plaza Steward directly to learn more about scheduling events. All Plaza City and Street Plaza Stewards will be listed on the Plaza Program website.

Q: Can Plaza City and Street Stewards generate revenue? How can they use that revenue?

A: Yes, a City and Street Plaza Stewards can generate revenue from activities that are permitted under their relevant agreement with City, but that revenue can only be used to support the activation, management and maintenance of that Plaza. If a City Plaza Steward generates more revenue than it needs for its budgeted activation, management, maintenance activities, it can place some of that excess revenue in a limited reserve fund and the City would use any remaining excess revenue to fund activation and management activities in other City Plazas that have inadequate activation and management funds.

Q: Will advertising be permitted?

A: Although general advertising will not be permitted, City and Street Plaza Stewards may recognize the financial sponsor of an event through signage approved by the Plaza Program staff in advance of the event.

Q: Will these Plazas be open to the public?

A: Yes, all Plazas must generally remain open to the public. They will feel similar to other City-owned open space, with similar regulations. Some Plazas may have a limited number of private events in order to support their respective Steward’s activation and maintenance obligations for those Plazas.