



DPW Order No: 184013

ESTABLISHING REGULATIONS AND GUIDELINES FOR APPROVAL OF STREET PLAZA ENCROACHMENT PERMITS WITHIN THE PUBLIC RIGHT-OF-WAY.

Edwin M. Lee
Mayor

Mohammed Nuru
Director

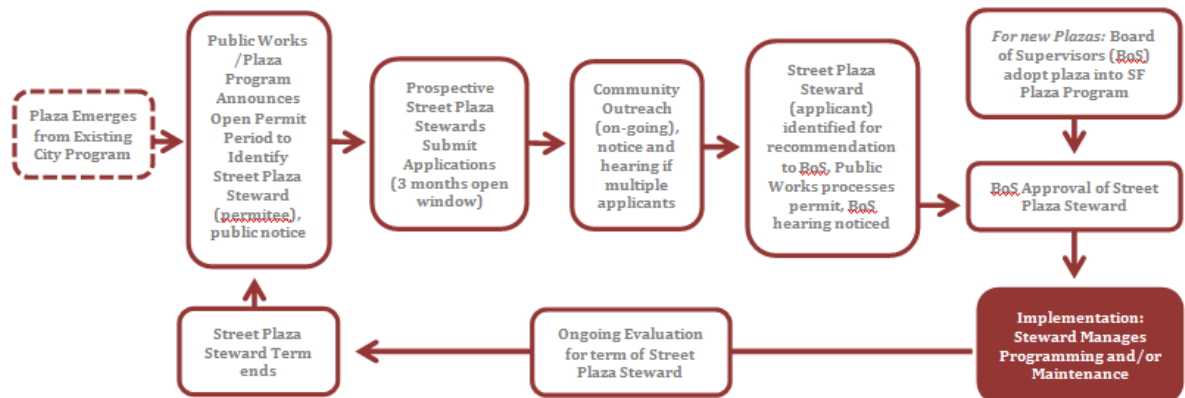
San Francisco Public Works
1 Dr. Carlton B. Goodlett Pl.
Room 348
San Francisco, CA 94102
tel 415-554-6920

sfpUBLICWORKS.org
facebook.com/sfpUBLICWORKS
twitter.com/sfpUBLICWORKS
twitter.com/mrcleansf

I. PURPOSE: Public Works Code Article 15, Section 792 governs the application and permitting process for Plaza Encroachment Permits for Street Plazas. This Public Works Order provides detailed implementation guidelines for the approval and administration of Plaza Encroachment Permits.

II. BACKGROUND: The Plaza Program allows Permittees (Stewards) to activate and maintain approved Street Plazas for the term of the Plaza Encroachment Permit. This program provides tools for local stakeholders to craft a sustainable approach to the desire and need for active use of Street Plazas. Public Works shall process a Street Plaza Encroachment Permit under the same terms and requirements as Public Works Code Section 786, Street (Major) Encroachment Permit, except where Section 792, which is specific to the Plaza Program, has individual provisions applicable only to Street Plazas. A Street Plaza Encroachment Permit (Plaza Encroachment Permit) is not subject to the annual assessment fee assessed to Street (Major) Encroachment Permits. Read more about Plaza Program goals, benefits, and regulations at the program website: <http://www.oewd.org/PlazaProgram>

III. APPLICATION AND APPROVAL PROCESS: The application and approval process is summarized in the following flow chart:



A. Street Plaza Application and Permit Process:

(1) A plaza emerges from an existing City program that satisfies the following criteria:

- (a) Plaza shall occupy existing public right-of-way(s);
- (b) Shall occupy a minimum of 2,000 square feet;
- (c) Shall be located in active areas of the City; e.g. commercial corridors, transit or bicycle hubs, etc.

- (d) Shall not be primarily used as an active recreational facility or for urban agriculture;
- (e) Shall have a demonstrable need for activation and/or maintenance;
- (f) Shall have existing community support for public/private activation; and,
- (g) Shall have at least one identified potential applicant or steward.

(2) **Public Works announces open permit period to identify Street Plaza Permittee.** Public Works shall post the announcement at the plaza site and on the Public Works and the Plaza Program websites, and shall mail notices to local residents, property owners, and neighborhood groups within a 300 foot radius and to any individual or entity that makes a written request to Public Works to receive such announcements. In the announcement, Public Works may provide additional detail for eligibility criteria, application requirements, and operation/maintenance obligations for the subject Street Plaza. However, an applicant shall address the following in its Plaza Proposal:

- (a) Eligibility criteria for applicants:
 - (i) Although not required, groups with non-profit status, with programs based in San Francisco, are preferred.
 - (ii) Be able to demonstrate a strong connection to the neighborhood in which the Plaza is located.
 - (iii) Be able to demonstrate capacity for long-term management of the Plaza through projected budgets and similar public space management and/or programming (activation).
- (b) Application requirements: Proposals shall include the following information (the Plaza Proposal) describing vision and strategy for the subject Plaza. Public Works may adopt additional requirements on a case by case basis. If there are additional requirements, Public Works shall detail these in writing during each announced open permit period:
 - (i) Organization Background and Contact Information
 - (ii) Organization Qualifications
 - a. Describe business status.
 - b. Demonstrate a strong connection to the neighborhood in which the Plaza is located.
 - c. Demonstrate capacity for long-term management of the Plaza through projected budgets and similar public space management and/or programming (activation).
 - (iii) Staff Qualifications
 - (iv) Community Initiative
 - a. Include documentation of public outreach processes for the Plaza. Describe community support for the submitted proposal and include letters of support from local stakeholders.

- b. Include proposal for on-going local stakeholder engagement.

(v) Program Design, Site, and Feasibility

- a. *Program Design*: Include proposed daily, weekly, and monthly programmed hours of use of the Street Plaza on an annual basis for which the Permit will be active. Propose a minimum number of yearly programmed events, as well as the scope of activities on an annual basis for which the Permit shall be active. This may include use of moveable, temporary, or fixed furniture or structures; maintenance of hardscape and/or landscaping on the plaza; general programming and activation of the Plaza; and commercial or non-commercial offerings, including, but not limited to, arts activities; entertainment; food, drink, and/or other refreshments; retail sales; sports; and general recreation. Provide event maps for a variety of programming activation scenarios, if any. Propose the number of restricted access events, if any, which will be held annually, which number shall not exceed eight (8) one-day such events. Describe the maintenance plan.
- b. *Site*: Describe site conditions, including any nearby commercial corridors, transit or bicycle hubs, community groups or other naturally active conditions.
- c. *Feasibility*: Describe how the Program Design will enable the proposed activation and/or maintenance of the Site area.

(vi) Evaluation/Communications

- a. Propose how Public Works should measure success of the Plaza Permittee.
- b. Propose how the Permittee should participate in any established program evaluation and/or reporting processes, including collecting participation data and user feedback at least once a year.
- c. Propose strategies to engage with and maintain on-going communication with existing City programs.

(vii) Signage Plan

(viii) Program and Respondent Budget

- a. Include the following:
 - i. Detailed budget projections, including an annual detailed operating budget and 12-month cash flow projection for the

proposed activities listed by the budget categories.

- ii. A three-year sustainability projection.
 - iii. Sources of any estimated revenue.
 - b. Director of Public Works may require any additional information that Public Works may need to adequately assess the applicant's ability to administer the permit obligations.
- (c) Operations Obligations: Proposals should acknowledge understanding of the following required obligations, when/if identified as the single identified potential Steward (Applicant):
- (i) To complete application steps for a Street Plaza Encroachment Permit with Public Works and sign Street Plaza Encroachment Agreement.
 - (ii) To maintain general liability insurance, naming the City as additional insured, subject to approval of the City Risk Manager.
 - (iii) To maintain clear, on-going lines of communication with community stakeholders.
 - (iv) To activate and maintain and/or maintain the Plaza through programming, marketing, management and event management, as described in the approved Agreement.
 - (v) To maximize events that are free to the public.
 - (vi) To provide public access that will not be restricted beyond any approved restricted access events.
 - (vii) To participate in periodic Plaza Program Steward meetings and workshops.
 - (viii) To comply with other applicable requirements of the SF Plaza Program (Administrative Code Chapter 94) and Public Works Code Article 15, Section 792 and applicable sections of Section 786 of the same Code Article.
- (d) Submission Requirements
- i. Applications (Plaza Proposals) must be received by 5:00 p.m. on the Proposals Due date. Postmarks will not be considered in judging the timeliness of submissions. Proposals may be delivered in person and left with Plaza Program Manager, Office of Economic and Workforce Development located at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 448, San Francisco CA 94102 or mailed to the same location.
 - ii. Applicants shall submit five (5) copies of the proposal clearly marked "**Plaza Proposal**" for the proposed plaza to the above location. Plaza Proposals that are submitted by fax will not be accepted. Late submissions will not be considered.

- iii. Applicants must also submit an electronic version of the proposal to: SFPlazaProgram@sfgov.org by 5:00 p.m. on the Proposals Due date.
 - iv. Proposals will be placed in three-ring binders for review. Please use 8 inch by 11.5 inch three-hole recycled paper, printed double-sided to the maximum extent practical, and bind the proposal with a binder clip, rubber band, or single staple, or submit it in a three-ring binder. Please do not bind your proposal with a spiral binding, glued binding, or anything similar. Applicants may use tabs or other separators within the document. For word processing documents, the City prefers that text be unjustified (i.e., with a ragged-right margin) and use a serif font (e.g., Times Roman, and not Arial), and that pages have margins of at least 1” on all sides (excluding headers and footers). For lengthy proposals, please include a Table of Contents.
 - v. The Proposal shall respond chronologically to each issue listed above in Section III.A(2)(a)-(c) and include the specific sectional and sub sectional citation reference in the header that responds to the issue. If the Applicant has no response or the issue is inapplicable to the Applicant, the Applicant should indicate that the response is intentionally left blank or not applicable.
- (e) Interested Party’s submission of questions during the open permit period
- (f) If the Public Works public announcement during the open permit period for a particular Street Plaza specifically provides for the option of receiving questions about the subject Plaza or the decision making process related to the Plaza, then , Applicants or other interested parties may submit questions to Public Works. Any question shall be sent electronically to: Public Works_www.sfdpw.org and SFPlazaProgram@sfgov.org. Public Works shall post answers to each posed question on its website.
- (3) **Prospective Street Plaza Stewards submit applications:** The open permit period to identify Street Plaza Permittee shall be open for ninety (90) days.
- (4) **PUBLIC WORKS review of Applications for eligibility.**
- (a) If only one eligible proposal is received, those persons/organization shall be deemed the identified applicant and shall work with Public Works to complete any required Permit processing steps as set forth in Sections 786and 792, Public Works guidelines for processing a Major Encroachment Permit and this Public Works Order.
 - (b) If more than one proposal for application is received, Public Works staff will review all proposals to determine whether

there is more than one eligible proposal. Public Works shall schedule a public hearing to review eligibility of all potential applicants. Based on the information provided, and testimony presented at the hearing, the Public Works Hearing Officer shall make a recommendation to the Director of Public Works. Public Works Director may approve, modify, or reject the hearing officer's recommendation, and shall issue a final determination. If the Public Works Director selects an Applicant, Public Works shall meet with that Applicant to determine what outstanding information and/or materials are necessary to complete the application process.

- (c) The Public Works Director shall select no more than one Applicant/Permittee per Street Plaza.
- (5) If the plaza has not yet been adopted into the Plaza Program, Public Works and Plaza Program staff will prepare legislation proposing adoption of the plaza into the Plaza Program under Chapter 94 of Administrative Code and, if practicable, simultaneously process the Plaza Encroachment Permit.
- (6) Board of Supervisors' approval of Plaza Encroachment Permit application shall include the following:
 - (i) The scope of Street Plaza Permittee's maintenance, activation and liability responsibility and obligations.
 - (ii) The required liability, indemnity, and insurance coverages, as approved by the City Risk Manager or successor agency.
 - (iii) The number of annual restricted access events, if any.
 - (iv) The Permit may be deemed abandoned if the Street Plaza Permittee conducts less than the stipulated number of minimum annual programmed events.
 - (v) The Street Plaza Permittee shall submit a monthly calendar of events to the local District Police station, the Public Works Director, and the Plaza Program thirty (30) days prior to the start of the subject month.
 - (vi) The Street Plaza Permittee makes its financial records related to the use of the Street Plaza available to the Public Works Director for inspection, upon written request of the Director.
 - (vii) That Public Works authorizes the signage approval program.
- (7) Implementation: On the Permit's effective date or such other date as specified in the Permit, the Street Plaza Permittee shall commence stewardship of Plaza (programming and/or maintenance).
- (8) Public Works shall conduct an ongoing evaluation of the Permittee for term of Street Plaza Permit.
- (9) At the end of the Permit term, Public Works shall initiate steps to begin the process again with an open permit period to identify Street Plaza Permittee.

B. Additional Street Plaza Permit requirements.

- (1) Certain activities may require additional permits or approvals from other City or State agencies, Boards, Commissions, Departments, etc. The Street Plaza Permittee will be solely responsible for obtaining all other permits and/or approvals that may be required for activities at the Street Plaza. Any event that involves at least one of the following activities, also shall be required to obtain approval from the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT):
 - (a) Sales or service of alcohol;
 - (b) A fuel-powered generator with a fuel capacity greater than 10 gallons;
 - (c) Installation of a tent or canopy in excess of 400 square feet;
 - (d) Closure of all or any portion any public right-of-way adjacent to and/or outside the delineated area of the Plaza;
 - (e) Events that exceed the maximum decibel limit as described in the Plaza Limited Live Performance permit, if applicable, issued pursuant to Police Code Sections 1060 et seq.;
 - (f) Activities that exceed the general scope of the Street Plaza Permit agreement.
- (2) Due to possible damage to City infrastructure, Public Works may require the Permittee to apply for and obtain an individual Temporary Occupancy Permit for any event that involves at least one of the following activities:
 - (a) Stages that are not pre-fabricated and that require installation or construction with/by trained staff;
 - (b) Any structure in excess of 250 pounds per square inch.
- (3) The term of a Plaza Encroachment Permit shall not exceed a total of five (5) years; provided, however, that in unique circumstances or in cases where the Permittee installs significant improvements as part of the Plaza Encroachment Permit, the Public Works Director may authorize a longer or unlimited term. Notwithstanding the above, all Plaza Encroachment Permits are revocable at the will of the Director.

C. Maintenance Agreement.

- (1) Public Works shall require regular maintenance of the Plaza at all times set forth in the permit. The Plaza Permittee shall coordinate and work with Public Works Bureau of Street Environmental Services (BSES) and Bureau of Urban Forestry (BUF) to maintain the Plaza as identified in the Plaza Encroachment Permit.
- (2) Under certain circumstances and depending on Permittee's maintenance obligation for the Plaza, the Public Works Director may require the posting of a maintenance bond in an amount he /she deems appropriate.

D. Additional requirements associated with Plaza Encroachment Permit approval. The Board of Supervisors and/or Public Works may adopt other regulations and requirements as part of the approval process for each Plaza Encroachment Permit or at the time the subject Plaza is incorporated into the Plaza Program in accordance with Administrative Code Chapter 94. Public Works shall post or cause the Permittee to post such regulations and requirements, in a prominent location within in each Street Plaza.

E. Exceptions to operational requirements and permit terms.

- (1) Operational Requirement Exceptions: On a case by case basis and due to unique circumstances, the operational requirements set forth for Street Plazas may not be appropriate for a particular event. In such cases, and after a duly noticed public hearing, the Public Works Director may issue an exception to the requirements if the Public Works Director finds at his/her sole discretion that the public interest would benefit and be served by the granting of the exception.
- (2) Permit Term Exceptions: Upon written request from a Street Plaza Permittee, the Director may issue non-material exceptions or other minor amendments to the terms of a Plaza Encroachment Permit. The Public Works Director shall issue such exceptions in writing, retain the granted exceptions in a file available for public review, and shall post such correspondence on the Department's and Plaza Program's websites.

F. Good Neighbor Policies.

- (1) The Street Plaza Permittee will manage the Plaza in accordance with the following good neighbor policies during the times of use as set forth in the Plaza Encroachment Permit:
 - (a) The quiet, safety, and cleanliness of the Plaza and its adjacent area shall be maintained at all times, as set forth in the permit;
 - (b) Proper and adequate storage, and disposal of debris and garbage shall be provided;
 - (c) Noise and odors, unless otherwise permitted, shall be contained within immediate area of the Plaza so as not to be a nuisance to neighbors;
 - (d) Notices shall be prominently displayed during events that urge patrons to leave the Plaza premises and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood. Such notices shall be the responsibility of the Permittee to install prior to, and removed after each event;
 - (e) Employees of the Plaza Permittee shall walk a 100-foot radius from the Plaza within thirty (30) minutes after the daily use period and shall pick up and dispose of any discarded beverage containers and other trash or debris left within the area;
 - (f) Exceptions: After written request from a Permittee, the Public Works Director may issue non-material exceptions or other minor amendments to the Good Neighbor Policies. The Director shall issues such exceptions in writing, retain the granted exceptions in a file available for public review, and shall post such correspondence on the Department's and Plaza Program's websites.

G. Violation of Permit terms and Public Works enforcement actions, including penalties.

- (1) Violation of permit or regulations and penalties for Street Plazas are described in Public Works Code Article 15, Section 792. Public Works may subject violators to warnings, citations and/or financial penalties.

(2) If the Permittee receives numerous Public Works warnings and/or citations, Public Works may elect to hold a public hearing on the Plaza Encroachment and may consider of revocation of the Permit.

9/9/2015

X 

Sanguinetti, Jerry
Bureau Manager
Signed by: Sanguinetti, Jerry

9/9/2015

9/9/2015

X 

Sweiss, Fuad
Deputy Director and City Engineer
Signed by: Sweiss, Fuad

X Mohammed Nuru

Nuru, Mohammed
Director, DPW
Signed by: Nuru, Mohammed