

City and County of San Francisco

San Francisco Public Works



London N. Breed, Mayor
Mohammed Nuru, Director

GENERAL - DIRECTOR'S OFFICE

City Hall, Room 348
1 Dr. Carlton B. Goodlett Place, S.F., CA 94102
(415) 554-6920 ■ www.SFPublicWorks.org



Public Works Order No: 200889

PLACES FOR PEOPLE (P4P)
IN THE PUBLIC RIGHT-OF-WAY
Regulations and Guidelines

I. Purpose

The Places for People (P4P) Program was established in the San Francisco Administrative Code Section 94A and the San Francisco Public Works Municipal Code Article 15 Section 793, with general regulations for the People Place Permit (PPP). This Public Works Order provides detailed implementation guidelines and conditions for the PPP, which San Francisco Public Works (herein referred to as "Public Works") may issue for the temporary, limited term occupancy of a portion of the public right-of-way for activities that may include some reversible physical treatments or improvements.

The Core City Agencies of the Places for People include: the Planning Department ("Planning"), Department of Public Works ("Public Works"), Municipal Transportation Agency ("SFMTA"), Department of Real Estate ("Real Estate"), and Entertainment Commission ("ENT").

II. Initial Proposal and Pre-Application Process

Prior to a prospective applicant submitting a People Place Permit application to Public Works, the initial P4P proposal must be submitted to the Planning Department for review and be accepted into the P4P program per Public Works Code Section 793.

- A. The Planning Department will review initial P4P proposals for completeness and compliance with the program requirements, if complete, Planning will distribute the application to the Core City Agencies.
- B. The Core City Agencies will review the completed proposal to determine the requirements to be accepted into the P4P program.

III. Permit Application and Documents

- A. People Place Permit (PPP) Application identifying the organization that will be the Permittee, with contact information for a single point of contact.
- B. Core City Agencies' written determination that the pre-application has been accepted into the P4P program.
- C. Documentation of community outreach and support, including: notification letters, letters of support, and signed petitions from local residents, institutions, and/or organizations
- D. A list of and frequency schedule for routine maintenance tasks.
- E. Calendar of prospective activities, including a description of the frequency and identification



activity types, free and open to the public or private with restricted public access.

- F. Quantity of events per year, including the number of public events and restricted access events, if any. The total number of restricted access events may not exceed eight single-day events per year. Scheduling of restricted access events shall not be concentrated during a particular time or times a year, but shall be spread throughout the calendar year. Free public access to the People Place shall not be restricted except for approved restricted access events.
- G. Photographs of existing conditions on the proposed site.
- H. Detailed Plan Drawings (PPP Plan) must include the following minimum information and criteria. Additional information may be required as necessary to clearly show the extent of reversible physical treatments or interventions:
 - 1. Plans shall be to scale. The scale shall be of a reasonable size, and shall be modified as necessary at the discretion of Public Works.
 - 2. Show all elements drawn at the same scale within the proposed area and for proposed activities.
 - 3. Delineate sidewalk, curb, property line(s), roadway, and other important boundaries.
 - 4. Sidewalk width from property line to face of curb.
 - 5. Roadway width from curb to curb (dependent upon the physical extents of the proposal).
 - 6. The location(s) of any fronting building facades, and locations of entrances to those buildings.
 - 7. Standpipes, fire escapes, utility access points on the building facades.
 - 8. Any existing above-ground fixtures such as trees and tree wells, poles, fire hydrants, bike racks, etc.
 - 9. Any existing at-grade roadway markings such as color curbs, lane striping, parking stall markings.
 - 10. At-grade utility access panels, storm drains, manhole covers, and other utility access points.
 - 11. The footprint of the proposed installation or installation.
 - 12. Depiction of how the space will be configured, including placement of any temporary physical elements. If the space will be configured to accommodate different types of activities, the Proposal shall include a series of site plans depicting proposed configurations.
 - 13. Pedestrian clear path of travel through the proposed area.
 - 14. Parking and/or vehicular restrictions, if applicable.
 - 15. A legend describing all features shown on the drawing.
 - 16. The font size on the page shall be no smaller than 1/8 of an inch in height.
- I. A list of and frequency schedule for routine maintenance tasks.
- J. Intake Fee payment.

IV. Permit Application Review Process

- A. Each PPP Application shall be reviewed by the Core Agencies as defined in the Administrative Code Chapter 94A and by other City and government agencies with jurisdiction and as determined by the Core Agencies. The Application shall be reviewed with respect to the following:
 - 1. Generally complies with recommended site and design considerations established in section IV of this Order.
 - 2. Anticipated utilization and participation.
 - 3. Amount of community support.
 - 4. Capacity of Permit Applicant to maintain and steward the project effectively.

5. Potential conflict(s) with future City streetscape initiatives (upcoming streetscape redesigns, paving projects, etc.)
 6. Compliance with technical and accessibility provisions as specified in Section IV of this Order.
- B. If the proposed encroachments alter existing vehicular circulation, the proposal will require additional review and approval as determined by the SFMTA.
- C. The applicant shall provide any additional information and revise any component or portion of the Application as required by the Core Agencies and resubmit for review as needed.
- D. When the Core Agencies deem the permit application complete and acceptable, the Application may proceed to Public Notification.

V. Recommended Site and Design Considerations

A. For All People Places

1. Encroachment(s) shall provide a minimum clearance of 2' from the edge of any existing parking apron or driveway.
2. Encroachments/elements shall be constructed and/or installed to conform to the applicable provisions, rules, regulations and guidelines of San Francisco Building Code (SFBC), the Americans with Disabilities Act (ADA), and the 2010 (or most current version of) ADA Standards. The street where a project is proposed should not have a grade greater than 5.0%. On a case-by-case basis, a Project may be proposed on a street grade greater than 5.0%; however additional design requirements and review will be required to ensure the Encroachment remains accessible for the public.
3. The cross slope of any habitable structure may not exceed 2.0% in any direction.
4. The cross slope of any ramp and along the path of travel may not exceed 2.0%.
5. If the encroachments/elements are comprised of concrete, the concrete specific weight shall be a maximum of 200 lbs. / square foot. A slipsheet or other physical barrier shall be placed between the concrete and any existing street and sidewalk surface.
6. Encroachments/elements are not permitted over utility box or access covers, including, but not limited to: manhole covers, water meter box covers, sewer vent traps, gas valve covers, transformer vaults, and any other utility access points at-grade in the street or the sidewalk (Refer to SFPUC Asset Protection Standard 8: Temporary Structures).
7. Encroachments/elements shall not impede flow/drainage on sidewalk or within roadway.
8. Markings or graphics installed on the sidewalk or roadway must be reversible.

B. For Sidewalk Projects

1. Access to parking meters shall be provided at all times.
2. No encroachments/elements shall be affixed to trees by penetrating the tree with staples or other fasteners without prior approval from the Bureau of Urban Forestry (BUF).
3. Any encroachments/elements meant for seating shall be compliant with current accessibility standards and guidelines and shall be configured to not impede the pedestrian path of travel on the sidewalk.
4. A minimum 4-foot wide path of travel shall be maintained at all times.

C. For Curbside Projects

1. Obstructions that are over 36" in height above the roadway grade must be located at least one parking space (approximately twenty (20) feet) from the extension of the property line at the street corner per Public Works Order 179.231. Exceptions may be considered on a case-by-case basis.

2. The proposed location should have a posted speed limit of 25 mph or less. Streets with higher speed limits may be considered on a case by case basis.
3. The proposed location should not be in a lane that becomes a tow away lane during morning or afternoon peak hours.
4. Features of the proposed encroachment /elements shall provide minimum 84-inches clear height above the finished grade at all entry and access areas, along the path of travel, and in accessible areas.
5. Proposals typically may not be allowed in red or blue zones. Exceptions may be made on a case-by-case basis.
6. Projects may replace, relocate, or decommission yellow zones, white zones, green zones or motorcycle parking for the duration of the project per SFMTA regulations and processes.

D. For Roadway Projects

1. For projects proposed on streets currently designated as a bikeway, the project shall provide bicycle access to and through the project area. Alternatively, a direct, comparable route must be provided with the design.
2. Projects shall provide through pedestrian access to destinations adjacent to the roadway people place as well as a through accessible route.
3. Project roadways should have a posted speed limit of 25 mph or less. Streets with higher speed limits may be considered on a case by case basis.
4. Projects may replace, relocate, or decommission yellow zones, white zones, green zones or motorcycle parking for the duration of the project per SFMTA regulations and processes.
5. Projects with any transit impacts require review and approval by SFMTA.

VI. Public Notification:

- A. For Sidewalk and Curbside People Places as defined in Administrative Code 94A, Public Works will issue a Notice of Application, and it shall be posted as described in Section C below:
- B. For Roadway People Places as defined in Administrative Code 94A, SFMTA will issue a combined Notice of Application and Notice of Hearing, and it shall be posted as describe in Section C below:
- C. Postings:
 1. The applicant shall post the Notice of Application at the boundaries of the proposed site for 10 days.
 2. The applicant shall submit date stamped photographic evidence of the posted Notices to Public Works.
 3. The applicant shall promptly remove the Notices on the 11th day.

VII. Public Hearing

- A. If an SFMTA Hearing is scheduled, typically for proposals within the roadway, a Public Works hearing will not be required.
- B. For Sidewalk or Curbside Applications, the Director may hold a Public Works Hearing, based on the receipt of a public comment or objection during the public notice period.
- C. If a Public Works Hearing is scheduled, Public Works will issue a notification of the hearing and it shall be posted as follows:
 1. The applicant shall post the notification at the boundaries of the proposed site not less than 10 days prior to the hearing date.
 2. The applicant shall submit date stamped photographic evidence of the posted notification.

3. The applicant shall promptly remove the notifications on the 11th day.
- D. On a per-project basis, the Public Works Director may allow the Notice of Permit Application and Notice of Public Hearing be combined into a single posting.
- E. The Public Works Hearing will typically be heard by a Public Works Hearing Officer who shall consider all testimony in support and in opposition to the proposed project and make a recommendation to the Public Works Director to either approve, conditionally approve, or deny the Application.
- F. Following the appropriate hearing (by either Public Works or SFMTA) the Public Works Director will issue a decision to either approve, conditionally approve, or deny the Application.

VIII. Permit Application Approval and Permit Issuance

Following approval by designees of each participating agency for the proposed activities and plan, and completion and submission of all required documents and approvals specified in Section II and VII of this Order, the Director of Public Works may issue the revocable People Places Permit.

- A. The applicant shall submit the following:
 1. Certificate of General Liability Insurance as required by the Department.
 2. Stewardship and Maintenance Agreements signed by the applicant.
 3. Form of security such as a performance bond at the discretion of the Department based on the proposal.
 4. Final Permit Fees, if any.

IX. Permit Conditions and Operational Requirements

- A. Unless noted otherwise in the permit documents the Permittee shall be responsible for the maintenance and liability of all proposed encroachments and other features and materials permitted under the PPP.
- B. Liability Insurance. The Permittee shall maintain valid insurance for the entire duration of the permit.
- C. Public Accessibility. All People Places shall maintain a publicly accessible route through or around the installation(s).
- D. Peddling and Vending Merchandise is prohibited. No person shall bring, or cause to be brought, for the purposes of sale or barter, or have for sale, or sell in exchange, or offer for sale or exchange any goods, wares, or merchandise in the People Place unless the City has issued any required permit or other authorization. Notwithstanding the previous sentence, the sale or distribution of newspapers, periodicals, or other printed or otherwise expressive material is allowed subject to the applicable requirements of the Public Works Code.
- E. Performance of Labor. No person, other than authorized City personnel, shall perform any labor on or upon a City Lot People Place, including, but not limited to, taking up or replacing soil, turf, ground, pavement, structures, trees, shrubs, plants, grass, flowers, or similar activities without prior permission from (A) the Director of Real Estate for City Lot People Places, and (B) the Director of Public Works for Sidewalk, Curbside, or Roadway People Places. Such permission shall be specified in the People Place Permit.
- F. Camping Prohibited. The provisions of Park Code Section 3.12 concerning camping shall apply to all People Places. The Director of Real Estate shall administer those provisions for City Lot People Places, and Public Works shall administer them for Sidewalk, Curbside, or Roadway

People Places.

- G. No Unpermitted Structures Allowed. There shall be no stationing or erecting of any structure on a People Place without prior permission from (A) the Director of Real Estate for City Lot People Places, (B) the Director of Public Works for Sidewalk, Curbside, or Roadway People Places, and/or (C) Director of Transportation for any People Place within the SFMTA's jurisdiction. Such permission shall be specified in the People Place Permit.
- H. Smoking Prohibited. Pursuant to Article 19I of the Health Code, smoking is prohibited on any unenclosed area of property in the City that is under the jurisdiction of any City department if the property is a park, square, garden, sport or playing field, pier, or other property used for recreational purposes or as a farmers' market. Given the use of the subject areas as an outdoor public People Place, this prohibition on smoking shall apply to all People Places.
- I. Other Restrictions.
 - 1. No skateboarding, bicycle riding, or pets off leash is allowed without prior permission from (i) the Director of Real Estate for City Lot People Places or (ii) the Director of Public Works for Sidewalk, Curbside, or Roadway People Places. Such permission shall be specified in the People Place Permit.
 - 2. No littering, feeding of wildlife, or defacing of public property is allowed.
 - 3. No alcohol may be consumed without prior permission from all required City and State authorities, as well as from (i) the Director of Real Estate for City Lot People Places or (ii) the Director of Public Works for Sidewalk, Curbside, or Roadway People Places. Such permission shall be specified in the People Place Permit.
 - 4. General Advertising, as defined in Article 6 of the Planning Code, is prohibited.
- J. Good Neighbor Policies. Stewards of all People Place Categories shall manage the People Place in accordance with the following good neighbor policies during the times of use for events and activation set forth in the People Place Permit:
 - 1. The safety and cleanliness of the People Place and its adjacent area within 100-foot radius shall be maintained.
 - 2. The Steward or its employees or volunteers shall walk a 100-foot radius from the People Place within 30 minutes after programmed events have concluded and shall pick up and dispose of any discarded trash left by patrons.
 - 3. Proper and adequate storage and disposal of debris and garbage shall be provided when necessary and as determined by the Public Works Director.
 - 4. Noise and odors, unless otherwise permitted, shall be contained within the immediate area of the People Place so as not to be a nuisance or annoyance to neighbors.
 - 5. Notices shall be prominently displayed during events that urge patrons to leave the People Place premises and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood. Such notices shall be removed after each event.
- K. Additional Operational Requirements:
 - 1. Because People Places are intended to be publicly accessible open spaces, private dining and table service shall not be permitted in Sidewalk People Places, Curbside People Places, or Roadway People Places in the course of day-to-day operations.
 - 2. Regulations or operational requirements required by the SFMTA pursuant to Article 1200, Division II of the Transportation Code shall be imposed as a condition of approval of a People Place Permit.
 - 3. Additional operational requirements tailored to a People Place in specific locations, including but not limited to hours of operation, may be imposed as a condition of approval of a People

Place Permit.

- L. City project in the PPP area. When any City or government agency has a project in the area or adjacent to the occupied spaces of the People Place Permit, the PPP Permittee shall coordinate and accommodate the project. All elements of the PPP shall be removed, relocated, or modified as necessary and the permit may be temporarily suspended until the site is restored or in a condition made safe for resuming the PPP. The Permittee shall assume all costs associated with accommodating the government project.
- M. Other Permit in the PPP area. When a non-government entity has obtained a permit to excavate, occupy, or encroach upon the PPP area, the PPP Permittee shall coordinate with the other permittee to allow the completion or fulfillment of the terms of the other permit.

X. Permit Renewal and Modification

- A. Renewal, Sidewalk and Curbside Projects: Renewal requests must be submitted in writing to Public Works-Bureau of Street Use & Mapping no less than 30 days prior to expiration of the permit. Public Works may administratively renew a permit if the Department has not received any complaints or objections from the Core Agencies during the current permit's operational period. Public Works may modify the permit conditions and durations at its discretion, and the duration on a renewed permit shall not be a longer than the duration on the originally approved permit at the Director's discretion.
- B. Renewal, Roadway Projects: In addition to the requirements in Section IX.A above, renewals of Roadway Project permits will require additional review and approval as determined by the SFMTA. The permittee shall contact SFMTA regarding a request for renewal at least 90 days before expiration of the active permit.
- C. Modification. An approved permit may be modified at any time by the Public Works Director in consultation with the Core Agencies. Each Core Agency that has approved issuance of the permit may at any time submit to the Public Works Director and the Core Agencies for review the proposed modifications to those portions of the Permit that are within its jurisdiction, including any conditions. The Public Works Director and Core Agencies shall determine if the proposed modification is a Minor Modification or a Major Modification, and if other portions of the permit will also need to be modified.
 - 1. Minor modifications, as determined by the Public Works Director, may include changing dates of an activity or adjustment of encroachment locations or sizes to improve the functionality and accessibility of the proposed space or activity that are within the intended purpose of the proposal. A Minor Modification to a permit may be made by the Public Works Director without the issuance of a new permit.
 - 2. Major Modification, as determined by the Public Works Director, may include adding activities to the event calendar or expanding the permit area, or any other modification that the Public Works Director determines increases or expands the scope of the permit. If the Core Agencies with jurisdiction over the permit have no comments to the Major Modification, the Public Works Director may issue a new PPP Permit to the permittee.
 - 3. Modifications to Roadway Projects must have approval by the SFMTA.
- D. Renewal and Modification Conditions:
 - 1. All fees must be paid prior to permit renewals.
 - 2. Modification requests by the Permittee may require processing and review fees, as determined by Public Works.
 - 3. The Public Works Director may require a public hearing prior to any Permittee requested

permit modification or permit renewal.

XI. Permit Fees

- A. Intake Fee. Per the applicable City Codes, the fee shall be equal to 50 percent of the full amount of a similar Public Works permit as determined by the Department with the following as a guide:
 - 1. Sidewalk People Place – similar to the full fee Minor Sidewalk Encroachment Permit.
 - 2. Curbside People Place – similar to the full fee Minor Sidewalk Encroachment Permit and the full fee Street Improvement Permit.
 - 3. Roadway People Place – similar to the Major Encroachment Permit.
 - 4. If the proposal includes more than one type of People Place, then the fee shall be equal to the higher fee.
- B. Final Fees. The fee shall be based on time and materials as determined by the Department and as described in PWC Section 2.1.3.
- C. Renewal Fee. The fee shall be equal to the initial intake fee for a new permit.
- D. Modification Fee. The fee shall be equal to the Excavation Permit Admin fee (\$93 in the 2018-19 Fiscal Year) and any additional time and material fees as determined by the Department.

XII. Revocation and Appeal

- A. The PPP is revocable at the will of the Director of Public Works in consultation with the Core Agencies; the PPP may also be revoked or modified following a request from the designees of each participating agency or if any of the participating agencies withdraw their approval pursuant to Section 94A.6(h)(2) of the Administrative Code.
- B. The Director, in his or her discretion, may revoke a PPP and shall notify the permittee in writing of this decision. The Director shall hold an administrative hearing on his or her decision to revoke. Administrative hearings shall follow Public Hearing Notice procedures outlined in Section VI of this Order.
- C. Right of Appeal. Any person may appeal the decision to grant or deny an application for any People Place Permit, or to revoke or suspend an existing Permit, to the Board of Appeals pursuant to the provisions of Charter Section 4.106 and Section 8et seq. of the Business & Tax Regulations Code; provided, however, that any portion of the People Place Permit that has been approved by the SFMTA pursuant to its Charter authority may be heard and decided by the Board of Appeals only upon authorization by the SFMTA Board of Directors. In the absence of such authorization, those portions of the People Place Permit that fall within the SFMTA's Charter authority shall be severed from the appeal and heard pursuant to the process that applies to appeals of SFMTA approvals. With respect to an appeal to the Board of Appeals, it shall be filed in writing with the Clerk of the Board of Appeals within 15 days of the date of issuance, denial, revocation, or suspension of the People Place Permit.
- D. Permit Renewal. For purposes of an appeal to the Board of Appeals, the renewal of an existing People Place Permit is considered to be a new permit and may be appealed in accordance with the provisions of subsection (a) above. Pursuant to Section 8(i)(5) of the Business and Tax Regulations Code, any activities on the site would be suspended during the pendency of the appeal; however, the Core City Agency or Agencies with jurisdiction over the site may, in their discretion, authorize any authorized physical treatments or improvements to the site to remain pending a decision by the Board of Appeals.

XIII. Violation of Permit or Regulations; Penalties

- A. If the Permittee is in violation of the permit conditions or regulations specified in Public Works Code Section 793 or in Administrative Code Section 94A, the Director or his designee or agent shall immediately order the Permittee to vacate the occupied area or abate the violation. Should the violation not be corrected as ordered, the Permittee shall be subject to the actions and penalties set forth below for each violation.
1. Criminal Penalty:
 - a. Any person who shall violate any of the provisions of these regulations shall be guilty of an infraction. Every violation determined to be an infraction is punishable by (a) a fine not exceeding \$100 for the first violation within one year; (b) a fine not exceeding \$200 for a second violation within one year from the date of the first violation; (c) a fine not exceeding \$500 for the third and each additional violation within one year from the date of the first violation.
 - b. When a government official authorized to enforce this Section 793 has reasonable cause to believe that any person has committed an infraction in the official's presence that is a violation of this Section, the official may issue a citation to that person pursuant to California Penal Code, Part II, Title 3, Chapters 5, 5C, and 5D.
 2. Administrative Penalty. In the alternative to the criminal penalty authorized by Section 793, Department of Public Works officials designated in Section 38 of the Police Code may issue administrative citations for violations of these regulations. The administrative penalty shall not exceed \$300 per day for each violation. Such penalty shall be assessed, enforced, and collected in accordance with Section 39-1 of the Police Code.
- B. If the Director receives verified complaints concerning violations of the terms and conditions of the Permit within the initial six (6) month period of operation, the Director shall conduct a public hearing on the Permittee's conduct. After the initial six (6) month term, the 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.
- C. If the Permittee conducts less than the minimum number of annual programmed events stipulated in the Permit, the Director may determine that the Permit has been abandoned or 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.

X

DocuSigned by:

Debra Lutske

Lutske, Debra B332FDEE221447C...

Deputy Bureau Manager

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DocuSigned by:

John Thomas

Thomas, John B3944D53BAFD487...

Deputy Director and City Engineer

X

DocuSigned by:
Mohammed Nuru
81145AB17F474FA...

Nuru, Mohammed
Director