

SAN FRANCISCO ARTS COMMISSION

# STREET ARTISTS PROGRAM

CERTIFICATION AND SALES SPACE  
ASSIGNMENT PROCEDURES

ARTS AND CRAFTS CRITERIA

REGULATIONS

MAPS OF SALES AREAS

with a commentary and guide to practical use

by

John Bass and Howard Lazar

Sixth Edition (revised Fifth Edition) by Howard Lazar

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Book co-authored and revised for Sixth Edition by Howard Lazar. Book design, text layout, original maps of street artist spaces, and original diagram of display regulations drawn by Howard Lazar.

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Howard Lazar (from Fifth Edition)

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P A R T    I

COMMENTARY AND GUIDE TO PRACTICAL USE

By

John Bass and Howard Lazar (from Fifth Edition)

## C H A P T E R 1

### THE STREET ARTISTS PROGRAM: AN INTRODUCTION

The San Francisco Street Artists Program was founded in 1972, one quarter of a century ago.

This is what the Street Artists Program does: It determines, by means of an examination conducted by a panel of experts, whether a person who applies for certification as a street artist is capable of producing a particular art or craft item by his or her own effort.

The applicant who passes the examination may then pay a fee and receive a certificate. The applicant has now become a certified street artist. The certificate which the new street artist holds includes a list of one or more art or craft items - the same items for which the artist has been examined. The certificate entitles the artist to sell those items - and those items only - on one of a number of precisely defined sales spaces located on the public sidewalks of San Francisco. These are locations which have been reserved by the City for use by certified street artists.

The certificate enables the new street artist to participate with other certificate-holders in a lottery held every day to distribute these sales spaces. After obtaining a space assignment in the lottery, the new street artist may set up a display on the space and attempt to sell his or her wares directly to the public.

That, in bare outline, is what the Street Artists Program does, subject to a few regulations described elsewhere in this book. It sounds like a simple and sensible process, as indeed it is. But even today, after twenty-five years of continuous operation, it remains unique among government programs in support of arts and crafts throughout the United States.

More than 7,000 street artist certificates have been issued in the last quarter century. During the past several years the number of persons holding valid certificates at any one time has stabilized to slightly above 400.

The people holding and using these certificates come from a vivid mixture of backgrounds. A random survey would reveal degrees in Law, Art History, Oriental Languages, Acoustical Engineering, Chemistry, English, Physical Education, Philosophy; it would also turn up people with almost no formal education, and

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some from all the stages in between. Every quarter of the globe is represented, as are most religions and most shades of political opinion. They were marketing executives, they were receptionists, they were x-ray technicians, they were sugar cane cutters; in the Street Artists Program, they use minds and hands in the service of the arts of design and the crafts of fabrication to produce objects of ornament and use, things that delight and harm not. They work with color and with texture. They work with a bewildering variety of materials and techniques.

The Street Artists Program, at present, examines and certifies artists' wares in 38 distinct categories of arts and crafts, ranging from the most ancient activities to the most modern, from arranging stones to form a necklace to computer-enhanced photography.

To these artists, the Street Artists Program affords the possibility of employment and income by means of an activity congenial to their talents and inclinations.

To the general public -the residents of San Francisco and the millions of visitors coming to San Francisco -the Street Artists Program affords easy access to arts and crafts items of original design and workmanship, and the possibility of direct interaction with the artists themselves.

To the City and County of San Francisco, the Street Artists Program affords a peaceful and positive resolution to a conflict of interests among a number of diverse parties, each pursuing a legitimate claim to the protection of local government. As an arm of City government, the Program contributes significantly to the maintenance of order on the public streets -a major concern of any local government.

The Program had its origin in a political movement led by artists who were being arrested for selling illegally on the public sidewalks. In an ironic but positive twist of history, the Program that ultimately resulted from those artists' struggle now hires off-duty San Francisco Police officers to control illegal vending in the areas in which it has selling spaces.

To the treasuries of local, state, and federal governments, the street artists contribute a full range of taxes applicable to their activities. The street artists' contribution to the overall economy of the city is conservatively estimated at \$2 - \$3 million annually.

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Last but not least - and this would be a remarkable accomplishment for any government program -the Street Artists Program, funded entirely by the fees collected from the street artists, does these things without receiving one penny in public funds.

All this aside, the Program's most positive and truly profound contribution to society lies in its impact upon the lives of the artists themselves.

The Program does not, of course, "create jobs". Rather, it affords the artist an opportunity to create a job for himself or herself. This opportunity consists of being allowed to enter a lottery held every day and attended by dozens, sometimes hundreds, of other artists in the hope of obtaining a cubicle of space, 4 feet long by 3 feet wide by 5 feet high, somewhere on a public sidewalk. There are usually enough of these spaces to go around, and an artist who participates in the lottery will probably get one. Location, however, is a vital factor in any retail activity, and while the artist can confidently expect to get a space of some kind, the artist can never be sure in advance whether the lottery will produce a space in an area rich in potential customers or will offer the artist a barren venue resembling a refuge for extinct species.

The Program is not an employer, and the only guarantee it makes to any artist begins and ends with admission to the lottery, under conditions of formal equality with every other artist admitted to it.

Thereafter, the artist is on his or her own in the marketplace, his or her own boss and monarch of all he or she surveys, so long as the artist's kingdom remains bounded by 20 cubic yards of air and concrete and the artist agrees to be governed by a set of rules which may seem, at first glance, almost monastically rigorous. The Program's rules, however, formulated for the most part by the artists themselves and rooted in the legal history of the Program, serve as a coherent expression of the Program's fundamental principle: Each artist who qualifies for the Program gets the opportunity to earn his or her own living by his or her own effort.

This is self-employment in the strict sense of the term. As a San Francisco street artist, you are your own boss: you may not be anyone else's boss. You alone may sell, at your little cubicle, those items which you alone make and only then if they

## STREET ARTISTS PROGRAM: INTRODUCTION

are registered with the Program and listed on your certificate. You may hire a helper to unload and load your vehicle, but, in retail transactions with the public, no one may sell for you. If you go to lunch, the shop closes.

As you may have no employee, so do you have no employer. The Program pays no wages and offers no fringe benefits. Nor does it behave like an employer in other ways: if you come in late or take the day off or disappear for a week or sleep on the job or don't make enough sales, the Program will not criticize you, certainly will not fire you. You, however, may wish to exercise your employer's right to do these things, in which case you may fire yourself. But if you, as an employer, are pleased with your own performance, you may reward yourself with a paid vacation for which you yourself may bear the cost.

Many people find this kind of freedom, with its daily round of risk and reward, simply too anxiety-provoking. But for the authentic street artist, it is a challenge which summons unsuspected reserves of strength. And, indeed, the process of establishing oneself in the Program can resemble an initiation, a "rite of passage" - one whose form and details and duration will vary widely from person to person. For one veteran street artist the rite of passage took the form of a harrowing endurance contest in which sheer will power was pitted against what must have seemed like the most obvious logic:

"When I first started setting up out here, I went the first eighteen days straight without making a single sale. And my apartment rent was due on the first of those eighteen days. On the nineteenth day I started making sales. So what kept me going? I don't know. I guess I must've gone kind of crazy. I was obsessed, you know, I couldn't quit; something else took over. All I knew was that this thing had to work."

This was an extreme case, of course; most street artists don't have to struggle that hard. The man who told that story had, at that time, been a street artist for 15 years. After that desperate beginning, the Program had "worked" very well for him indeed. As a street artist, because no one else had a stake in his success or failure, he was free to fail and to go back and fail again, until he succeeded. Along the way, he learned something fundamental about perseverance and self-confidence.

In a society where almost everyone works for someone else,

## STREET ARTISTS PROGRAM: INTRODUCTION

that is, represents an investment that someone else is determined to protect, the street artist has been granted a freedom increasingly rare: the freedom to discover one's own definition of failure and success. Like any other kind of freedom, it has its price, paid in this case in the currency of strict self-discipline and unrelenting toil. Street artists who succeed work for the most merciless boss of all.

Since each street artist is free to find his or her own definition of success, there are as many kinds of success as there are street artists.

For a few, the Program serves as a springboard for entering purely commercial markets. Caroline Phillips is one of these. Operating a \$6 million clothing company in 1994, she was given the title of "Woman Entrepreneur of the Year" by the National Association of Women Business Owners. A street artist in the 1970s, she said that the Program was "an amazing training ground" for her later activities. Other artists have expanded into selling at arts and crafts fairs and shows and into wholesaling.

Some use the Program to earn supplemental income on weekends and holidays, selling things they love to make. Some have found their significant others in the Program, have married, bought homes, and raised children on income earned through the Program. The children, in turn, at age sixteen have qualified for street artist certificates and now work in the Program to pay their way through college.

Others, coming to San Francisco from places between Moscow and Manila, Alice Springs and Abidjan, Reykjavik and Rangoon, or Paris, France and Paris, Texas, long on talent and short on fungible assets, find in the Program an entry point to the adventure of becoming an American.

Still others, harried by private demons and about to slip through the crevasses and into the subbasement of social life, find in the Program a way to arrest their downward drift and to rebuild their lives on a basis of order and purpose.

And to some, the Program is simply a means to earn a modest competence doing something from which they and others derive enjoyment.

For some, a way to rise; for others, a way not to sink; for

## STREET ARTISTS PROGRAM: INTRODUCTION

all, a way to do what they do best; for all, a way of life or, rather, many ways of life, diverse in many respects yet centered around a common theme: They all work within the Program, and the Program works for them and for the public.

John Bass

Street Artist  
from 1985 to 1994



## THE CERTIFICATE

On the front side of the certificate, at the bottom and after the certificate holder's name, is the printed statement "is hereby authorized to display and vend in designated areas the following arts and crafts:" which is followed by a handwritten list; in this particular example, the list is "jewelry with beads & found objects; hairclips; sewn fabric scarves, bags, & headwraps." These are the items approved by the Advisory Committee of Street Artists and Craftsmen Examiners after verifying that the certificate holder makes the items. They are the items which the certificate holder is permitted to sell.

A basic principle of the Street Artists Program is that you may only sell those arts and crafts items for which you have been screened and certified. If you are certified for "metal jewelry," for example, you may not simply set up one day to sell leather belts. You must go before the Advisory Committee of Street Artists and Craftsmen Examiners, also called "the screening committee," and demonstrate to the committee's satisfaction that you can actually make a leather belt. After doing so, you may sell the leather belts in street artist spaces, as you do with metal jewelry.

Let's go to the back side of the certificate. On the margin of the certificate is an eight-digit number preceded by the letters "SRBH." This is the number of your California State Board of Equalization Seller's Permit. The Board of Equalization is the State agency which collects State sales tax. State law requires all businesses engaged in retail sales, including street artist businesses, to collect sales tax on all items sold, except food and medicine, to fill out a return at least once a year, and send the sales tax which has been collected, together with the return, to the Board of Equalization.

In addition to the "SRBH" number, you may also see written on the margin of the certificate a rectangle containing the word "unit" followed by a number. The number is the certificate number of a street artist who is the partner of the certificate holder in an arrangement known as a "family unit": two or more persons jointly engaged in the creation or production of an art or craft item, no one of whom stands in an employer-employee relationship to any of the other members. If you are not in a family unit, this item will not be on the back of your certificate.

## THE CERTIFICATE

### YOUR AGREEMENT WITH THE ART COMMISSION

At the top of the back side of your certificate is the statement: "This Certificate is issued subject to the following conditions" herewith reprinted:

1. All work presented for sale is a handmade craft product of the vendor of his family unit.
2. The Certificate is subject to revocation at any time for violation of any street artist regulation.
3. The issuance of this Certificate does not constitute an endorsement by the City and County of San Francisco of the article sold pursuant to the terms of this Certificate.
4. This Certificate is not transferable.
5. This Certificate shall be prominently displayed.
6. The Art Commission reserves the right to establish such conditions as to further the interest of the artists and community. Its decision shall be final.
7. This Certificate must be renewed within ten (10) office work days prior to or after its date of expiration, Failure to renew shall result in forfeiture of this Certificate.
8. A street artist who has forfeited a Certificate in this manner and wishes to obtain a new Certificate must re-apply, and the new application shall be placed at the end of the list of new applicants waiting to be screened.

When your certificate is issued and before you sign it, you should re-read these eight conditions. By signing the certificate, you signify that you understand the conditions and promise to be governed by them.

## THE CERTIFICATE

For example, with condition number 1, you promise not to sell anything which is not a "handmade craft product" made by yourself or your family unit. With condition number 2, you agree that your certificate may be revoked if you violate any street artist regulation. With condition number 4, you agree not to let anyone else use your certificate; and so on throughout the list.

Since by your signature you have agreed to these conditions, it is important to read them carefully and understand what they mean.

## APPLYING FOR A CERTIFICATE

To apply for a certificate, you must fill out an application form. Application forms are available from the Street Artists Program office or online (the Street Artists Program's page of the Arts Commission's website). You may come to the office and get a form, or you may request and receive one by mail. After filling out the form, return it with \$20.00 (application fee) either in person or by mail to the Program office. NOTE: Applications submitted by mail must be registered certified in order to be considered as proof of mailing.

It is accepted by the Art Commission that the statements you make on your application are true. If you make a false statement on your application and this is discovered after your certificate is issued to you, the certificate may be suspended or revoked.

After you have submitted your application, you will receive by mail a notification of an appointment to submit your arts and crafts for examination by the Advisory Committee of Street Artists and Craftsmen Examiners. If there is a lengthy waiting list of applicants delaying your appointment, you may receive a notice later on asking you to inform the Program of your interest in obtaining a certificate.

**Time Limit for Applicants to Respond to Notice of Examination.** Applicants for certificates, who receive notice of examination of their arts and crafts, must respond within thirty (30) days from the date of the notification in order to receive an appointment with the Advisory Committee. (This provision and the due date for response shall be stated in the notification.) Failure to respond within the time period shall result in forfeiture of the applicant's position on the waiting list. (For a discussion on the Advisory committee's screening procedure, see the next chapter.)

## THE CERTIFICATE

**The Waiting Period.** There will be a waiting period between the time at which you submit your application and the time for which your screening appointment is set. The length of your particular waiting period will depend on the number of applicants who have submitted applications before you submitted yours and who have not yet been screened. Since screenings are held monthly, the length of time you will have to wait will also depend on how many applicants are called for screening each month based on the ability of the Advisory Committee to thoroughly screen the wares of each applicant at a given meeting.

**Non-refundable Application/Examination Fee.** Every person applying for a street artist certificate, whether for the first time or for re-issuance of certification after a lapse in payment of the certificate fee, is required to pay a non-refundable application/examination fee of \$ 20.00 (Ordinance 383-96). This fee is paid by an applicant upon filing an application for certification or by a former certificate-holder upon submitting a written request for priority issuance of a certificate. The application or the written request will not be processed or acted upon until the application fee is paid.

**Time Limit on Issuance of Certificate.** After you have passed the screening, a period of fifteen (15) working days is allotted for you to obtain (pay for) a certificate.

**After the Screening.** If you have passed the screening, and if the Art Commission has received no charges against you of deception resorted to in obtaining the certificate or any other violation of the applicable provisions of the Municipal Code, you are entitled to purchase the certificate within fifteen (15) office work days from the date of your screening.

Prior to paying for the certificate, however, you must complete the following two steps:

1) Go to the **Tax Collector's Office, City Hall, Room 140 1st floor** (telephone (415)554-4400) and fill out an application for a Business Tax Registration Certificate. The fee is \$25 per fiscal year (July 1 - June 30). If, however, you purchase the Business Tax Registration Certificate between January 1 and June 30, you will pay \$50, covering both the end of the current fiscal year and the entire following fiscal year.

Each year you will be required to file an application with the Tax Collector for Business Tax Registration of the upcoming year. You will also be required to report your gross income for the preceding year. (Failure to file may incur stiff penalties.)

## THE CERTIFICATE

The Tax Collector's Office will issue you a receipt and/or certificate upon receiving your fee. BRING THIS DOCUMENT AND THE STATE SELLER'S PERMIT YOU WILL RECEIVE FROM THE STATE BOARD OF EQUALIZATION (as follows) TO THE STREET ARTISTS PROGRAM OFFICE.

2) **Go to the State Board of Equalization, 121 Spear Street, Suite 460** (telephone (415) 356-6600) and obtain a **Seller's Permit**. It is our understanding from the Board of Equalization that the Board will not require street artists to pay an upfront fee or deposit. The Seller's Permit is relevant to the sales tax you will be collecting from your sales and will be forwarding to the State.

BRING THE RECEIPT AND/OR SELLER'S PERMIT ISSUED YOU BY THE STATE BOARD TO THE STREET ARTISTS PROGRAM OFFICE.

**The Certificate Fee and Period of Validity.** Bring to the Street Artists Program office the documents you received from the Tax Collector's Office and the State Board of Equalization. In addition, bring **two (2) photographs of yourself**: one photo will be affixed to one certificate card for you to display prominently on your display booth, and the other photo will be affixed to another certificate card for you to carry and show at the lotteries for obtaining selling spaces.

Upon submittal of the above items to the Program office, you may obtain your **street artist certificate** (two cards) by paying a fee of either **\$133.07** for a certificate which is valid for three months or **\$532.28** for a certificate which is valid for one year.

Listed on the certificate is your name, the arts and crafts you are authorized to sell, and the date of the certificate's expiration.

**Certificate Renewal Period.** A street artist certificate must be renewed within ten (10) office work days prior to and including its date of expiration, or ten (10) office work days after its date of expiration. Failure to renew results in forfeiture of the certificate.

Please understand that the "10-day grace period" **does not mean** that when your certificate expires you may continue selling for ten days before renewing the certificate! This is not at all what the "10-day grace period" represents. The "10-day grace period" was adopted by the Art Commission to provide street artists with an extension of time in which to renew their certificates rather than lose the ability to renew them. It was not adopted to provide for an extension of time in which to sell.

## THE CERTIFICATE

When your certificate expires, the "10-day grace period" gives you the opportunity to renew the certificate. You will not have to fill out an application and submit your wares to the Advisory Committee of Street Artists and Craftsmen Examiners. You will not have to do so if you pay for the renewal of the certificate within ten (10) office work days before or after the date of the certificate's expiration. ("Office work days" means Monday through Friday, 9 a.m. to 4 p.m.; legal holidays and week-ends are not counted as part of the ten days.)

**WARNING:** If you sell after the expiration of your certificate, the Art Commission may deny renewing your certificate or may issue you a new certificate and suspend it for a period of its validity.

**Expired Certificates Not Accepted at the Lottery.** Lottery workers are required to check the certificates of street artists who wish to obtain spaces in the lottery. Artists with expired certificates will not be allowed to use the lottery even if their expired certificates are within the "10-day grace period." The Lottery Committee member in charge of each lottery is expected to inform the Street Artists Program of any artist attempting to use the lottery with an expired certificate.

**Certificate Renewal by Mailed Payment.** You may make arrangements to renew your certificate by mail. Whenever you come to the Program office to renew your certificate, you may sign and leave on file two blank certificate cards for future renewal and mailing of the cards. Upon receipt of your mailed payment for each of the next two renewals, the staff will validate and laminate the pre-signed card and will mail it to you.

**Failure to Renew; Request for New Certificate.** If you fail to renew your certificate, you may re-apply (pay \$20 application fee) for a screening of your wares and issuance of a new certificate, and your application will be placed at the end of the waiting list of current applicants.

In some situations, it is possible to appeal to the Art Commission in order to reduce the waiting period:

**Granting Priority in Issuance of New Certificates to Former Certificate-holders.** In 1989, the Art Commission adopted the following policy: "The only cases for consideration shall be those who file an appeal within ninety (90) days of the date of their certificate's expiration, with the exception of those cases who submit with their request documentation of medical or other

## THE CERTIFICATE

significant reasons for inability to renew. As per Section 26 of Part III of the San Francisco Municipal Code, the Art Commission may exercise its sound discretion as to whether a certificate should be granted or denied. All former certificate-holders whose appeals were filed after ninety days of the date of their certificate's expiration and whose appeals are approved for the issuance of a new certificate must be re-screened by the Advisory Committee before certification is granted."

The Art Commission, by vote, has the authority to waive the re-screening provision.

**Commencing Validity of a Renewed Certificate.** In 1994, the Art Commission adopted a certification procedure whereby the validity of a renewed street artist certificate shall commence on the day the artist pays for the renewal, within the ten-day grace period for renewals, and not on the expiration date of its prior period of validity. For example, if your certificate expired on December 2nd and you submit payment for its renewal on December 15th (the ninth day of your ten-day grace period), your renewed certificate will commence on December 15th - not December 2nd.

**The "Family Unit".** Certified street artists may not have employees within the Program. This means you may not hire other people to make things for you to sell under your certificate; and you may not hire other people to sell for you under your certificate. To do either is a violation.

However, you may have a partner or a "family unit" member who works with you in the production of your art and craft items. This "family unit" member may not be your employee. If the member wishes to sell, then his or her name must be placed next to your name on an application for certification (each of you will pay a \$20 application fee). Both of you will be screened together in order for the Advisory Committee to ascertain what it is that you contribute to the production of the craft item and what it is that your "family unit" member contributes to the production of the same craft item. Upon approval, your "family unit" member is eligible to purchase a separate certificate, paying \$133.07 or \$532.28. Your certificate number will be inscribed on the back of your "family unit" member's certificate, and your member's certificate number will be inscribed on the back of your certificate. You may both sell the same item for which you were approved as a "family unit."

You may also add a partner or "family unit" member after you receive your certificate; the member must apply for his or her own certificate, listing your name with theirs, on the application, and you both wait to be screened for the product which represents your combined expression.

## THE CERTIFICATE

Here is an example: You may already be certified to sell your own paintings. Another artist may already be certified to sell his own paintings. You both wish to become a "family unit" and sell paintings you work on together. You both put your names on an application for "paintings created by" (your name) "and" (the other artist's name). At your screening, you show finished and unfinished samples of the paintings you both wish to sell. You then start creating a painting and hand the piece over to the other artist who demonstrates painting on the same piece. The Advisory Committee assesses whether your combined expression looks similar to the samples you showed for sale. If the Committee so verifies, you will both be certified to sell the paintings represented by your combined expression. You will be able to sell the combined-expression paintings as well as your own paintings, but you will not be allowed to sell the other artist's own paintings. Similarly, the other artist will be able to sell the combined-expression paintings as well as his own paintings, but he will not be allowed to sell your own paintings.

**Some Items for Which Certificates Are Not Issued.** Street artist certificates are not issued for the production and sale of food items, incense, perfumes, body oils, soaps, or other cosmetic products.

**No Certificates for Street Performers.** The Street Artists Program does not issue a certificate for music playing or street performing; there is no provision in the street artist ordinance for the certification of performers.

No street performer may use a designated street artist selling space.

**Warning Against Use of Deception in Obtaining a Certificate.** Section 5 of Proposition "L" approved by the voters in the election of November 4, 1975, lists "deception resorted to in obtaining the certificate" as a ground for not issuing a street artist certificate. This is also a ground for not renewing a certificate. In 1996, the Art Commission adopted procedures to be used by the Program Director and the Art Commission in acting on charges of deception resorted to in obtaining the certificate, as well as on charges of other violations. These procedures may be used to address violations in addition to, and may be taken with, the existing suspension-revocation procedures. See Chapter 9 for details of these measures.



## C H A P T E R 3

### THE SCREENING

After you have applied for a certificate and paid the nonrefundable \$20.00 processing fee (see Chapter 2), you will receive in the mail an appointment to appear with your work before the Advisory Committee of Street Artists and Craftsmen Examiners.

This Committee, called here "the screening committee" for brevity's sake, was created in Section 2 of Proposition "L" (street artist ordinance) passed by the voters on November 4, 1975. The five members of the committee are appointed by the Mayor who selects them from a list of candidates supplied by the Art Commission. Four members must be "experienced artists or craftspersons" and one member must be an "art educator." Because of the possibility of a conflict of interest, the committee members cannot be street artists.

The screening committee is an integral component of the Street Artists Program. Its members are persons whose qualifications have been carefully verified by the Art Commission and whose recommendations are taken seriously by the Commissioners, the Director of Cultural Affairs, and the Street Artists Program Director of the Art Commission.

The purpose of the screening is to verify that the art or craft item(s) for which you are seeking certification to sell is of your own creation. This verification will be in accordance with the screening guidelines drafted by the Advisory Committee and adopted by the full Art Commission.

At your screening, you must show the committee members samples of each craft item you wish to sell. (You may not sell any art/craft item which the committee has not screened.) At this screening or any future screening, you may submit no more than three (3) kinds of arts or crafts. For each art or craft item you wish to sell, you must show the committee the following:

- 1) At least 1 dozen FINISHED SAMPLES of your craft; if your craft is beadcraft jewelry, you must show at least 2 dozen finished samples (bracelets, necklaces, earrings).

## THE SCREENING

2) At least a half dozen UNFINISHED SAMPLES of your craft showing the various steps or stages of the craft's creation.

3) The tools which you use to make your craft.

4) The invoices or sales receipts for materials you purchased for the making of your craft.

The screening committee will examine your samples to verify that you made them. During the screening, the committee may require you to make the craft item in its entirety or to make a significant portion of it. If the committee requires further evidence, you may be asked to return at the following scheduled screening with such evidence; if evidence such as large or heavy machinery cannot be brought to the screening, you may be asked to provide the committee with a video of you using the machinery to make your craft.

The committee also has the option to assign at least one of its members to visit you at your studio to watch you make your craft there.

If the committee approves your work - that is, verifies that the work is of your own creation - it will recommend to the Program Director, acting on behalf of the Director of Cultural Affairs, that you be certified to sell the work.

If the committee recommends that you not be certified, you may appeal the recommendation by requesting the Program Director for a hearing with the Art Commission's Street Artists Program Committee which reviews such matters and other issues of the Program. If the Program Committee upholds the screening committee's recommendation, you may appeal to the full Art Commission. If the full Commission upholds the Program committee's decision, you may appeal to the Board of Appeals which is another City department.

## ARTS AND CRAFTS CRITERIA

One of the most important duties of the screening committee is, from time to time, to recommend to the Art Commission arts and crafts criteria for verifying that an applicant makes his or her own work. The criteria, established after extensive consultation with street artists and after public hearings, are approved by resolution of the Art Commission.

## THE SCREENING

In verifying that you make what you wish to sell, the following approved criteria are used by the screening committee to determine whether your item satisfies the definition of "Handcrafted Item" contained in the street artist ordinance: **"An item predominantly created or significantly altered in form by the street artist."**

**BEAD MAKING:** If a craftsperson makes his own beads, he may sell them either individually or strung as a piece of jewelry. If the bead maker creates a string of beads which includes his handmade beads as well as purchased beads, the rules for BEAD STRINGING are applied.

**BEAD STRINGING:** Beads cannot be sold the same as when purchased: when strung by the craftsperson, their design must be different from the original purchased design. Individual beads not made by the craftsperson cannot be sold separately. No purchased bead, shell, bangle, or crystal may be attached to a store-bought neck ring or chain.

**Earrings and Stickpins:** Earrings and stickpins must have a numerical minimum of two (2) components in addition to their "findings" (working parts -for example, ear wire, jump rings, catches, posts). A commercially manufactured pendant may be permissible in an earring when the pendant has been determined by the Advisory Committee to be an integral element of, and/or subordinate to, the total design of the earring. Handmade clasps may be acceptable as components, but handmade jump rings are not. Chain must be broken and a design structure added; cord must be braided, knotted, or cut between the clasps.

**Pendants:** The pendant, stomacher, brooch, cameo, and medallion part of the bead art object of sale must be an item predominantly created or altered in form by the street artist or craftsperson. Exception: a commercially manufactured pendant may be permissible in a beaded necklace when the pendant has been determined by the Advisory Committee to be an integral element of or subordinate to the total design of the necklace.

**Bead Stringing (using only commercially manufactured beads):** The Advisory Committee shall

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verify whether the beadcraft item's commercially manufactured bead components are significantly or predominantly altered in form by the item's design arrangement. No more than 15% of an artist's total displayed beadcraft may be of items comprised entirely of the same type of bead. All commercially manufactured pendants are not allowed unless approved as an integral part of the item's design arrangement. At least two dozen finished samples of each type of beadcraft jewelry (bracelets, necklaces, earrings) are required to be submitted for certification.

**BUTTON-CRAFT JEWELRY:** Commercially manufactured buttons used as jewelry must be predominantly and/or significantly altered on the face of the button - for example, with painting, carving, collage - or they must have two or more integral parts - for example, additional buttons, beads, feathers, or metal parts - that significantly alter the commercially manufactured button.

**CANDLES:** Wax, as a raw material, may be changed into any variety of forms by direct manipulation; candles dipped, fabricated, and molded from original designs are acceptable. Candles made from molds not created by the craftsperson must show a change from the original mold. Candles made from kits are not acceptable.

**CASSETTE TAPES (also CDs/DVDS):** In its examination, the Advisory Committee shall listen to the tape (or CD/DVD) for which the artist seeks certification and shall hear and view the live performance. A copy of the artist's tape shall be given to the Street Artists Program and shall be part of the artist's file. The artist's tape must be copyrighted with the Copyright Office, Library of Congress, and a photocopy of the copyright form(s) shall be given to the Street Artists Program and shall be part of the artist's file. The artist/performer of the tape shall not have to be the author of the performance. Other artists/performers involved in the recorded performance may be eligible for certification to sell the tape under the following conditions: (a) the performer(s) must apply for certification as family unit members with the primary artist of the tape. ("Family unit": Two or more persons jointly engaged in the creation or production of an art or craft item, no one of whom stands in an employer-employee relationship to any of the other members thereof); (b) a technician involved in the recording of the performance may be considered as a family

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unit member if the technician uses the technology as an instrument in the performance.

**CASTINGS, CERAMICS, SCULPTURE:** If the finished item is produced by starting from raw materials by reduction or fabrication, it is considered handcrafted. Original molds from non-original objects are acceptable only if of a highly innovative nature, or only if they represent a new way of conceptualizing the original object. Ceramic glazes containing lead will not be allowed on kitchenwares.

**COIN CUTTING:** Same criteria as for **FABRICATED AND/OR CAST JEWELRY**.

### **COMPUTER-GENERATED & "NEW TECHNOLOGY" ART:**

(1) The artist must demonstrate, in front of the Advisory Committee, creating his/her own images on a new disk on a computer or other equipment. The artist is required to bring a computer or other equipment with extension cord and necessary components to demonstrate creating the art with the equipment.

(2) Images not of the artist's own creation must be significantly altered in form and shall be examined for approval on a case-by-case basis.

(3) All computer-generated or other printed work must bear the artist's printed signature, initials, logo, or name of business on or near the image.

(4) All laser-printed or photocopied images are subject to the same criteria as for commercially printed items.

**COMPUTER-GENERATED MACHINE EMBROIDERY:** The criteria for **COMPUTER-GENERATED ART** shall apply to all machine-embroidered items. In addition, the artist's design must be of a size and nature as to constitute the dominant and primary visual focus of each item.

**DECOUPAGE:** The craftsperson must use original work or original photography, or else the pictures must be on self-made backing which in itself would qualify as a handcraft.

**DOUHCRAFT:** Same criteria as for **CASTINGS, CERAMICS, SCULPTURE**.

**ENAMELING:** Designs must be the original work of the craftsperson. Commercial stencils are unacceptable.

**ENGRAVING:** The only items that may be engraved upon and displayed are items that have been certified as the artist's own

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creation.

**FABRICATED AND/OR CAST JEWELRY:** The craftsperson must make jewelry by fabricating and/or casting with raw materials such as silver, gold, bronze, etc. Casting from commercial wax patterns is not acceptable; the craftsperson must make original molds from original work. Assembly alone does not constitute being handmade. If items are fabricated or cast, the craftsperson does not necessarily have to do his own lapidary work; but stones not cut by the craftsperson cannot be sold separately. (Stones cut by the craftsperson can be sold separately. See criteria for **LAPIDARY.** )

**FEATHER ART:** The feather work must be constructed by the craftsperson, using feathers and other accessories. Pre-strung boas, pre-glued mats, and other pre-constructed pieces are unacceptable. No items containing feathers from endangered species will be allowed.

**FIBRE ART:** Macrame, crochet, knitting, weaving and other fibre crafts start with unknotted cord, string, rope or yarn, producing a finished product using a series of knots and braids with the option of other materials. Fibre spun and dyed by the craftsperson can be sold unknotted and braided.

**FOUND OBJECTS:** See criteria for **CASTINGS, CERAMICS, SCULPTURE;** and **MISCELLANEOUS.**

**GLASS ART (BLOWN GLASS AND STAINED GLASS):** Blown glass is heated and blown by the craftsperson. Stained glass is cut by hand and painted or silkscreened or arranged to produce a design or pattern.

**KITE MAKING:** See **MISCELLANEOUS.**

**LAPIDARY:** The artist must cut, polish, and engrave all stones to be sold, and must demonstrate knowledge of the tools of lapidary,

**LEATHERCRAFT (INCLUDING BELTS AND SOFT CLOTHING):** All tooling must be done by hand (no machine design work, "rolled" or "clicker" allowed). Sewing machine-applied designs are allowed. No belt buckle may be sold separately unless it is made by the craftsperson.

**Sale of Buckles and Belts:** No commercially manu-

## THE SCREENING

factured buckle may be displayed without being functionally attached to a certified belt.

**MILLINERY:** A hat body that is significantly altered in form by the artist through the process of blocking or shaping, with the addition of adornments and trim (examples ribbons, feathers, flowers, etc. )

**MISCELLANEOUS ITEMS:** Any craft which takes a material and changes it into an entirely different shape, design, form, or function is acceptable as a handcraft. Any purchased kit is not acceptable, even though it may be assembled by hand. An exception may be for certain kits such as extremely complicated model airplane kits.

**MUSICAL INSTRUMENTS: CASTINGS, CERAMICS, SCULPTURE** and **WOODCRAFT CRITERIA** apply, except in exceptional cases.

**PAINTING AND DRAWING:** All traditional and experimental works are acceptable, as long as the artist is the instigator, maker, or collaborator on work containing his own signature . (For multiples, see criteria for **PRINTMAKING.**)

**PAPER AND PAPIER MACHE JEWELRY:** The criteria for **SCULPTURE** and **FABRICATED JEWELRY** apply to papier mache. Handmade paper is acceptable if the artist works from the raw materials to the final product.

**PHOTOGRAPHY:** The artist must do the original shooting of the subject. Self-developing film camera work should be employed in some conceptually unique manner. Street artists must attach to the back of each print a statement containing the artist's name and the type of print (for example - laser print; inkjet print; silver print; woodblock print; etching). The statement may be enclosed with the print in clear plastic or other means.

**PIPES:** See **CASTINGS, CERAMICS, SCULPTURE; MISCELLANEOUS ITEMS;** and **WOODCRAFT.**

**PLANTS AND DRIED FLOWERS:** All dried flowers must be collected and not purchased, unless the flower container is handmade. No plants are acceptable unless their container is

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handmade.

**PLASTIC AND METAL ARTS:** See criteria for **CASTINGS**, **CERAMICS**, **SCULPTURE**; **GLASS ART**; and **WOODCRAFT**.

**PRINTMAKING:** The artist must do the original artwork. If prints from the original are also done by the artist or done by a commercial printer or print shop, etc., the street artist must attach to the back of each print a statement containing the artist's name and the type of print (for example - laser print; woodblock print; etching). The statement may be enclosed with the print in clear plastic or other means.

**PUPPETS AND DOLLS:** See criteria for either **CASTINGS**, **CERAMICS**, **SCULPTURE** or **SEWN ITEMS**.

**SEWN ITEMS (INCLUDING SOME PUPPETS AND DOLLS):** Beginning with a basic fabric, cutting and sewing it together to produce a finished product, the item is acceptable (examples - garments, toys, applique, pillows). But application of mass-produced commercial patches or iron-ons is unacceptable.

**SHELL JEWELRY:** The craftsperson may not mount a shell on a store-bought neck ring. If the shell is worked on (and then mounted on a store-bought neck ring), it falls into the acceptable **LAPIDARY** category.

**STRING SCULPTURE:** See **MISCELLANEOUS ITEMS**.

**TERRARIUM MAKING:** The terrarium must be planted by the craftsperson, or, in the case of unplanted terrarium, it must be constructed from raw materials. Bottles by themselves are unacceptable. Plants by themselves are unacceptable.

**TEXTILE ARTS:** Handmade textiles are defined as follows: beginning with cloth or garments and making or changing or adding a pattern or design -for example: batik, tie dye, handpainting, airbrushing, silkscreening. Mass-produced, commercial decals are unacceptable.



## THE SCREENING

**TOY MAKING:** Toys must contain no toxic materials; the toymaker must demonstrate that the toys are safe. Toys are generally covered under the criteria for **CASTINGS, CERAMICS, SCULPTURE; WOODCRAFT;** and **SEWN ITEMS**. All other toys will be generally considered under **MISCELLANEOUS**.

**WOODCRAFT:** The craftsperson must start with a rough piece of wood, slab, or log, and change the shape of the wood into a finished product. Staining a pre-cut or pre-routed shape is not considered a handmade craft.

\* \* \*

**INVOICE REQUIREMENTS FOR ALL STREET ARTISTS:** A thorough review of all current invoices for tools, supplies, and materials will be made at all the arts and crafts screenings and re-screenings. Failure to produce good invoices, showing the name of the seller, name of the buyer, date of sale, description of items purchased, and the price for each item, may be grounds to recommend refusal or revocation of certification. The Advisory Committee of Street Artists and Craftsmen Examiners recognizes that some materials used in producing art and craft works are found, traded for, or even home-grown. Exceptions of this type will be made. In order to maintain accurate records for possible violations, some invoices and records may be photocopied during the screening and placed in the applicant's file.

## C H A P T E R 4

### STREET ARTIST SPACES

The certificate issued to you by the Art Commission entitles you to use the street artist selling spaces.

Street artist spaces are designated by the Board of Supervisors of the City and County of San Francisco. Proposition "L," passed by the voters in November, 1975, and embodied in Ordinance 41-83, the "Street Artist Ordinance," authorizes the Board of Supervisors to make these designations.

Once a space has been designated by the Board for street artist use, it **may not** be used by other people for any kind of sidewalk vending or street performance. Street artists may call upon the San Francisco Police Department to expel such people from street artist spaces.

The right of street artists to use designated spaces may, however, be temporarily suspended to make room for legitimate activities authorized by City government.

At the end of this book there are several pages of maps showing the locations of street artist spaces. The maps reveal that the spaces are generally clustered into two main areas of San Francisco.

One main group of spaces is in the Fisherman's Wharf area. The maps for this area show spaces on Beach, Hyde, Jefferson, Leavenworth, and Taylor Streets. These spaces are called the "Wharf spaces. "

The other main group of spaces is in the Downtown area. The maps for this area show spaces on Market, O'Farrell, Stockton, Grant, and Geary Streets. These spaces are known as the "Downtown spaces."

On the maps each space is identified by a letter and a number. For example, the spaces on Beach Street are called "B-1", "B-2", "B-3", and so forth. Similarly, the spaces on Stockton Street are called "S-1", "S-2", "S-3", and so on.

The spaces are provided by the City with numbers and bracket marks painted directly on the sidewalk to show where street artist displays may be set up.

## STREET ARTIST SPACES

### OTHER SPACES AND SELLING AREAS

In addition to the Wharf spaces and Downtown spaces, there are three numbered spaces at Point Lobos (Cliff House area).

There is also an area where there are no numbered spaces. This is United Nations Plaza, located at Market and Hyde Streets, in which no more than fifty (50) street artists may be allowed to sell. Selection of spaces in United Nations Plaza is on a first-come, first-served basis, as the Plaza's spaces are not included in the Art Commission's lottery system. On days (Wednesdays and Sundays) during which the Farmer's Market occupies the Plaza, street artists are not allowed to co-mingle their displays with the displays of the farmers or sell in the area occupied by the Farmer's Market. On those days street artists are allowed to sell in the area of the Plaza bounded by Market Street and east of an imaginary line drawn perpendicular from Market Street to Leavenworth Street.

Artists have been allowed by staff of the Recreation-Park department to sell in Justin Herman Plaza (located at the end of Market Street and The Embarcadero). While the Plaza was the first area designated for street artists by the Board of Supervisors in 1972, it requires at the present time a formal renewal of authorization by the Recreation-Park Commission. Therefore, without formal authorization to use the Plaza, artists are subject at a moment's notice to vacate the premises for events or other reasons when so requested by Rec-Park personnel. An ad hoc lottery committee conducts a lottery at 6:00 a.m. on Fridays, Saturdays, and Sundays to assign street spaces in the Plaza. On other days, selection is made on a first-come, first-served basis.

### WINTER HOLIDAY SPACES

The winter holiday season is one of the most important times of the year for street artists. Most want to sell Downtown during the season. To accommodate the increased demand for spaces, the Art Commission, since 1982, has annually requested and received from the Board of Supervisors designation of a number of temporary spaces for use during the holiday season. These are called "winter holiday spaces" (formerly called "Christmas spaces") and are added to the year-round spaces in the Downtown Lottery. In 2007, 64 temporary selling spaces in the Downtown-Union Square area and 7 temporary spaces at Harvey Milk Plaza (Market and Castro Streets) were designated for use from November 15, 2007 to January 15, 2008.

Each year special maps showing the permanent and temporary spaces Downtown are issued by the Street Artists Program which also arranges to have markings for the spaces painted on the sidewalks.

## STREET ARTIST SPACES

### APPLYING FOR SPACES

The procedure of applying for designation of new spaces is the same for both permanent and temporary spaces. Traditionally, the Art Commission, as a "community service" to street artists, store merchant organizations, and the public, has held hearings on requests for spaces and submitted requests with recommendation on behalf of the artists to the Board of Supervisors.

First, the Commission's Street Artists Committee conducts a hearing on a request and receives input from the artists, store merchants, and other interested parties, and also receives from the Program Director an analysis of the proposal's adherence or lack of adherence to the regulations governing spaces and a recommendation of approval or disapproval. The Program Committee votes its recommendation for submittal to the full Art commission (at the following month's Commission meeting) for the full Commission's vote.

If the Commission votes to approve submittal of the requested proposal to the Board of Supervisors, the Program Director submits and presents the proposal at a hearing conducted by a committee of the Board. At this hearing, too, the artists, store merchants, merchant association representatives, and the public may speak on the matter. If the committee votes to recommend approval, the recommendation is submitted to the full Board of Supervisors at its next meeting. If approved by the Board and signed by the Mayor, the request is adopted in the form of a resolution.

The Art Commission encourages street artists to find promising locations and to apply for their designation. Such proposed spaces should meet with the requirements set forth in Ordinance 199-03 (amending Section 2405 of Ord. 41-83), as follows:

In areas designated by the Board of Supervisors which are not under the jurisdiction of an officer, board or commission of the City and County, street artists shall sell, offer for sale or solicit offers to purchase subject to the following regulations:

- (1) Not more than four and one-half (4-1/2) feet from the curb line of any sidewalk.
- (2) Not within eighteen (18) inches of the curb line of any sidewalk.
- (3) No more than five (5) feet above any sidewalk.
- (4) In an area not more than four (4) feet long.
- (5) Sprinkler inlets, standpipe inlets (both wet and

## STREET ARTIST SPACES

- dry) are to be kept clear for seven and one-half (7-1/2) feet on each side, measured from the outer edge of standpipe bank from the building line to the sidewalk edge.
- (6) Not within ten (10) feet from the outer edge of any entrance to any building including, but not limited to, doors, driveways, emergency exits measured in each direction parallel to the building line and thence at a 90-degree angle to the curb.
  - (7) Fire escapes be unobstructed underneath and perpendicular from building to the street five (5) feet from both ends of fire escape.
  - (8) Not on any sidewalk adjacent to curb which has been duly designated pursuant to local ordinance or regulation as one of the following:
    - 1. White zone
    - 2. Yellow Zone
    - 3. Bus zone
  - (9) Not within five (5) feet of any crosswalk.
  - (10) Inflammable liquid vents and fill pipes to be kept clear for five (5) feet in both directions on the sidewalk when tanks are not being filled or within twenty-five (25) feet while tank is being filled.
  - (11) Not within five (5) feet of the display of any other street artist.
  - (12) Fire hydrants to have five (5) feet sidewalk clearance.
  - (13) No street artist shall sell, offer to sell, or solicit offers to purchase between the hours of 12:00 a.m. (Midnight) and 6:00 a.m. of the following day.
  - (14) All displays and objects placed in those areas

## STREET ARTIST SPACES

designated by the Board of Supervisors shall be removed by 12:00 a.m. (Midnight) and shall not be placed prior to 6:00 a.m. of the following day.

- (15) No Street Artist shall sell, offer for sale, or solicit offers to purchase, from any vehicle.
- (16) Street Artists shall engage in their activities on the public sidewalks of the City and County of San Francisco in such a manner that at all times there shall remain open for the passage of pedestrians a space of at least eight (8) feet in width, as measured on a line perpendicular to the curb line, between the edge of the sidewalk farthest from the curb and the edge of the Street Artists' activities. No portion of a Street Artist's activities shall be included in measuring the eight (8) feet clear pedestrian passageway. Notwithstanding the foregoing, the Board of Supervisors, by resolution, may temporarily permit Street Artists to engage in their activities in specified locations where eight (8) feet of clear pedestrian passageway cannot be maintained. Such temporary permission may not be granted by the Board of Supervisors for any period exceeding eighteen months.

You will note from the above that the actual dimensions of a street artist display are described in subsection (1) through (4): taken together, these provisions describe the display to be no more than 4 feet long, no more than 3 feet wide, and no more than 5 feet high.

After you find a location or locations that fit these specifications, prepare a written proposal. This should include a sketch showing where the spaces could be located. The sketch does not have to be drawn to scale, but it should indicate the real distance between the displays and the different objects that must be considered: crosswalks, fire hydrants, doorways, etc. In order to get these distances, you will have to take actual measurements of the area.

In addition to a sketch, your proposal should include a photograph of the area if possible, and a cover letter to the Director of the Street Artists Program. The Program Director

## STREET ARTIST SPACES

will review the proposal in accord with the above regulations, communicate with the businesses adjacent to or impacted by the proposal, and submit the proposal to the Program Committee and full Art Commission for consideration. If approved for recommendation by the Commission, the Program Director will then submit the proposal with the Commission's recommendation to the Board of Supervisors.

### "MOVIE SPACES"

Commercial photographers and motion picture companies frequently use the streets of San Francisco as backgrounds for their photographs and films. This sometimes results in a temporary loss of street artist spaces.

An agreement between the San Francisco Art Commission and the San Francisco Film and Video Arts Commission has established a procedure whereby photographers and motion picture companies who have entered into a use agreement with the Film Commission shall compensate the Street Artists Program for the loss of potential street artist income caused by their use of street artist spaces. The compensation is \$200 per day for each street artist space used or "adversely affected" by photographing or filming activity between the hours of 10:00 a.m. and 10:00 p.m. Furthermore, if a film company parks a vehicle adjacent to a street artist space and does not encroach onto the space but adversely affects the ability of the artist to profitably use the space, the compensation is \$50 per day for all streets except Beach Street, between Hyde and Larkin Streets, and \$90 per day for Beach Street, between Hyde and Larkin Streets.

(The term "adversely affected" includes "the parking of vehicles or equipment adjacent to, or curbside of, a street artist space, whereby either the public's view of the artist is obstructed and/or the public is not inclined to approach the artist due to the presence of such vehicles, equipment, or filming activity.")

The agreement further provides that "if a film company requests a street artist to remain in the street artist space for which the film company has paid compensation, the artist is not prohibited from negotiating with the film company a fee for services as an 'extra.' Such fee shall be paid directly by the film company to the artist" and "shall not take the place of compensation to be paid by the film company to the Street Artists Program for use of the space(s)."

## STREET ARTIST SPACES

When the Program learns that a space or spaces will be so "adversely affected" for a certain period of time and therefore will not be available to street artists, the Program Director informs the Lottery Committee. The spaces in question are then taken out of the regular lottery and are placed in a separate lottery. This separate lottery is held either at 9:00 a.m., prior to the Main Lottery, or at 9:30 a.m., prior to the Mini Lottery, depending on the lottery area to which the spaces belong. The separate lottery is open to all street artists, including Lottery Committee members and helpers; and it prohibits Lottery Committee members and helpers from reserving any of these spaces for themselves before the lottery starts.

The artists who obtain these spaces from the separate lottery may not sell in the spaces, nor may other artists occupy the spaces: the spaces are to be kept open for the entire period of time for which the film company or photographer has compensated the Street Artists Program for "adversely affecting" the spaces. The artists who obtain these spaces are encouraged to hold on to their lottery slips and turn them in to the Program office as evidence for claiming compensation. Primary evidence for compensation is the lottery sign-up sheet itself showing the artists' names and certificate numbers next to the the spaces; the Lottery Committee member should turn in the sheet to the Program office.

After the Program receives a lump sum of compensation for the spaces, the Program deposits the money and initiates a payment procedure with the City Controller to send a check for the proper amount of compensation to each street artist.

Any compensation left over from spaces not selected in the lottery is returned to the Street Artists Program as revenue .



## CHAPTER 5

### GETTING A STREET ARTIST SPACE IN THE LOTTERY

All of the numbered street artist spaces - in other words, all of the spaces shown on the maps at the end of this book - are subject to the lottery system administered by the Art Commission. (NOTE: The unofficial lottery system and ad hoc lottery committee which assign spaces in Justin Herman Plaza are not administered by the Art Commission.)

The lottery has been established, as a requirement of City law, to ensure that every street artist has a fair chance at getting to use the street artist spaces.

#### WHO RUNS THE LOTTERY?

The lottery system, under the supervision of the Street Artists Program Director, is administered by a Lottery Committee composed of street artists. The Committee members are selected by lot at special drawings held at regular intervals under the oversight of the Program Director. Any street artist in good standing may enter this drawing (see Chapter 8 for details) .

The Committee members are helped in running the lotteries by other street artists called "helpers." There is a special method for choosing helpers (see Chapter 7 for details) .

The Lottery Committee operates two separate lotteries. One is the Wharf Lottery which covers all the spaces in the Wharf area. The other is the Downtown Lottery which covers all the spaces in the Downtown area.

The Wharf Lottery and the Downtown Lottery are the two largest lotteries in the system. There is one smaller lottery, the Cliff House Lottery, which is discussed below.

These three lotteries are universally binding: the space assignments made at these lotteries must be respected by all street artists, including those who did not participate in the particular Lottery at which a given space assignment was made.

#### MAIN LOTTERIES AND MINI LOTTERIES

Each of the two lotteries is divided into a Main Lottery and a Secondary Lottery called a Mini Lottery. These Main and Mini Lotteries are held on fixed days of the week.

## GETTING A SPACE IN THE LOTTERY

The Wharf Main Lotteries are held on the same three days of each week. The Downtown Main Lotteries are held on the same three days of each week. The Wharf Mini Lotteries are held on the same four days of each week. And the Downtown Mini Lotteries are held on the same four days of each week.

The Wharf Main Lotteries are held on Tuesday, Thursday, and Saturday.

The Wharf Mini Lotteries are held on Wednesday, Friday, Sunday, and Monday.

The Downtown Main Lotteries are held on Monday, Wednesday, and Friday.

The Downtown Mini Lotteries are held on Tuesday, Thursday, Saturday, and Sunday.

There is no Main Lottery on Sunday.

There are two Mini Lotteries on Sunday: one for the Wharf and one for Downtown.

## THE LOTTERY WEEK AND THE LOTTERY PERIODS

Each of the lottery areas has its own lottery week which is divided into three lottery periods. Shown in the form of a calendar, the lottery week looks like this:

### DOWNTOWN LOTTERY PERIODS

	I		II		III		
	MON	TUES	WED	THURS	FRI	SAT	SUN
9:00 AM	Down- town Main		Down- town Main		Down- town Main		
9:30 AM		Down- town Mini		Down- town Mini		Down- town Mini	Down- town Mini

## GETTING A STREET ARTIST SPACE IN THE LOTTERY

### WHARF LOTTERY PERIODS

	I		II		III		
	TUES	WED	THURS	FRI	SAT	SUN	MON
9:00 AM	Wharf Main		Wharf Main		Wharf Main		
9:30 AM		Wharf Mini		Wharf Mini		Wharf Mini	Wharf Mini

**Downtown Lottery Period I** lasts two days and consists of a Main Lottery on Monday and a Mini Lottery on Tuesday .

**Downtown Lottery Period II** lasts two days and consists of a Main Lottery on Wednesday and a Mini Lottery on Thursday.

**Downtown Lottery Period III** lasts three days and consists of a Main Lottery on Friday, a Mini Lottery on Saturday, and a Mini Lottery on Sunday.

**Wharf Lottery Period I** lasts two days and consists of a Main Lottery on Tuesday and a Mini Lottery on Wednesday .

**Wharf Lottery Period II** lasts two days and consists of a Main Lottery on Thursday and a Mini Lottery on Friday.

**Wharf Lottery Period III** lasts three days and consists of a Main Lottery on Saturday, a Mini Lottery on Sunday, and a Mini Lottery on Monday.

### DRAWING AND SIGNUP

The two important activities at any lottery, Main or Mini, are the **drawing** and the **signup**.

The **drawing** is when you get your lottery number .

The **signup** is when you use your lottery number to get a

## GETTING A STREET ARTIST SPACE IN THE LOTTERY

space assignment.

At a Main Lottery the drawing comes first, followed by the signup. (**Warning:** The signup may start while the drawing is still going on.) The sequence of activities at a Main Lottery is drawing-signup.

The Mini Lottery is different. The period of time set aside for the Mini Lottery starts at 9:30 a.m. The first activity during the Mini Lottery period is not the Mini Lottery itself but a sign-up of Main Lottery numbers which have been held over from the first day of the Lottery. This is called a Secondary Main Lottery Sign-up. This Secondary Main Lottery Sign-up starts at 9:30 a.m. (See "Using Your Main Lottery Number in a Secondary Main Lottery sign-Up", below. )

The Mini Lottery drawing takes place after the Secondary Main Lottery Sign-Up, a few minutes **after** 9:30. This Mini Lottery drawing is followed by a Mini Lottery sign-up of the Mini Lottery numbers which have just been drawn.

Three activities are carried out during the Mini Lottery period, beginning at 9:30:

- 1) A secondary Main Lottery sign-up for Main Lottery numbers held over from the first day of a lottery.
- 2) The Mini Lottery drawing.
- 3) The Mini Lottery sign-up.

The sequence of activities during the Mini Lottery period is sign-up - drawing - sign-up.

### TIME OF DAY OF MAIN LOTTERIES

You may enter a Main Lottery as early as 8:40 a.m. and until 9:00 a.m.

The **drawing** for a Main Lottery is held at 9:00 a.m.

### TIME OF DAY OF MINI LOTTERIES

You may enter a Mini Lottery as early as 9:10 a.m. when the Mini Lottery helper is selected, and until the first number is

## GETTING A STREET ARTIST SPACE IN THE LOTTERY

drawn in the Mini Lottery drawing, right after the secondary Main Lottery sign-up.

The **drawing** for a Mini Lottery is held immediately after the first signup.

### WHERE THE LOTTERIES ARE HELD

On Sunday through Friday both the Main Lottery and the Mini Lottery for each day are run by a single Lottery Committee member who works at a location on the north side of Beach Street between Larkin and Hyde Streets.

On Saturday, however, both the Wharf Main Lottery and the Downtown Mini Lottery are held in Aquatic Park at the top of the steps leading down to the beach. (The steps are north of the Beach Street sidewalk and east of the Maritime Museum.) The two lotteries are run by two different Committee members who work at two separate places along the top of the steps.

### ENTERING A MAIN LOTTERY

To enter a Main Lottery, either Wharf or Downtown, come to the right place on the right day and at the right time of day (see above). Look for a Lottery helper. There are three helpers at a Main Lottery. Each helper carries a pad of "LOTTERY SPACE DESIGNATION" slips called "lottery slips."

For Wharf lotteries, the slips are blue. For Downtown lotteries, the slips are yellow.

Find a lottery helper and tell him/her that you wish to enter the lottery. The helper will write your name, certificate number, and craft designation, as well as the date of the lottery, on a lottery slip.

## GETTING A STREET ARTIST SPACE IN THE LOTTERY

NOTE: To enter any lottery, you do not have to be physically present. In your absence, a street artist may enter your name into the lottery and obtain a lottery number for you to use in obtaining a space on a day of the lottery period other than the day of the lottery itself.

### THE "LAST CALL" AND "LAST NUMBER"

The time to enter the Main Lottery is between 8:40 a.m. and 9:00 a.m. At 9:00 a.m. the Lottery Committee member in charge of the lottery, with the assistance of the helpers, announces: "Last call!" There follows a very brief period of time in which the lottery slips are collected and put into the drawing bucket, after which it is announced that the lottery is closed.

If you come too late to the lottery and it is closed, you have one more chance to get a number. After all the lottery slips have been drawn from the bucket and numbered, you may ask the Lottery Committee member in charge for a so-called "last number." This will be a lottery slip with a number higher than the highest number drawn in that day's lottery. You may use it as you may use any other lottery number, except that it may not be used to obtain a helper's position in the next lottery period. In addition, the lottery slip upon which the "last number" is written is marked "last number #1" in its upper right hand corner, and the "last number" is recorded on the lottery number sheet with the notation "last number #1". If a second "last

## GETTING A STREET ARTIST SPACE IN THE LOTTERY

number" is issued, the procedure is the same, except that the second "last number" receives the highest lottery number, the lottery slip is marked "last number #2" in the upper right hand corner, and the second "last number" is recorded on the lottery number sheet with the notation "last number #2." If a third "last number" is issued, the procedure followed is consistent with that used in the case of "last number #1" and "2".

You may request and get a "last number" up to the time when the Lottery Committee member finishes running the lottery, including the last sign-up.

If you miss a Main Lottery, you may ask for and receive a last number at the following day's sign-in of the same lottery period.

### THE MAIN LOTTERY DRAWING

The drawing at a Main Lottery takes place at 9:00 a.m, The lottery slips representing the street artists entering the lottery have been folded, put in the bucket, and mixed. The slips are then drawn from the bucket at random. Each slip is numbered in the order in which it comes from the bucket. The numbers are registered on a list called a "Number Sheet." The names and the slips are then called in the order in which they are numbered, the lowest number called first.

When your name is called, take your slip from the caller. Now you must decide how to use it.

### THE SIGNUP

The numbered lottery slip which is handed you by the caller is now referred to as your "number."

**YOU MAY USE YOUR MAIN LOTTERY NUMBER TO SIGN UP FOR A SPACE ONLY ONCE DURING THE LOTTERY PERIOD. HOWEVER, YOU MAY CHOOSE THE DAY ON WHICH YOU USE THE NUMBER.**

During a two-day lottery period, you may use the Main Lottery number on either of the two days.

During a three-day lottery period, you may use the Main Lottery number on any of the three days.

## GETTING A SPACE IN THE LOTTERY

It is now permissible to hold a Main Lottery number until the third day of a three-day lottery period and to enter the Mini Lottery (in the same area lottery for which you are holding an unused Main Lottery number) on the **second day** of the three day lottery period. (amendment recommended by Street Artists Program Committee April 12, 1995 and approved by full Art Commission on May 1, 1995)

If you wish to use your number on the same day in which you receive it, take it to the signup. The signup is held by the Committee member in charge who sits with a helper at a small table. Give your lottery slip to the helper. The helper will register your number as having been used and will pass it to the Committee member.

The Committee member calls out the names on the lottery slips in numerical order. The street artist with the lowest number gets first opportunity at choosing a space, the street artist with the next lowest number gets second opportunity, and so on.

When the Committee member calls your name, go to the table. The member has a chart called the "sign up sheet" which lists the spaces on the streets within the lottery area. Your choice of space is entered on the signup sheet.

You must show your certificate to the Committee member before choosing a space. It is a violation to take a space with an expired certificate as it is to sell with an expired certificate. It is also a violation to sell in a space without your certificate, even if the certificate is valid.

If you tell the Committee member that you do not have your certificate with you, the member may sign you up for a space anyway. But the member is required by Art Commission rules to telephone the Street Artists Program office immediately after the lottery and to give your name and certificate number and report that you signed up for a space without showing your certificate. (amendment recommended by Street Artists Program Committee February 9, 1994 and approved by full Art Commission March 7, 1994)

**Warning:** If you fail two times in a month to show your certificate when signing up for a space, even if you have a valid certificate, the Program will institute a hearing procedure to consider suspending your certificate. (amendment recommended by Street Artists Program Committee November 29, 1995 and approved by full Art Commission January 8, 1996)



## GETTING A STREET ARTIST SPACE IN THE LOTTERY

After you have selected a space, the Committee member writes your name, certificate number, and your craft designation next to the space designation on the signup sheet. The Committee member enters the space designation on your lottery slip, as well as the date for which you are using your lottery number. (Remember: a lottery number may be used only once.) The Committee member then initials the slip and gives it back to you.

You may now occupy your space. NOTE: you **must** occupy the space by 12:00 noon or risk losing it (see Chapter 6 for details).

### THE MINI LOTTERY

**The Mini Lottery Period: Secondary Main Lottery Signup and Mini Lottery.** The Mini Lottery period begins at 9:30 a.m. on the second day of a two-day lottery, and on the second and third days of a three-day lottery.

The Downtown Mini Lottery periods begin at 9:30 a.m. on Tuesday (second day of a two-day lottery); at 9:30 a.m. on Thursday (second day of a two-day lottery); and at 9:30 a.m. on Saturday and Sunday (second and third days of a three-day lottery).

The Wharf Mini Lottery periods begin at 9:30 a.m. on Wednesday (second day of a two-day lottery); at 9:30 a.m. on Friday (second day of a two-day lottery); and at 9:30 a.m. on Sunday and Monday (second and third days of a three-day lottery).

The first activity during a Mini Lottery period is a secondary sign-up of Main Lottery numbers which are being held until the second or third days of the lottery period.

In a two-day lottery, you must use your Main Lottery number before taking part in the Mini Lottery drawing.

In a three-day lottery, you may hold your Main Lottery number until the Main Lottery secondary sign-up on the third day of the lottery and take part in the Mini Lottery drawing on the second day of the Lottery.

In a three-day lottery, you may also use your Main Lottery number at the Main Lottery secondary sign-up on the second day of the lottery and enter the Mini Lottery on the third day.

## GETTING A STREET ARTIST SPACE IN THE LOTTERY

The Main Lottery secondary sign-up is held at 9:30 a.m. It is the first activity of the Mini Lottery period. To enter this Main Lottery secondary sign-up, give your Main Lottery slip to the Mini Lottery helper or to the Lottery Committee member in charge. You may do this as early as 9:10 a.m., when the Mini Lottery helper is selected, and up until the end of the Main Lottery secondary sign-up.

Procedure at a Main Lottery secondary sign-up is exactly the same as at a Main Lottery sign-up on the first day of a lottery.

If you have lost or mislaid your Main Lottery slip, the Committee member in charge will issue a duplicate. The slip is marked "dup" in the upper right-hand corner. You may not use a duplicate number to be a helper during the next lottery period.

After the Main Lottery secondary sign-up, the Mini Lottery is held for those artists who do not have Main Lottery numbers to use (or who, if it is the second day of a three-day lottery, are holding their Main Lottery numbers for use on the third day). The Mini Lottery drawing and sign-up proceed exactly as in the Main Lottery.

As in a Main Lottery, you must occupy your space before 12:00 noon or risk losing it (see Chapter 6 for details).

**WARNING:** It is illegal to use any combination of Main Lottery numbers and Mini Lottery numbers to sign up for two spaces on the same day.

### OTHER AREA LOTTERIES

**Cliff House Lottery.** There are street artist spaces at Point Lobos, near the Cliff House. A lottery is held there daily by the artists at 8:30 a.m. on Monday, Wednesday, Friday, and Sunday and at 8:00 a.m. on Tuesday, Thursday, and Saturday.

**No more Leavenworth Street Lottery.** On April 7, 1997 the Art Commission abolished its lottery for portrait artists, cartoonists, and funsketchers seeking to sell in the spaces on Leavenworth Street (Jefferson to Beach Streets) and placed the Leavenworth Street spaces in the Main Wharf Lottery, requiring portrait artists, cartoonists, and funsketchers to use their Main Wharf Lottery numbers to obtain these spaces.

## GETTING A STREET ARTIST SPACE IN THE LOTTERY

### THE "MINI-MINI LOTTERY"

After a Main Lottery signup there are frequently spaces left over which have not been assigned. Street artists who are holding their Main Lottery numbers for later use may now hold an informal drawing, supervised by the Lottery Committee member in charge, for the use of these unassigned spaces. These informal drawings are often called "Mini-Mini Lotteries." They have no official standing whatsoever, even though they may be designated on regular lottery slips and signup sheets.

Street artists who take part in "Mini-Mini Lotteries" should understand that they are not taking part in a legally binding lottery. The "Mini-Mini" is an informal agreement among a random group of street artists and is not binding upon all street artists in the way that the space assignments made at a Main Lottery or Mini Lottery must be recognized by all street artists.

For example, if you set up in a space with a "Mini-Mini" number, you may be "bumped" or displaced from the space at one of the Noon Lotteries or at any time (see Chapter 6) by a street artist using a valid Main or Mini Lottery number to claim the space.

On the other hand, if you receive the assignment of an unassigned space in a "Mini-Mini Lottery" and find another artist with no lottery space assignment slip at all occupying the space on a "first come, first served" basis, you may not "bump" that artist from the space, because you have no more legal claim to it than he or she does.

Also, it should be borne in mind that a street artist holding an unused Main Lottery number or Mini Lottery number may interrupt the signup of a "Mini-Mini Lottery" at any time in order to use that number to sign up for the space. **Remember:** The "Mini-Mini" is an **unofficial lottery; it has no official standing.**

Finally, it should be pointed out that the "Mini-Mini Lotteries" are "illegal" on Sundays. On May 1, 1995, the full Art Commission approved an amendment submitted by its Street Artists Program Committee which eliminated the unofficial "Mini-Mini Lottery" on Sundays and instituted a procedure whereby any street artist holding a lottery number for the third day of a three-day lottery may enter the Mini Lottery of the second day.

## GETTING A STREET ARTIST SPACE IN THE LOTTERY

### **CORRECT BEHAVIOR WHILE PARTICIPATING IN THE LOTTERY: SOME RECOMMENDATIONS**

The street artist ordinance, Section 2406(e), states: "The Art Commission may make such reasonable rules and regulations as are necessary to effectuate the lottery." The Commission has made a number of such rules; they are included in Chapter 9.

Under the San Francisco Municipal Code, the Art Commission also has the authority to penalize street artists who conduct their business "in a disorderly, improper or hazardous manner."

The following recommendations are meant to help you avoid being penalized either for violations of specific rules or for "disorderly, improper or hazardous" conduct of business:

1) Do not grab your lottery slip as soon as it comes from the bucket and has been numbered. Wait until the number has been recorded and the caller has called your name.

2) Do not enter the same lottery more than once. If two or more slips with your name and certificate number on them come out of the bucket, you will only be able to use the slip with the highest number, which is the worse number.

3) Do not sign up for any space and give it to or trade it with any street artist, including members of your family unit and friends.

4) Do not exchange your lottery number for that of any street artist.

5) Do not sell your lottery number to any street artist for money or for anything else.

6) Do not buy a lottery number from any street artist for money or for anything else.

## CHAPTER 6

### OCCUPYING A SPACE

#### OCCUPYING AN ASSIGNED SPACE: THE 12 O'CLOCK RULE

You have been through the lottery process and have your space assignment. Now you want to occupy your space. The first rule to remember, when occupying a space assigned in either the Wharf Lottery or the Downtown Lottery, is the **12 O'clock Rule**.

**The 12 O'clock Rule** states that an assigned space must be legally occupied or legally marked before 12:00 noon; otherwise, it may be lost or forfeited at the noon lotteries.

(NOTE: This statement of the 12 o'clock Rule and the guidelines which follow are based on the **PROCEDURES FOR SALES SPACE OCCUPANCY RULE**, reviewed and amended November 26, 1985 by the Art Commission's Street Artists Program Committee; approved December 2, 1985 and amended December 1, 1986 by the full Art Commission; further amended April 12, 1995 by the Program Committee and approved May 1, 1995 by the full Commission.)

If you do not wish to risk losing your assigned space at the noon lotteries, you may secure your space by doing one of the following:

- 1) Set up your display and carry on with your business; attach your space assignment slip to the display or tape the slip to the pavement so that it can be easily seen. No other street artist may set up on your assigned space all day long.
- 2) Set up the entire display so that it is ready for business; attach your space assignment slip to the display or tape the slip to the pavement so that it is easily seen; secure the display so that it is safe; leave the display. You may stay away as long as you like. No other street artist may set up in your assigned-space all day long, not even if you stay away until after 12:00 noon. (If you do this, you must do it before 12:00 noon.)
- 3) Set up a working part of your display in the space and attach your space assignment slip to it in a prominent manner. You have now legally "marked" the space. You may go away and return after 12:00 noon, and the space will still be yours. However, another street artist may legally set up in the space while you are away and do business there until you come back. When you return to claim the space, the artist will have to vacate. In this respect, legally marking a space is different

## OCCUPYING A SPACE

from occupying a space, since the space may be used by others in your absence.

A working part of your display is a piece of equipment that you actually use in the operation of your business - for example, a table, chair, or display stand. A "throwaway" object - a brick, board, milk crate, something you might find, use, discard, and do not use in the actual operation of your business - may **not** be used to mark your space.

The lottery space assignment slip which you attach to the working part of your display must be **your** lottery space assignment slip; it must have **your** name and the correct date and space number and must be signed by the Lottery Committee member who assigned the space to you. It may not be made out to a member of your family unit. It must be the correct type of slip - a "mini-mini" slip, for example, will not do. Attach the slip to your display in a way that is easy to see.

Legally marking your space in this way not only keeps the space secure for your use but it also is an act of courtesy to other street artists.

If you do not take one of the steps above, **you risk losing your space**. To go away without either **occupying** or legally **marking** the space is risky; you may not get back by 12:00. If that happens, you will have participated in the lottery for nothing.

## THE NOON LOTTERIES

During the noon hour two special lotteries are held. These are sometimes called the "Noon Lotteries" or the "Space Re-assignment Lotteries." For the purpose of convenience, they are called here "Noon Lottery I" and "Noon Lottery II."

**Noon Lottery I** is held at 12:15 p.m. This lottery pertains to two types of spaces: (a) spaces which were not assigned at the Main Lottery at 9:00 a.m.; and (b) spaces which were assigned at the Main Lottery at 9:00 a.m. but were not occupied or not legally marked.

**Noon Lottery II** is held after Noon Lottery I. The precise time may vary. It pertains to spaces which were assigned at the 9:00 Main Lottery and which were legally marked but were **not**

## OCCUPYING A SPACE

occupied because the artists did not set up their full displays. Noon Lottery II is held to distribute these spaces I... "among non-assigned artists who may occupy such spaces until such time as they are occupied by the assigned artists..." (May 1, 1995 amendment)

Street artists who participate in Noon Lottery II may obtain authorization for **temporary use** of these **legally marked but not yet occupied spaces**. When the artists to whom these spaces were assigned at the 9:00 a.m. Main Lottery arrive to occupy them, the street artists with temporary authorization must give them up.

## ENTERING THE NOON LOTTERIES

**Noon Lottery I:** Whether at the Wharf or Downtown, this lottery takes place at 12:15 p.m. and is carried out by the Lottery Committee member who is responsible for the Wharf or Downtown Lottery of the day, or by a designated representative of that Committee member. At the Wharf, Noon Lottery I is held on Beach Street, across the sidewalk from space "B-7." Downtown, it is held at the location where the responsible Lottery Committee member or his/her designated representative is set up.

If you wish to participate in Noon Lottery I, go to the appropriate location at 12:15 p.m. At that time the responsible Lottery Committee member or designated representative will hold a drawing to assign spaces which have remained unassigned and to re-assign spaces which were assigned but were not occupied or legally marked.

Noon Lottery I is divided into two procedural steps:

**First**, there is a sign-up or space assignment during which valid unused Main Lottery numbers or valid unused Mini Lottery numbers may be used to obtain spaces.

**Second**, a special drawing is held, during which special lottery slips issued to artists who do not have valid unused Main Lottery numbers or valid unused Mini Lottery numbers may be used for the purpose of distributing those spaces which have not been taken by artists with valid Main Lottery numbers or valid Mini Lottery numbers.

(**NOTE:** If you are holding a Main Lottery number and you want to occupy a space which has been previously assigned but has not

## OCCUPYING A SPACE

been legally occupied or marked, you must use your Main Lottery number at Noon Lottery I in order to obtain a space. The space assignment will be entered on your Main Lottery number slip with the date of use and initialed by the Lottery Committee person in charge or by his or her representative; the use of the lottery number will be recorded on the appropriate lottery number sheet; and the space assignment will be entered on the sign-up sheet. Your Main Lottery number will then have been used. It may not be used again. Remember: A Main Lottery number is valid for one use, one single time, within the lottery period for which it is issued; a Mini Lottery number is valid for one use only on the same day it is issued.)

**Noon Lottery II:** This lottery is held after Noon Lottery I. The precise time may vary; ask the responsible Committee member or designated representative to be sure. The guidelines for Noon Lottery II are the same as for Noon Lottery I, except that the only spaces being considered in Noon Lottery II are spaces which have been assigned and legally marked but not yet occupied; and the right to use these spaces is on a temporary basis only. If the street artist to whom the space has been assigned in a Main Lottery or Mini Lottery sign-up, and who has legally marked the space, shows up before 3:00 p.m. to claim the space, then the artist who has obtained **temporary** use of the space, through Noon Lottery II, must vacate the space.

## REASONS FOR PARTICIPATING IN THE NOON LOTTERIES

If you are holding a valid, unused Mini Lottery number, the Noon Lotteries are your last opportunity to make use of your number.

If you had a space assigned to you at a Main or Mini Lottery sign-up but failed to occupy it or legally mark it and lost it, you may want to take part in the Noon Lotteries. You may do so on the same basis as other artists who do not have valid, unused lottery numbers. You have already used your number; a lottery number cannot be used twice.

If you are legally occupying an assigned space which you obtained at a Main or Mini Lottery sign-up but are not satisfied and want a change, you may participate in the Noon Lotteries on the same basis as other street artists who do not have valid, unused lottery numbers. You have already used your lottery number. You do not risk losing your original space by participating in the Noon Lottery. But if you obtain a space



## OCCUPYING A SPACE

in the Noon Lottery and occupy it, you must vacate your original space; **no street artist may occupy two spaces at once**. If you do not succeed in obtaining a new space in the Noon Lottery, you may continue to occupy your original space.

### **AFTER THE NOON LOTTERIES AND BEFORE 3:00 P.M.**

If a legally assigned and legally occupied space becomes vacant after the Noon Lotteries and before three o'clock, the street artist or artists who want to use the space should report to the Lottery Committee member in charge and request that the space be reassigned. The space will be held vacant for 15 minutes from the time it is reported to the Committee member, giving artists in the area time to become aware of it. The space will then be assigned to the artist holding the lowest valid unused Main Lottery number. If none of the artists contesting the space has a valid unused Main Lottery number, then the space will be assigned to the artist holding the lowest valid unused Mini Lottery number. If none of the artists contesting the space has a valid unused Mini Lottery number, then the space will be assigned by tossing a coin or some similar method.

### **LATER LOTTERIES**

At 3:00 p.m. an informal lottery is held to re-assign spaces which have been assigned, occupied, and then vacated during the day. If you vacate your space at or before 3:00 p.m., please inform the responsible Lottery Committee member.

The responsible Committee member will hold other informal lotteries until 5:00 p.m. At 5:00 p.m. the Committee member's obligation ends.

### **OCCUPYING A SPACE WITHOUT A LOTTERY NUMBER**

Some street artists prefer not to go to the lottery. They simply find spaces which seem to be vacant, and they set up. This is not, in itself, illegal. You may set up in a street artist space without a lottery space assignment slip. All that is required is your street artist Certificate. However, if you set up in a space which has been assigned to an artist who has legally marked it but is not occupying it, you will have to leave when the artist shows up to occupy it.

## OCCUPYING A SPACE

You may **not** "reserve" an unassigned space for later use by "marking" it with some object.

Like any other street artist, you may take part in the Noon Lotteries. By taking part, you may be able to retain the space in which you are set up, or you may get another space. But if the space in which you are set up is assigned to another artist, you will lose it.

Bypassing the lottery and going directly to a space may have its attractions, but you should be prepared for the possibility of losing the space.

### OCCUPYING A SPACE UNDER THE SPACE-SHARING OR "BUDDY" SYSTEM

On June 9, 1992, the Art Commission approved a system of space-sharing called the "Buddy system." These are the rules for occupying a space under the system:

- 1) If you have been assigned a space, you may share the space with one other street artist - a "buddy."
- 2) You must be present at your assigned space and working in it before you may share it with your "buddy".
- 3) You and your "buddy" may not sell each other's items.
- 4) You must both display your Certificates at all times.
- 5) Your items must not take up at least one-half of the display.
- 6) Your items must be clearly separated from those of your "buddy".
- 7) Your "buddy's" items may not be displayed in a way that allows them to dominate your items.
- 8) You must be present during the entire time your "buddy" is sharing your space.
- 9) If you vacate the space before 3:00 p.m., your "buddy" must also vacate it immediately. The space will then be re-assigned according to the 12:00 noon space reassignment procedure. The Lottery Committee member responsible for the day's lottery will carry out the re-assignment.

## OCCUPYING A SPACE

10) If you and your "buddy" violate any of the above rules, you and your "buddy" will be cited.

### **CORRECT BEHAVIOR WHILE OCCUPYING A SPACE: SOME RECOMMENDATIONS**

The Art Commission is a City agency which grants licenses (certificates) to operate a business. Under the San Francisco Municipal Code (Part III, Section 24), the Art Commission has general powers applicable to all permit-issuing departments and has the authority to suspend or revoke the certificate of a street artist whose business "is conducted in a disorderly, improper or hazardous manner."

In addition, the street artist ordinance (Section 2406(e) ) allows the Art Commission to "make such reasonable rules and regulations as are necessary to effectuate the lottery" for selling locations designated by the Board of Supervisors.

The street artist ordinance, reprinted in this book, includes specific regulations which street artists must follow. For the most frequent violations of the regulations, the Art Commission has adopted a series of standardized penalties and has established procedures for hearings (see Chapter 9).

The following recommendations are meant to help you avoid being cited and possibly penalized either for violations of specific regulations or for "disorderly, improper or hazardous" conduct of business. These recommendations are based on the Art Commission's powers under the Municipal Code and the street artist ordinance and on relevant State law:

1) Remember that "your space" is "yours" only in a limited sense, for a limited time.

2) Always display your certificate on your stand while you are set up.

3) Do not display anything for sale which you have not made.

4) Do not display anything for sale for which you are not certified - that is, examined and approved by the Advisory Committee of Street Artists and Craftsmen Examiners and certified by the Art Commission.

## OCCUPYING A SPACE

5) Do not display anything for sale which violates the arts and crafts criteria.

6) Do not set up for business at any location which is not a designated street artist space. The designated spaces are all shown on the maps in this book.

7) Painted numbers and brackets on the sidewalks designate the spaces; keep your display within the brackets.

8) If numbers and brackets have diminished, follow the footage specifications for space location. These specifications are given twice in this book, in Chapter 6 and in Section 2405(c) of the street artist ordinance.

9) Do not place your display closer than five (5) feet to the display of another street artist, unless your space has been exempted from the "five feet" regulation by the Board of Supervisors (for example, the twelve spaces at BART Plaza, Market and Montgomery Streets).

10) Do not place your display closer than eighteen (18) inches to, and not more than four-and-a-half (4 1/2) feet from, the curb line of any sidewalk.

11) Do not make your display more than five (5) feet high, more than four(4)feet long, or more than three (3) feet wide.

12) Do not let anyone, whether a member of your family unit, a friend, an employee, or anyone else, sell for you. This means that no one but yourself may take money from a customer in exchange for anything from your display.

13) Do not attach anything to any piece of public property or to private property which is not yours. For example, do not hang your merchandise, signage, or part of your display on trees, lampposts, railings, fences, fireplugs, or other objects you have no right to use. You may use an umbrella; but you may not display merchandise by attaching it to the umbrella.

14) If you are set up in a space without a valid lottery space assignment slip, and a street artist arrives and shows you a valid lottery space assignment slip designating your space, vacate the space graciously. If you doubt the validity of the slip, notify the Street Artists Program office.

## OCCUPYING A SPACE

15) You do not, however, have to vacate any space for an unofficial "mini-mini" slip.

16) If you are using a valid lottery space assignment slip to displace ("bump") a street artist from a space, that street artist has the right to see the slip. Be courteous and establish your claim by showing the slip.

17) Do not interfere with any Art Commission staff member doing his or her job including inspecting your display and citing you for an alleged violation. Accept the citation graciously. Depending on the number of similar citations you have previously been issued, you will receive either a warning, a hearing with the Program Director, or a hearing with the Street Artists Program Committee.

18) Do not, for any reason, verbally abuse or threaten a street artist, an Art Commission staff member or other departmental personnel, a store merchant, or any member of the public.

19) Do not, for any reason, assault a street artist, an Art Commission staff member or other departmental personnel, a store merchant, or any member of the public.

20) Do not drink alcoholic beverages when your display is set up and you are attending it.

21) Respect the business of your fellow street artists. Do not enter their spaces without permission. Do not get in the way of their customers. Do not distract their customers by making loud noises or by using offensive language. (If you have visitors at your display who behave in this way, you may be held responsible for conducting business in a "disorderly or improper manner".) Do not allow your customers to block or interfere with the displays of your neighboring artists.

22) If you are playing a radio, cassette tape player, or CD player at your display and neighboring artists ask you to turn down the volume, turn it down.

23) If you are making any kind of noise and neighboring artists ask you to stop making the noise, stop making it.

24) Do not give a street artist "permission" to set up in the five-foot interval between your display and that of a

## OCCUPYING A SPACE

neighboring artist. Such "permission is not yours to give. The five-foot interval is prescribed in the street artist ordinance.

25) Keep your space clean while you are in it, and leave it clean when you leave it.

26) Do not "hawk" your merchandise by shouting to people who pass your table.

27) Be courteous to people working in businesses near your space. Accommodate their wishes as much as you can. Remember: A major factor in the existence of the Street Artists Program is its continued good relations with the business community.

28) Do not attempt to use a forged lottery space assignment slip to get a street artist to vacate a space, or for any other reason.

29) Do not set up in a space between the hours of 12:00 a.m. and 6:00 a.m., and do not leave anything in a space during those hours.

30) Do not sell, offer to sell, or solicit offers to purchase, from any vehicle. (This includes displaying merchandise and/or signage on a vehicle parked adjacent to your display. )

31) Leave a space eight (8) feet wide for pedestrian passageway between the front edge of your display and the edge of the sidewalk which is furthest from the curb.

32) PLEASE REMEMBER: **When you are set up in your space and operating your business, you represent to the public the City of San Francisco, the Art Commission, and the Street Artists Program.**

## C H A P T E R 7

### RUNNING THE LOTTERY: THE HELPERS

#### THE LOTTERY HELPERS: WHAT THEY DO

Essential to the operation of the lottery, lottery helpers do the detail work under the supervision of a member of the Lottery Committee.

The helpers enter street artists in the lottery; they draw the lottery numbers, write the numbers on the lottery slips, record the numbers, and help the Committee member make space assignments.

The helpers are compensated for their work. Like the Committee member who supervises the lottery, helpers may select their spaces **before** the signup begins.

A Main Lottery has three (3) helpers. A Mini Lottery has one (1) helper.

#### THE LOTTERY HELPERS: HOW THEY ARE CHOSEN

**Designated Helpers and Non-designated Helpers: Definitions.** Designated helpers are helpers who are chosen at Main Lottery drawings to act as helpers in future Main and Mini Lotteries. Their Main Lottery number slips are given written helper's designations. The way in which they are chosen is described below. Non-designated helpers are street artists who are chosen by the Lottery Committee member to act as helpers in situations where no designated helpers are available. The way in which they are chosen is described below.

**Lottery Committee Members as Helpers.** Current members of the Lottery Committee may not be designated helpers. They may be chosen to act as non-designated helpers in situations where no other street artists, whether designated helpers or otherwise, are available to act as helpers.

Helpers are designated at Main Lotteries; they are not designated at Mini Lotteries.

Street artists are designated to serve as helpers during the lottery period **following** the lottery period of the Main Lottery at which the designation is made and in the **same** lottery area:

## LOTTERY HELPERS

Wharf helpers are designated at Wharf Lotteries, and Downtown helpers are designated at Downtown Lotteries.

If the lottery period for which helpers are designated is a **two-day** period, then **four** (4) helpers are designated: three for the Main Lottery and one for Mini Lottery.

If the lottery period for which helpers are designated is a **three-day** period, then **five** (5) helpers are designated: three for the Main Lottery and one for each of the two Mini Lotteries.

The three street artists receiving the **three highest numbers** are designated as helpers for the Main Lottery of the following lottery period.

The street artist receiving the **fourth highest number** is designated as helper for the Mini Lottery of the following lottery period.

Finally, if the following lottery period is a **three-day** period, the street artist with the **fifth highest number** is designated as helper for the **second** Mini Lottery of the following lottery period.

On May 3, 2004, the full Arts Commission amended the lottery procedure to allow helperships received through the lottery to be for the same period of the following week.

On November 1, 2004, the full Arts Commission approved the elimination of three (3) additional temporary Lottery Committee members for the winter holiday season and, instead, approved the selection of additional Lottery helpers for peak selling seasons of winter (the day after Thanksgiving through the first Monday after January 1<sup>st</sup>) and summer (the Friday before Memorial Day through Labor Day).

### THE WEEKLY HELPER DESIGNATION SCHEDULE

#### DOWNTOWN

**Monday Main Lottery:** the **four** highest lottery numbers drawn are designated helpers for Wednesday and Thursday (the three highest numbers are designated helpers for Wednesday, while the fourth highest number is designated helper for Thursday).

**Wednesday Main Lottery:** the five highest lottery numbers drawn are designated helpers for Friday, Saturday, and Sunday (the three highest numbers are designated helpers for Friday, while the fourth highest number is designated helper for Saturday, and the fifth highest is designated helper for Sunday).

**Friday Main Lottery:** the **four** highest lottery numbers drawn are designated helpers for Monday and Tuesday (the three highest numbers are designated helpers for Monday, while the fourth highest number is designated helper for Thursday).



## LOTTERY HELPERS

**Tuesday Main Lottery:** the **four** highest lottery numbers drawn are designated helpers for Thursday and Friday (the three highest numbers are designated helpers for Thursday, while the fourth highest number is designated helper for Friday).

**Thursday Main Lottery:** the **five** highest lottery numbers drawn are designated helpers for Saturday, Sunday, and Monday (the three highest numbers are designated helpers for Saturday, while the fourth highest number is designated helper for Sunday, and the fifth highest number is designated helper for Monday).

**Saturday Main Lottery:** the **four** highest lottery numbers drawn are designated helpers for Tuesday and Wednesday (the three highest numbers are designated helpers for Tuesday, while the fourth highest number is designated helper for Wednesday).

The helper designations are noted on the helpers' lottery slips. For example: The day of the week for which the helper is designated is written in abbreviated form in the upper right hand corner of the lottery slip, as on "Mon", "Tue", "Wed", etc. "Rudy", certificate number "8391", craft designation "T-Shirts", entered the Downtown Wednesday Main Lottery. Rudy drew the fourth highest lottery number and is designated helper for Saturday which is the first Mini Lottery day in the following three-day lottery period.

In March, 2002, the full Arts Commission amended the lottery helpership procedure to allow a designated helper to fulfill his/her helpership without having to present his/her lottery slip if the sign-up sheet indicating the artist's helpership is present.

### **SOME RESTRICTIONS ON BEING A DESIGNATED HELPER**

In order to be a designated helper, a street artist must be physically present at the Main Lottery at which the designation is made and must be entered in that lottery.

A street artist who is a current member of the Lottery Committee may not be a designated helper.

### **USING YOUR LOTTERY HELPER DESIGNATION**

## LOTTERY HELPERS

Sooner or later almost every street artist takes part in the lottery and is designated as a helper.

You are not required to serve as helper when you are designated. Being a helper is not an obligation but an opportunity. If you wish to make use of the opportunity, you should do the following:

- 1) Keep the lottery slip with the helper's designation.

- 2) Come to the lottery on time. At Main Lotteries, the Committee member chooses the helpers at 8:40 a.m. If you appear on time and show the Committee member your lottery slip with the helper's designation, you will automatically be named as a helper.

"On time" at a Main Lottery means not later than 8:40 a.m. and preferably a few minutes before 8:40 a.m. If you arrive after 8:40 a.m., the Committee member may choose another artist as helper. At Mini Lotteries, the Committee member chooses the helper at 9:10 a.m. As with the Main Lotteries, if you arrive on time with your original designated helper's slip, you will automatically be helper. "On time" at a Mini Lottery means 9:10 a.m. If you arrive **after** 9:10 a.m., the Committee member may choose another artist as helper.

### **FURTHER RESTRICTIONS ON BEING A DESIGNATED HELPER**

You **may not** be a designated helper if (a) your certificate has expired; (b) you arrive too late for the selection of helpers; (c) you are a member of the current Lottery Committee; or (d) if you have a last number not drawn from the lottery bucket.

There are also certain restrictions on entering lotteries held during the same lottery period in which you are a designated helper:

You **may not** act as a designated helper and take a helper's space in a Main Lottery as well as enter the same Main Lottery and obtain a number to use for a space on the second or third day of the lottery (the Mini Lottery of the same lottery period).

## LOTTERY HELPERS

You **may not** act as a designated helper and take a helper's space in the Mini Lottery on the second day of a lottery period **as well as** enter the Main Lottery of the same lottery period and obtain a number which you use for a space at the Main Lottery sign-up. For example, you may have a lottery number which designates you as the helper at the Downtown Mini Lottery on Tuesday and entitles you to second choice of a Downtown space on Tuesday. But if, on Monday, you enter the Downtown Main Lottery and obtain a number which you then use to sign up for a Downtown space on Monday, you lose the right to use your Mini Lottery helper's number on Tuesday. The same applies to all two-day lotteries.

However, in a **three-day lottery period** (Saturday, Sunday, and Monday at the Wharf; Friday, Saturday, and Sunday for Downtown), if you are designated helper for the **third day** (the second Mini Lottery) of the lottery period (Monday for the Wharf; Sunday for Downtown), **you may** enter both the Main Lottery and the first Mini Lottery of the same lottery period, obtain a number for a space in each lottery, and still use your helper's designation on the third day of the lottery period to act as helper and take a helper's space.

There is a final restriction on being a designated helper:

You **may not** act as designated helper, or as a non-designated helper with a number, in two successive lottery periods within the same lottery area. That is, you may not act as designated helper on any day of any lottery period and enter the Main Lottery of the same lottery period and obtain a number to use to qualify yourself as helper, whether designated or non-designated, during any day of the next lottery period within the same lottery area. You may, however, act as a non-designated helper in the next lottery period within the same lottery area when no other street artist wishes to act as helper.

### NON-DESIGNATED HELPERS WITH AND WITHOUT NUMBERS

Sometimes street artists do not use their helper designations. They either do not come to the lottery for which they are designated helpers or they come too late, or they do not wish to be helpers.

When designated helpers are not available, an opportunity is created for other artists to be non-designated helpers. The Committee member in charge of a Main Lottery must choose three helpers by 8:40 a.m. If some or all of the designated helpers are not available at 8:40 a.m., the Committee member must choose other artists who are present to fulfill the complement of three helpers. The procedure is as follows:

## LOTTERY HELPERS

At 8: 40 a.m. the Committee member in charge determines if the required number of designated helpers is present. If one or more of the designated helpers is absent, the Committee member makes an announcement inviting artists on the scene to apply for the required number of helpers. Among those artists wishing to apply, the Committee member selects the required helpers according to a definite order of precedence. The first to be selected are artists who have retained their lottery slips from the previous Main Lottery in the same lottery area. The Artist who shows the Committee member the slip bearing the highest number is chosen first; the artist with the second highest number is chosen next; and so on. These artists are non-designated helpers with numbers. (Keep your lottery slip until the next lottery period; even if it has a high number, it may be useful in the next lottery. )

If there are not enough designated helpers and/or non-designated helpers with numbers to fulfill the required complement of three helpers, the Committee member selects helpers from among artists without numbers. The selection is made by tossing a coin or using some other informal means.

If no other street artists wish to act as helpers, the Lottery Committee members and artists who were helpers in the previous lottery period may be chosen. NOTE: No artist may act as a helper at lotteries held on two successive days, regardless of lottery area - this includes both designated and non-designated helpers. If you were helper in the Downtown Main on Monday, you may not be helper in the Wharf Main on Tuesday. If you were helper in the Downtown Mini on Tuesday, you may not be helper in the Wharf Mini on Wednesday, or in the Downtown Main on Wednesday, and so on. **The only exceptions to this rule are in situations where no other street artists wish to act as helpers.**

After the helpers are chosen, the Committee member calls on the helpers to choose their spaces. When choosing spaces, designated helpers have first priority, the highest number choosing first; non-designated helpers with numbers have second priority, the highest number choosing first; and non-designated helpers without numbers have last priority and decide precedence among themselves by tossing a coin or using some other informal means.

### WHAT HELPERS DO

### MAIN LOTTERIES

From 8:40 to 9:00 a.m. helpers enter street artists in the

## LOTTERY HELPERS

lottery, writing their names, certificate numbers, and craft designations on lottery slips, and entering the current date in the lower left hand corner of the slip. At 9:00 a.m. the lottery closes, and the helpers put all the folded slips into the lottery bucket. The Committee member pulls the first lottery number, entering the number on the lottery slip and on the number sheet. Then the helpers hold the drawing. The drawing consists of four operations:

- 1) Drawing the slips from the bucket.
- 2) Writing the numbers on the slips and announcing the artists' names and lottery numbers. (On August 6, 2007, the full Arts Commission amended the lottery procedure to require the lottery helper who records lottery numbers on pulled lottery slips to announce the artists' names and lottery numbers.)
- 3) Writing the helpers' designations on the slips and making sure that no current Committee members are designated as helpers.
- 4) Entering the numbers on the "pulled" sheet.

The helpers' tasks are determined by their lottery numbers. The helper with the highest number gets first choice of the jobs to be performed, the helper with the second highest number gets second choice, and so on. It is customary for the helper who pulls the numbers to help the Committee member with the sign-up after all numbers are pulled.

Care must be taken to designate the last four slips pulled (or the last five slips at three-day lotteries) with the correct helper notations.

The helper who assists the Committee member enters the Main Lottery numbers being used on the "used" sheet and passes them to the Committee member. It is important to keep these slips in numerical order, the lowest numbers first.

When the various tasks are completed, the helpers are free to leave.

## MINI-LOTTERIES

Non-designated helpers for Mini-Lotteries are chosen according to the same principles as for Main Lotteries. The work to be done is the same as in Main Lotteries, except that it is done by one helper. The mini-lottery helper first organizes the

## LOTTERY HELPERS

sign-up of Main Lottery numbers and then helps conduct the mini-lottery, performing all three functions as in a Main Lottery.

## CHAPTER 8

### **RUNNING THE LOTTERY: THE LOTTERY COMMITTEE; ORIGIN OF THE COMMITTEE**

Section 2406 of Ordinance 41-83 (Street Artist Ordinance) requires the Art Commission to establish and supervise a street artist lottery system. It also requires that the lottery be operated by street artist volunteers, and that the volunteers are compensated for this duty by receiving sales spaces, as stated in Section 2406(c):

... Each volunteer conducting the lottery shall be compensated for his or her service with a single space of the volunteer's choice selected prior to and from the lottery the volunteer conducts and for the duration of the day in which the volunteer conducts the lottery.

### **SELECTION OF THE COMMITTEE**

The present form of the Lottery Committee is the product of a cooperative effort by street artists, the Program Director, and the Art Commission. The goal of this cooperation is to realize the central idea expressed in the ordinance - a lottery administered by a group of volunteers compensated with spaces - in a form which provides a fair and efficient distribution of spaces while making the rewards of being a volunteer potentially accessible to all street artists.

The result of this cooperative effort has been the establishment of a Lottery Committee composed of nine members. The members are chosen by drawing lots. Each member serves a term of six months. In May, 2003, the full Art Commission rescinded a Lottery Committee provision which had limited service on the Lottery Committee to twelve consecutive months.

The six-month terms are staggered so that not all expire at the same time. At regular three-month intervals a number of six-month terms, alternating between four and five, expire; and a drawing is held to fill these vacant Committee memberships. If four vacancies are filled at one drawing, five will be filled at the next, three months later.

Drawings for the vacant Committee memberships are held on the last Saturday of February, May, August, and November, immediately after the Wharf Main Lottery.

## LOTTERY COMMITTEE

During the winter holiday season, however, the Committee's workload increases (the "Christmas Lottery" is discussed in detail below). In November, 2004, the full Art Commission approved the elimination of three additional temporary Lottery Committee members which had been traditionally chosen for the winter holiday season. In lieu of this, the Commission approved selection of additional Lottery **helpers** for the peak selling seasons of winter (the day after Thanksgiving through the first Monday after January 1<sup>st</sup>) and summer (the Friday before Memorial Day through Labor Day).

It is one of the most important responsibilities of the Lottery Committee to hold these drawings at the times when they are supposed to be held, and to hold them fairly and honestly. During the three weeks prior to each drawing, an entry list must be displayed at each daily lottery. It is the responsibility of the Committee member in charge of each daily lottery to ensure that this list is prominently displayed and that every street artist is aware of it. Artists wishing to serve on the Committee may enter their names on this list.

During the first week before a regular drawing (that is, during the last week of February, May, August, or November, as the case may be) the Secretary of the Lottery Committee transmits the entry list to the Program Director who must approve the names on the list before they can be drawn. The Program Director may remove names from the list if there is good cause to do so. For example, names of artists are removed for the following reasons:

- the artist's certificate was allowed to expire;
- the artist's certificate was revoked;
- the artist's certificate is under suspension at the time of the list;
- the artist was dismissed from the Committee for good cause and is not allowed to be considered for the Committee for a period of one year following the date of dismissal .

When a list of qualified names has been established, the drawing is held at the appropriate time as indicated above. It is the responsibility of the incumbent Lottery Committee to conduct the drawing. The first four names to be drawn (or the first five names, as the case may be) become the names of the new



## LOTTERY COMMITTEE

members of the Committee who will take their places at the next regular Lottery Committee meeting.

After the names of the new Committee members are drawn, the drawing continues until all names entered have been drawn. These names are then placed on a list of "Alternate Members."

### **ALTERNATE MEMBERS**

The alternate members - those members whose names are not drawn as full Committee members - will be called upon, in the order in which their names were drawn, to fill irregular vacancies which may occur on the Committee. Irregular vacancies occur when

- a Committee member is unable to complete his or her term;
- a Committee member resigns before completing his or her term;
- a Committee member is dismissed from the Committee for good cause.

However, alternate members are called on to fill irregular vacancies **only** if the vacancies occur during the first two months following a drawing. If a vacancy occurs during a month in which a drawing is scheduled, the remaining Committee members draw lots among themselves to share the daily lotteries requiring coverage as a result of the vacancy.

In addition to filling irregular vacancies, alternate members whose names are drawn on the last Saturday in August will be called upon during the second half of November to assist the Committee with the extra winter holiday workload.

### **THE LOTTERY DURING WINTER HOLIDAY SEASON**

For the San Francisco Street Artists Program, the official winter holiday season lasts from November 15th through January 15th. For this period of time extra selling spaces in the Downtown area and at Harvey Milk Plaza have traditionally been granted by the Board of Supervisors for the street artists. At this time of the year most street artists concentrate their selling efforts in the Downtown area. The number of artists seeking spaces at the Downtown Main and Mini Lotteries grows far beyond its normal size.

## LOTTERY COMMITTEE

For this reason, during the November 15 -January 15 period, the two area lotteries are conducted by separate Lottery Committee members. (On December 4, 1995, the Art Commission amended Lottery Rule VIII ". . . to provide for two (2) Lottery Committee members per day to conduct the lotteries, one member to conduct the Wharf Lottery and one member to conduct the Downtown Lottery, during the period of November 15 -January 15."

The workload of the Lottery Committee is thus doubled during the winter holiday season. To help the Committee cope with this load, additional temporary helpers are chosen at the regular drawing held on the last Saturday of November .

There occurs a period of approximately two weeks, from November 15th until the additional temporary helpers are chosen and take their places, when the alternate members who were chosen on the last Saturday in August are called upon to assist the Committee with its extra workload.

A typical Lottery Committee drawing held on the last Saturday in November might look like this: There might be five vacancies to be filled; four of these could be regular vacancies; and one could be an irregular because a member has resigned. If ten artists submit their names for this drawing, the first four to be drawn are the four new Committee members to fill the four regular vacancies; and the fifth to be drawn is the new member to fill the irregular vacancy (these five members will serve full six-month terms. The remaining five names are the alternate members who may be called upon to fill in when necessary.

The alternate members may enter their names in the next Lottery Committee drawing to be held on the upcoming last Saturday of February.

As can be seen from the above, the guiding principles of this method of selecting Lottery Committee members are (1) the achievement of staggered terms and (2) the accessibility of Committee membership. It is hoped that, sooner or later, every street artist who wishes to serve on the Lottery Committee will have the opportunity to do so. The staggered terms, on the other hand, are intended to ensure that the Committee will always contain some members with previous Committee experience; a Committee composed entirely of new and inexperienced members is considered undesirable.

## RESPONSIBILITY OF LOTTERY COMMITTEE SERVICE: GENERAL RULES

A street artist who serves on the Lottery Committee bears the dual responsibility of conducting the lottery according to the rules of the Street Artists Program, and also of conducting

## LOTTERY COMMITTEE

his /her own business according to those rules. The survival of the Program depends on the artists themselves maintaining a reputation of law-abiding behavior. The Lottery Committee was instituted to enable street artists to exercise a degree of self-government. The members of the Committee, by their own example, set standards of behavior for their colleagues.

The day-to-day operations of the lottery will be discussed later in this chapter. What follows here are some general rules of vital importance to every Lottery Committee member:

1) **Dismissal from the Lottery Committee.** Lottery Rule VII states: "All Lottery Committee members are expected to uphold all lottery rules and guidelines of the Art Commission and all laws described in Proposition 'L' of the ballot of November, 1975. Any infringement of these laws by any member of the Committee may result, after a hearing conducted by the Art Commission, in dismissal."

On December 4, 1995, the full Art Commission approved an amendment to Lottery Rule VII "... to provide for elimination of Art Commission dismissal of any Lottery Committee member who infringes the lottery rules or the street artist ordinance, and to provide for Program Director to immediately dismiss any such member based on a valid complaint indicating just cause, and to authorize Program Director to act as hearing officer on requests for reinstatement to the Lottery Committee, subject to appeal to Program Committee ..."

In effect, this means that (a) the Program Director has the authority to dismiss a Lottery Committee member directly, without applying to the Art Commission's Street Artists Program Committee for approval, so long as the dismissal is based on a valid complaint; (b) the artist who is dismissed from the Lottery Committee and wishes to be reinstated must argue his or her case before the Program Director; and (c) the decision of the Program Director may be appealed to the Program Committee which may or may not uphold it, but the appeal must be initiated by the artist in order for it to be scheduled to be heard by the Program Committee.

On May 2, 1994, the full Commission adopted an amendment to Lottery Rule VII which states, in effect, that Lottery Committee members who are dismissed for just cause are barred from further Lottery Committee service for a period of one year after dismissal.

As these amendments show, Lottery Committee members who do not take their responsibilities seriously may reckon with prompt dismissal and with being barred from further Committee service for one year.

## LOTTERY COMMITTEE

**Some Common Reasons for Dismissal.** These are some of the more common (but by no means the only) reasons for dismissal from the Lottery Committee :

- Failure to conduct any two lotteries which the Committee member is scheduled to conduct during the same term of office (Lottery Rule VII);
- Failure to attend two Lottery Committee meetings in succession if the meetings are scheduled and the schedule is known (Lottery Rule VII).

Either of these violations could lead to dismissal, but with some foresight the Committee member can avoid being charged with them, in view of the fact that there is a provision for :

2) **Leave of Absence from the Committee.** A Committee member is entitled to one month's leave of absence from Lottery Committee activities (Lottery Rule IX) provided that the Committee is informed and arrangements have been made to have other Committee members cover his or her scheduled lotteries.

3) **Resignation from the Committee.** A member may resign from the Committee at any time.

### **WHAT THE COMMITTEE DOES: MEETINGS, OFFICERS, SCHEDULES**

Normally, the Lottery Committee meets on the first Thursday of each month, at 10:00 a.m., at a designated location in the Wharf area. However, the Committee may schedule the times and places of its meetings according to its current needs.

At the first meeting held after a selection of new members the new Committee elects a Secretary and a Chairperson. The Chairperson oversees the orderly conduct of the meetings. The Secretary keeps minutes of the proceedings and prepares a lottery schedule. The Secretary also provides the Director of the Program with copies of the minutes and the schedule.

The Secretary's first job, after a new Committee has been selected, is to establish a new lottery schedule. This is done by drawing lots. At the first meeting of a new Committee, which should take place as soon as possible after the selection, the members draw numbers: the resulting numerical order is called the "rotation." The Secretary bases the lottery schedule for the next three months on this numerical rotation. Throughout the year, except for the winter holiday season, the rotation provides lottery coverage for eight days. Of a Committee of nine members, two members are assigned to the two Saturday lotteries, each member taking one lottery, while each of the other seven members is assigned to a different day.

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The "Christmas rotation" of the members provides coverage for six days: two members are assigned to each day of the week, one member taking the Main Lottery, and one member taking the Mini Lottery each day.

It is the Secretary's business to provide each Committee member with a copy of the schedule. The Secretary should also be able to contact each member by telephone. Likewise, each member should be able to reach the Secretary and every other member by telephone.

**Additional Responsibilities of the Secretary.** It is also the responsibility of the Secretary to inform the Program Director in writing when a member has missed two consecutive Committee meetings or two lotteries without having officially taken leave of absence.

### THE WORKING DAY OF A LOTTERY COMMITTEE MEMBER

On any given day outside the winter holiday season, from Monday through Friday, a single Committee member is responsible for both a Main Lottery with a drawing and sign-up at 9:00 a.m. and the following Mini Lottery consisting of Main Lottery secondary sign-up, Mini Lottery drawing, and Mini Lottery sign-up at 9:30 a.m. (On Saturdays two members are required, one to conduct the Wharf Main Lottery at 9:00 a.m., and one to conduct the Downtown Mini Lottery at 9:30 a.m. On Sunday there is no Main Lottery; one member conducts both Mini Lotteries with the Main Lottery secondary sign-ups at 9:30 a.m.)

The Committee member's working day begins shortly before 8:40 a.m. when he or she obtains the lottery briefcase from its designated location in the Wharf area. The briefcase contains items necessary for the operation of the lottery: blue (Wharf) and yellow (Downtown) lottery slips, number sheets, Wharf and Downtown sign-up sheets. The member proceeds with the briefcase and the traditional lottery bucket (stored at the same location as the briefcase) to the place at which the lottery is to be held. Care is taken to arrive at least a few minutes before 8:40 a.m., or, on Sundays, a few minutes before 9:10 a.m.

**Choosing Helpers.** The Main Lottery helpers are chosen at 8:40 a.m., according to the method explained in Chapter 9. The number of three helpers is fixed; the Committee member may not choose more than three. As explained in the chapter on "Helpers", no street artist may be a helper in any combination of lotteries held on two days in direct succession. Street artists are not always aware of this rule. The Committee member who has to call for volunteers should ask if any of those volunteering has been a helper in a lottery the day before. Such volunteers should be chosen only if no one is willing to act as a helper.

The member collects the Lottery slips with helper designations from the designated helpers. If all three

## LOTTERY COMMITTEE

designated helpers are present and wish to act as helpers, the member can proceed with the lottery. But if the designated helpers are not present or do not wish to be helpers, the member must find helpers among those artists who are present at 8:40 a.m. and who, while not designated helpers, have lottery slips bearing numbers from the previous Main Lottery in the same lottery area. If possible, the member makes up the complement of three helpers from among this group. The member collects the lottery slips proffered by both the designated helpers and the non-designated helpers with numbers and disposes of the slips. If, after considering both designated helpers and non-designated volunteers with numbers, the Committee member has not filled the complement of three helpers, he or she may turn to street artists who are present and wish to be helpers but do not have lottery numbers from the previous Main Lottery in the same Lottery area. If there are more of these volunteers than there are unfilled helpers' positions, the Committee member will oversee an informal process - perhaps, a coin toss or drawing of lots - to determine which volunteer will be helper.

**Committee Members as Helpers.** The following rule was approved by the Art Commission on June 4, 1990: "A Lottery Committee member may be a helper in a lottery if no one else wishes to be helper." Committee members may not compete with non-Committee artists to be helper but if no other artist is interested, a Committee member may assume the function and receive a helper's space as compensation. Committee members may compete with each other for a vacant helpership by comparing lottery numbers or by using some other means.

**If all else fails,** and the Committee member is unable to fill the complement of three helpers at 8:40 a.m., the member must proceed to hold the lottery with the helper(s) available: two or one or even none. Under these circumstances, the Committee member is free to choose the first street artist who volunteers between 8:40 a.m. and 9:00 a.m. without further concern for priorities.

**Lottery Preparations.** The Committee member prepares two number sheets, writing the day of the week and the correct date and either "Pulled" or "Used" at the top of each sheet. The name of the Committee member and the name and certificate number of each helper is also written at the top of each sheet.

The Committee member also prepares a sign-up sheet, either a Wharf or a Downtown sheet as required, writing in the spaces provided the day of the week, the date, his or her name, and the

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names and certificate numbers of the helpers. The member and the helpers may now choose their spaces.

**The Committee Member's Space.** The Committee member may choose a sales space in either the Wharf or the Downtown area. The Committee member selects the space by making the appropriate entries on the sign-up sheet and by making out a lottery slip for himself or herself. Instead of writing a number in the box marked "LOTTERY #", the Committee member writes "Committee."

On October 5, 1998, the full Art Commission approved the Following Lottery Committee rule:

**"LOTTERY COMMITTEE MEMBER'S CHOICE OF SALES SPACE AS COMPENSATION FOR CONDUCTING LOTTERY:** The Lottery Committee member may choose a sales space in either the Wharf or Downtown Lottery as compensation for running aforesaid lotteries any day of the week including Saturdays. If the member decides not to take a space in the lottery he or she was designated to run, the member may select a space in the opposite lottery, it being Downtown or Wharf, depending on which one the member was designated to run. Upon choosing to select the opposite lottery as compensation, the member may sign up after the designated Committee member and before the helpers.

"On the first or second day of a lottery period, if a Committee member running a lottery chooses a space in the opposite lotterized area, the member may choose a space in that same area for the remaining days available in that lotterized period only by obtaining a number in the mini (secondary) lottery (the member may not choose a space in that area by obtaining a number in the main lottery). This procedure also applies to all days of the winter holiday season when two members run the lotteries each day. The only exception to the above procedure is a Lottery Committee member who runs the main lottery and chooses the opposite lottery in which to sign up for a space on the third day of a three-day lottery period; in this case, the member may enter the opposite main lottery and use his or her number on the first or second day as well as be assigned a space on the third day of the three-day period."

**The Helpers' Spaces.** The helpers are restricted in their choice of spaces to the area of the lottery which they are helping to run. However, On May 3, 2004, the full Art Commission approved an amendment to the lottery procedure for assigning spaces by "allowing helperships received through the lottery to be for the same lottery period of the following week."

The Committee member calls first upon the designated helpers to choose their spaces, the helper with the highest designated number choosing first. After the designated helpers, the member

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calls on the non-designated helpers with numbers, again with the highest number choosing first. The non-designated helper without a number is the last; if there is more than one such helper, precedence is determined by coin toss or similar means which the Committee member oversees.

The Committee member takes care to check each helper's certificate to verify that it is valid. The member then makes the appropriate entries on the sign-up sheet and issues a lottery slip showing the space assignment, correct date, etc., to each helper. The box marked "LOTTERY #" shows the entry "Helper."

**Between 8:40 a.m. and 9:00 a.m.** The Committee member now issues pads of lottery slips to the helpers who, until 9:00 a.m., circulate among the growing crowd of street artists and accept entries in the Main Lottery. Seated at his or her lottery work table, the Committee member also accepts lottery entries and oversees the activity of the helpers.

**"Last Call" and Drawing.** At 9:00 a.m. sharp, the Committee member announces "Last Call" in the Main Lottery, making sure that all the lottery slips are collected, separated, and placed in the lottery bucket.

The Committee member then personally draws the first lottery slip from the well-mixed slips in the bucket, numbers it, and records the number on the "Pulled" number sheet. At this point, the helpers remove the lottery bucket containing the slips and the "Pulled" number sheet to a location a short distance from the Committee member's work place, leaving the Committee member free to proceed with the sign-up which is the member's primary task in the Main Lottery.

A Committee member should, when conducting a Main Lottery, take care that no Committee members are designated as helpers on the last four, or the last five, lottery number slips drawn from the bucket.

**The Sign-up.** The Committee member is assisted at the sign-up by the helper who has drawn the lottery slips from the bucket. This is because, of the three helpers, the helper who pulls the slips has the shortest task. At the sign-up, this helper accepts lottery slips from street artists wishing to use their Main Lottery numbers on the day of the drawing. The helper enters the certificate numbers from these lottery slips on the "Used" number sheets, arranges the slips, according to their lottery numbers, in ascending numerical order, and passes the slips to the Committee member.



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When the Committee member receives the lottery slips from the helper, he or she must take care to check the sequence of the lottery numbers to verify that it is correct. It is always possible for a helper to make a mistake in the sequence, especially when there is a large lottery and the helper has a large number of slips to arrange and feels under pressure to work quickly. If this results in an artist being called and signed into a space out of sequence - for example, number 17 called before number 16 - then a very difficult situation may arise. Remember: The Committee member will probably be blamed for the mistakes of the helper. Therefore it is important for the member to be alert to catch any mistakes and correct them before they cause a problem.

**Checking for Valid Certificates.** As the Committee member receives the lottery slips, the member calls the name on each one, and the artist called comes to the table to choose a space. At this point the Committee member must request that the artist present his or her certificate for inspection. The Committee member checks the certificate's expiration date to make sure that the artist is not operating with an expired certificate. **Even if it is within ten working days (the grace period for renewal) after the certificate's expiration date, the artist is not authorized to sell until the certificate is renewed.**

Street artists should be prepared to present their certificates at the lottery. However, it may happen that an artist, when requested to show the certificate, denies having it on his or her person; "I left it in my car" is a statement the Committee member may hear. When this happens, the member should sign the artist into a space but make a separate notation of the artist's name and certificate number. The member should also note this type of information arising from the sign-up of the Mini Lottery at 9:30 a.m. After conclusion of the two lotteries, the member is required to telephone the information to the Street Artists Program office. The Program staff can then verify whether any of the names received are artists who have obtained lotterized spaces with expired certificates and, if so, can take appropriate action.

**An Important Responsibility.** Checking for valid certificates and reporting to the Program office any street artist who has signed for a space without showing a valid certificate is one of the most important responsibilities of a Lottery Committee member. It is the subject of a special procedure passed by the Art Commission on March 7, 1994, requiring Lottery Committee members to report by telephone the names of artists who do not produce valid certificates at the sign-in. A Committee member who neglects this responsibility runs the risk of being dismissed from the Committee and being prohibited from serving on the Committee for a year.

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**Choosing the Mini Helper.** At 9:10 a.m. the Committee member must choose the one helper who assists at the 9:30 a.m. Mini Lottery and Main Lottery secondary sign-up. The method of selection is the same as in the case of the three Main Lottery helpers. The Mini Lottery helper spends the time between 9:10 and 9:30 a.m. collecting the lottery slips for the 9:30 a.m. sign-up, entering them on the "Used" number sheet established at the Main Lottery one or two days previously, and entering street artists in the Mini Lottery.

**Closing the Main Lottery. "Mini-Mini" Lotteries.** The Main Lottery sign-up ends when the last street artist present in the immediate area of the lottery table, who wishes to use his or her Main Lottery number on the day it is issued, has signed up for a sales space. The Committee member may then declare the sign-up closed in order to proceed to the next task. However, an artist who approaches the member with a Main Lottery number after the end of the sign-up and asks to be signed into a vacant space must be accommodated.

Once the sign-up is over, the Committee member may be asked to conduct a so-called "Mini-Mini" Lottery. As noted elsewhere, the "Mini-Mini" is not a legal lottery. It is not binding on all street artists, as are the area lotteries. It is at most an informal agreement among the artists who take part in it. Lottery personnel are not required to conduct a "Mini-Mini" lottery. Committee members who yield to peer pressure to conduct "Mini-Mini" lotteries should bear in mind that they may be called on, at some point, to account for the consumption of lottery materials used in these non-authorized, non-binding, informal agreements.

The Committee member conducting a "Mini-Mini" lottery should also bear in mind that a street artist holding a Main Lottery number may interrupt a "Mini-Mini" sign-up at any time to use the Main Lottery number and obtain a space.

**No "Mini-Mini" Lottery on Sunday.** "Mini-Mini" lotteries are prohibited by the Art Commission for Sundays. Instead, a street artist who is holding a Main Lottery number for the third day of a three-day Main Lottery is allowed to enter the Mini Lottery on the second day of a three-day Main Lottery (amendment approved by the Art Commission on May 1, 1995).

**The 9:30 a.m. Mini Lottery.** The Committee member's first task at the 9:30 a.m. Mini Lottery is the sign-up of numbers held by street artists from the Main Lottery one or two days previously.

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As in the Main Lottery sign-up, the Committee member should check the slips for correct Lottery number sequence. The member must also check the expiration date on each certificate and inform the Program office of the names and certificate numbers of artists who do not produce their certificates.

A street artist **may not** sign up for two spaces on the same day. During the Mini Lottery, the Committee member should be on the alert to prevent any artist who has already obtained a space in the Main Lottery from obtaining another space through the Mini Lottery.

**Record Keeping at the Mini Lottery.** A record must be kept of the numbers drawn and the numbers used at the Mini Lottery.

**Completing the Mini Lottery.** The Mini Lottery drawing and sign-up proceeds in the same way as the Main Lottery, with the Committee member taking care to check the expiration dates of certificates.

The Mini Lottery is completed when the last street artist who has drawn a number in the Mini Lottery and who wishes to use the number is signed up for the space.

The Committee member is responsible for returning the Lottery briefcase and bucket to its storage location.

The Committee member is now free to set up in his or her selling space and get on with business. The member's duties, however, are by no means at an end.

**The Noon Lotteries.** In Chapter 6 the Noon Lotteries are fully described with respect to when and where they are held, what spaces they cover, and how street artists may participate in them. The present chapter describes the special responsibilities of Lottery Committee members with respect to the Noon Lotteries.

At 12:00 noon the Lottery Committee member in charge of the day's lotteries **personally** supervises the Noon Lotteries in the lottery area in which he or she is occupying a sales space. For the lottery area in which the member is not occupying a space, the member delegates responsibility for overseeing the Noon Lotteries to a trustworthy representative who is occupying a selling space in the lottery area in question, preferably a helper of the day or another Committee member.

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If the Committee member is occupying a sales space in the area of the Main Lottery, the member will retain the Main Lottery sign-up sheet for use at the Noon Lotteries and will give the Mini Lottery and Main Lottery secondary sign-up sheet to a trustworthy representative to use at the Noon Lotteries in the Mini Lottery area.

If the Committee member is occupying a sales space in the area of the Mini Lottery, the member will retain the Mini Lottery sign-up sheet for use at the Noon Lotteries and will give the Main Lottery sign-up sheet to a trustworthy representative to use at the Noon Lotteries in the Main Lottery area.

Both sign-up sheets should be made available to any street artist who wishes to consult them.

**Physical Inspection of Spaces.** In the Wharf area, at 12:00 noon, the Committee member (or his or her representative if the member is selling elsewhere) makes a physical inspection along Beach, Hyde, and Jefferson Streets, and notes on the sign-up sheet each space not occupied by the street artist who signed up for it.

Street artists who, at this time, are found set up in spaces assigned to other artists, are now warned that the Noon Lotteries are about to be held and that they are entitled to participate.

The Noon Lotteries then proceed as set forth in Chapter 6. The appropriate entries are made on the sign-up sheet and on the lottery space assignment slips. It is important to enter the certificate numbers of artists who are now using their previously unused Main Lottery numbers, on the appropriate "Pulled" sheets. This is to prevent an artist from re-using a used Main Lottery number on the second or third day of a Main Lottery. It must be done, even if it has to be done at the next day's lottery.

**Trading Spaces Prohibited.** Street artists who have legally obtained spaces and are legally occupying them may not trade them or give them away to other street artists, whether at the Noon Lotteries or at any other time. Committee members may not give approval to this practice and should report it to the Program Director if it occurs.

**Informal Lotteries.** A street artist who vacates after the Noon Lotteries and before 3:00 p.m. should inform the Committee member or his or her representative. The Committee member should keep the space open for fifteen minutes in order to give other

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street artists a chance to find out about it. The member then holds a special, informal lottery on the vacated space.

**The 3:00 p.m. Lottery.** At 3:00 p.m. the Committee member holds a lottery for any spaces which have been vacated. This is an informal lottery; artists who are interested may carry it out themselves with the oversight of the Committee member or his or her representative.

The Committee member will hold other informal lotteries until 5:00 p.m. At 5:00 p.m. the Committee member's obligation ends.

### RESTRICTIONS ON MEMBERS' LOTTERY PARTICIPATION

A Lottery Committee member **may not** enter a Main Lottery which he or she conducts or which falls in the same lottery period in which he or she is conducting a Mini Lottery within the same lottery area. This applies to the two-day lottery periods and to the first two days of the three-day lottery periods (the weekend lottery periods). Committee members who are scheduled to conduct Mini Lotteries on the third day of either area lottery (the Sunday Downtown Mini or the Monday Wharf Mini) are exempted from it.

**Special Lotteries for "Movie Spaces."** Occasionally it is necessary for a special lottery to be held, either at 9:00 a.m. prior to the Main Lottery or at 9:30 a.m. prior to the Mini Lottery, in order to make assignments for spaces that have been reserved for use by film companies or photographers. The street artists who receive these spaces will not be able to use the spaces but will receive cash compensation for relinquishing them. (See Chapter 4 for further information.)

These special lotteries are conducted by the Lottery Committee member and lottery helpers who are conducting the lotteries of the day. The Lottery Committee member and the helpers may participate in these special lotteries, like all other street artists, but they may not claim spaces in the special lotteries as compensation for conducting the lotteries -in other words, they are prohibited from receiving priority in selecting such spaces.

On April 9, 2001, the full Art Commission adopted a rule authorizing dismissal from the Lottery Committee of any member who fails to publicly announce at a lottery an upcoming "movie lottery."

**VIOLATIONS, COMPLAINTS, CHARGES, HEARINGS, PENALTIES**

The Street Artist Ordinance, Proposition "L" approved by the voters on November 4, 1975, grants to the Art Commission jurisdiction to regulate street artists and to issue street artist certificates. Proposition "L" makes it unlawful for any person to sell a handcrafted item in any public street or public place without either a street artist certificate or a peddler's permit. It further prohibits the sale by a street artist of a handcrafted item in an area not designated for street artist activities without a peddler's permit. Ordinance 41-83 (incorporating Proposition "L"), Section 2408, empowers the Art Commission to deny, suspend or revoke a street artist's certificate for violation of the street artist regulations after a public hearing and for good cause shown.

The Art Commission may, but need not, require submittal of a Police report before proceeding with the denial, suspension or revocation of a street artist's certificate. The Art Commission may proceed based on the submittal of a written report by its staff, a street artist, or by anyone. The procedures followed by the Art Commission or other permit-issuing bodies for the suspension or revocation of permits is a civil proceeding separate and apart from any criminal sanctions that may be applicable.

In the event of the Art Commission receiving notices of two convictions of criminal violations of street artist regulations by an artist within a twelve-month period, the Commission may notify the artist that the certificate may be subject to review for possible suspension/revocation.

The Art Commission is empowered to suspend or revoke a street artist's certificate, after a public hearing, both pursuant to its express power to revoke for good cause shown contained in the street artist regulations and under the general and discretionary powers granted to all permit-issuing departments as set forth in Sections 24 and 26 of Part III of the San Francisco Municipal Code.

Street artist violations are heard by the Commission's Street Artists Program Committee which makes recommendations for either acquittal, suspension, revocation, or denial of certification. The recommendation is submitted to the Director of the Street Artists Program, responsible for administering the provisions of the Street Artists Ordinance on behalf of the

## VIOLATIONS, COMPLAINTS, CHARGES, HEARINGS, PENALTIES

Executive Director (Director of Cultural Affairs) of the Art Commission. The Program Director approves or disapproves the findings and recommendations of the Program Committee.

Any suspension or revocation commences fifteen (15) days after the Program Director's decision, allowing fifteen days for the artist to file an appeal with the Board of Appeals.

Failure to appear for any violation hearing may result in a Program Committee recommendation of the penalty for the violation of which the artist has been charged. If this recommendation is approved by the Program Director, the artist may either file an appeal with the Board of Appeals within fifteen (15) days or request another hearing with the Program Committee within five (5) days from the date of the previous Program Committee hearing. Such request for hearing must be in writing and must state succinctly the grounds upon which such hearing is requested. If new evidence is relied upon as a ground for hearing, the request shall show: (1) the nature and character of the new evidence; (2) the names of the witnesses and/or a description of the documents to be produced; and (3) why the evidence was not produced, or why the artist did not appear, at the original hearing.

According to Section 24 of Part III of the San Francisco Municipal Code, any department which issues permits "may revoke any permit subject to issuance by said department when it shall appear that the business or calling of the person, firm or corporation to whom it was granted is conducted in a disorderly, improper or hazardous manner, or that the place in which the business is conducted or maintained is not a proper or suitable place in which to conduct or maintain such business or calling."

In addition, Section 26 of Part III states that a department which grants permits may "exercise its sound discretion" in deciding whether to grant, deny, or revoke a permit. Ordinance 41-83 and its amending Ordinance 291-94 reaffirm this power of the Art Commission. Section 2408(a) states:

The issuance of Street Artist Certificates is governed by Section 5 of Proposition "L". The violation by a street artist of any provision of Proposition "L", this Article or any rules or regulations issued pursuant to this Article of which the person has been given notice, shall be grounds for denial, suspension or revocation, after a public hearing and for good cause shown, of the Street Artist Certificate.

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The penalties of denial, suspension or revocation are administrative penalties. The **criminal** penalties for violations of the Street Artist Ordinance are stated in Section 2410, Ordinance 41-83.

In addition to denying, suspending or revoking a certificate, the Art Commission may **refuse to renew** a certificate. This is discussed later in this chapter.

### HEARING PROCEDURE

The Art Commission's hearing procedure on street artist violations is as follows:

1) A complaint is brought to the Program Director, alleging that a street artist has committed a violation of the Street Artist Ordinance or the Commission's rules adopted to implement the ordinance. The complaint may come from anyone: a Police officer, a street artist, an Art Commission staff member, a store merchant, a member of the public, to mention the most frequent sources. The complaint may be submitted in writing or verbally to the Program staff.

2) The Program Director investigates the complaint. If the complaint is considered well-founded, a hearing is scheduled before the Program Committee.

3) The street artist has the following rights: (a) the right to be given reasonable notice of the proceedings; (b) the right to see documents and other evidence to be presented by the Program Director (the Program Director has the right, however, to withhold the name of the person(s) submitting the complaint or intending to testify); (c) the right to be represented by an attorney and to bring witnesses on his or her behalf to the hearing; (d) the right to cross-examine witnesses at the hearing; (e) the right to have an interpreter at the hearing if his or her understanding of English is not adequate to follow the proceedings; (f) the right to expect that he or she will be confronted with only the complaint(s) of which he or she has been informed in advance with reasonable notice (if an additional complaint is submitted after publication of the Committee's agenda, an additional hearing with adequate notice will be scheduled).

4) The Program Committee may proceed with a violation hearing in the absence of the street artist, provided the artist



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has been given adequate notice of the hearing; this is true even if the artist's attorney appears without the artist and requests a continuance.

5) If a postponement is granted, witnesses must appear again at the next scheduled hearing in which a possible decision to suspend or revoke the certificate may be made.

6) All relevant evidence is admissible at a Program Committee hearing. Written complaints are considered hearsay unless their authors appear to testify to their complaints.

7) The burden of proof to find the artist in violation is borne by the Program Committee which must determine that a preponderance of evidence exists to support the finding. A preponderance of evidence, weightier and more substantial than the evidence presented by the defending artist, may be in the form of witness testimony, photographs, receipts, purchased commercially manufactured items, staff reports, Police reports, etc., or a combination thereof.

8) After receiving all evidence, the Program Committee makes its finding and recommendation, According to Section 2408(b), Ordinance 291-94: "... The findings and recommendations of the Street Artist Program Committee shall be submitted directly to the Program Director, who shall approve or disapprove such findings and recommendations. The Program Director shall not amend such findings and recommendations. The Program Director may disapprove the findings and recommendations of the Street Artists Program Committee and order a rehearing only if: (1) the Program Director finds that a fair and public hearing has not occurred; (2) evidence critical to the Street Artist's case was not introduced except that a Street Artist shall not be relieved of his or her failure to put on evidence unless it was improperly excluded, or it constitutes new evidence which the Street Artist using reasonable diligence could not have obtained until after the hearing; or (3) the artist failed to appear at the hearing and has, for good cause, subsequently requested another hearing. ..."

9) According to Section 2408(b): "... A Street Artist shall have five business days following his or her hearing before the Street Artist Program Committee in which to request a rehearing, after which time the Program Director shall render his or her decision on the Program Committee's findings. The decision of the Program Director shall be made in writing, and

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may only be appealed in accordance with Section 2409." (appeals to Board of Appeals) "The Program Director's decision concerning the suspension or revocation of a Street Artist Certificate shall not be appealable to any level of the Art Commission."

(NOTE: The request in writing for a rehearing with the Program Committee follows the requirements for consideration of rehearing as listed in Step 8 above.)

10) The street artist may appeal the decision of the Program Director to the Board of Appeals. The appeal must be filed not later than fifteen (15) calendar days after the Program Director's decision approving or disapproving the Program Committee's findings and recommendations. Currently (2008), the Board of Appeals charges a filing fee of \$200.

At the Board of Appeals hearing, the Art Commission - represented by the Program Director and/or Art Commissioners and/or Director of Cultural Affairs - may present, as further evidence of the complaint, recent incidents of the artist's having committed the same type of violation. The witnesses who testified at the Program Committee hearing may also be requested by the Art Commission to re-testify. The Board of Appeals may uphold or overrule the Commission.

### **REFUSAL TO ISSUE OR RENEW A CERTIFICATE**

In addition to suspending or revoking a certificate, there is another sanction which may be used by the Art Commission. It is **refusal to issue or renew** a certificate.

An artist's use of deception in obtaining a certificate is a violation of Proposition "L," Section 5. If a charge has been filed with the Art Commission that the artist resorted to deception in obtaining the certificate or violated "the applicable provisions of the San Francisco Municipal Code," the Program Director (on behalf of the Executive Director) may refuse to issue the certificate pending recommendation in a public hearing by the Program Committee and approval by the full Art Commission.

Similarly, in the case of a certified artist who either failed to abide by a written warning for having committed a "minor" violation or who committed a "serious" violation, the

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Program Director may recommend to the Program Committee that the artist's certificate not be renewed. The Program Committee, after public hearing, may vote to approve the Program Director's recommendation, or it may vote to disapprove the recommendation but suspend the certificate.

To implement Section 5, the Art Commission, in December of 1996, adopted the following procedures. These procedures may be used to address violations **in addition to, and may be taken with,** the existing suspension-revocation procedures discussed above.

### **Charges of Minor Violations of Street Artist Ordinance**

--includes most violations of a non-violent/non-threatening nature:

**First Violation:** "NOTICE OF WARNING." The Program Director receives a complaint that a street artist has violated the ordinance and/or has conducted business in a disorderly, improper or hazardous manner. Since the reported violation did not involve violence, pose a threat to the safety and well-being of other street artists and/or the public, or significantly threatened the integrity of the Street Artists Program, the Program Director sends the artist a "NOTICE OF WARNING" which describes the complaint and warns the artist that if a second complaint is received about the same type of violation, the Program Director will recommend to the Program Committee that the artist's certificate may not be renewed.

**Second Violation:** "NOTICE OF INTENT TO RECOMMEND DENIAL OF CERTIFICATE OR RENEWAL." The Program Director receives a complaint (not necessarily from the same person) that the artist has committed the same type of violation as before. The Program Director sends the artist the second notice called "NOTICE OF INTENT TO RECOMMEND DENIAL OF CERTIFICATE OR RENEWAL" which informs the artist of the complaint and states that the Program Director will refuse to renew the artist's certificate and will ask the Program Committee to approve this action. The notice also offers the artist an opportunity to resolve the problem in a positive manner by meeting with the Program Director in a public hearing at the Street Artists Program office to discuss the charge. (The meeting is public in that the Program Director must publish an agenda of the meeting, stating its date, time, and location, and an audiotape recording of the meeting is made.)

If the artist accepts the invitation and attends the hearing, the Program Director and the artist discuss the

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allegations contained in the first and second notices. The artist is given the opportunity to demonstrate, to the satisfaction of the Program Director, that he or she understands the nature of the allegations, the pertinent regulations, and the standard of public behavior expected of the artist. The artist is asked to sign a formal agreement that he or she understands the provisions of the street artist ordinance and that he or she will abide by all of the regulations and Art Commission rules implementing the ordinance and will not conduct business in a disorderly, improper or hazardous manner. With this assurance, the Program Director, acting as witness, also signs the statement and authorizes renewal of the certificate.

If the artist maintains the terms of the agreement, then, in the absence of future complaint, he or she will encounter no further difficulty in the renewal of the certificate.

However, if the artist refuses to meet with the Program Director or, having met with the Program Director, refuses to sign the agreement, the Program Director proceeds to place the recommendation to not renew the certificate on the agenda of the next scheduled meeting of the Program Committee for approval. Notice of this hearing is sent to the artist.

If the artist's certificate expires before the date of the Program Committee hearing, the certificate is not renewed and is treated as is any other artist's certificate which has not been renewed: the artist will not be able to use it to obtain a space in the lottery or to sell at all.

Furthermore, if the Program Committee hearing is postponed for any reason beyond the expiration date of the artist's certificate, the certificate is still not renewed until the Program Committee hears and acts on the recommendation to not renew.

The procedure followed by the Program Committee to consider the recommendation to deny renewal of the certificate is the same as that used at a hearing to consider suspending or revoking a certificate. The rules of evidence are the same, and so are the artist's rights with respect to requesting a new hearing or filing an appeal with the Board of Appeals.

**Third Violation** (when at least 1 of the 3 incidents has been witnessed by Police or Program staff): "NOTICE OF WITHHOLDING OF CERTIFICATE OR RENEWAL PENDING HEARING" (issued by

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Program Director and Director of Cultural Affairs.) After the artist has signed the agreement and has received renewal of his or her certificate, the Program Director receives a third complaint that the artist has committed the same type of violation as before. If one of the three incidents has been observed by either the Police or the Program staff, the Program Director and the Director of Cultural Affairs co-sign a "NOTICE OF WITHHOLDING OF CERTIFICATE OR RENEWAL PENDING HEARING" which informs the artist of the third complaint and states that the artist's certificate will not be renewed until the Program Committee decides on whether to renew the certificate. (The notice also informs the artist that a decision to not renew or to renew and suspend the certificate is appealable to the Board of Appeals.)

As stated previously, the Program Committee for this hearing follows the same rules of evidence, and the artist has the same rights in requesting a rehearing or appealing to the Board of Appeals.

### **Charges of Serious Violations of Street Artist Ordinance**

-- includes violations of a violent or threatening nature and violations that significantly threaten integrity of Street Artists Program.

**First Verifiable Violation:** "NOTICE OF WITHHOLDING OF CERTIFICATE OR RENEWAL PENDING HEARING"(from Program Director and Director of Cultural Affairs.) The Program Director receives a complaint of a serious violation as defined above. If the complaint is supported by evidence and/or a Police report or Art Commission staff report, the Program Director and Director of Cultural Affairs send the artist a "NOTICE OF WITHHOLDING OF CERTIFICATE OR RENEWAL PENDING HEARING" informing the artist of the complaint and that his or her certificate will not be renewed pending a decision by the Program Committee.

(In lieu of the foregoing, the Program Director has the option to simply submit the complaint for a Program Committee hearing to consider suspending or revoking the certificate.)

### **STANDARD PENALTIES**

The Art Commmission's list of standard penalties for street artist violations is as follows:

## VIOLATIONS, COMPLAINTS, CHARGES, HEARINGS, PENALTIES

There shall be a penalty of **two (2) months suspension** of certificate for a first offense of any of the following violations, and there shall be a penalty of **revocation** of certificate for a second offense of any of the following violations if the person has been found in violation by the Art Commission within the twelve-month period immediately preceding the current offense, and that finding has not been overruled by the Board of Appeals: (1) Display of items not in accord with Art Commission criteria; (2) Display of items not of the artist's own creation; (3) Display of items not certified by the Art Commission; (4) Display of items by salesperson or another artist on behalf of a street artist; (5) Transference of certificate to any other person; (6) Display of items and/or participation in Art Commission lottery by artist during period of certificate suspension; (7) Participation in Art Commission lottery without a State Board of Equalization Resale Permit; (8) Signing in for more than one space on any given day (all lotteries included). (Lottery sign-up sheets will be kept by the Art Commission for a period of six months.); (9) Failure to occupy a space for which the artist has signed. Occupying a space means an artist setting up the working display and the artist selling for a minimum duration of three hours. In the event of a question of occupancy of space, the Lottery Committee workers shall have available and Art Commission document slip containing spaces for the signatures of three witnesses, to be submitted as evidence to the Art Commission.

**Violations of Section 2405, Ordinance 41-83.** There shall be a penalty of **three (3) weeks suspension** of certificate for a first offense of any of the following violations, a penalty of **six (6) weeks suspension** of certificate for a second offense of any of the following violations, and there shall be consideration of **revocation** of certificate for a third offense of any of the following violations if the person has been found in violation by the Art Commission within the three-year period immediately preceding the current offense, and that finding has not been overruled by the Board of Appeals:

1) Selling, offering for sale, or soliciting offers to purchase in areas not designated by the Board of Supervisors.

2) Selling, offering for sale, or soliciting offers to purchase in areas designated by the Board of Supervisors which are not under the jurisdiction of an officer, board, or commission of the City and County:

## VIOLATIONS, COMPLAINTS, CHARGES, HEARINGS, PENALTIES

- (a) More than four and one-half (4½) feet from the curb line of any sidewalk.
- (b) Within eighteen (18) inches of the curb line of any sidewalk.
- (c) More than five (5) feet above any sidewalk.
- (d) In an area more than four (4) feet long.
- (e) Within seven and one-half (7 1/2) feet of a sprinkler inlet or standpipe inlet (both wet and dry), measured from the outer edge of a standpipe bank from the building line to the sidewalk edge.
- (f) Within twelve (10) feet from the outer edge of any entrance to any building including, but not limited to, doors, driveways, emergency exits measured in each direction parallel to the building line and thence at a 90-degree angle to the curb.
- (g) Obstructing a fire escape underneath and perpendicular from building to the street within (5) feet from an end of the fire escape.
- (h) On any sidewalk adjacent to a curb which has been duly designated pursuant to local ordinance or regulation as one of the following: white zone, yellow sone, or bus zone.
- (i) Within five (5) feet of any crosswalk.
- (j) Within five (5) feet of any inflammable liquid vent or fill pipe, in either direction of the sidewalk when tanks are not being filled or within twenty-five (25) feet while tank is being filled.
- (k) Within five (5) feet of the display of any other street artist.
- (l) Within five (5) feet of a fire hydrant.

## VIOLATIONS, COMPLAINTS, CHARGES, HEARINGS, PENALTIES

- (m) Selling, offering for sale, or soliciting offers to purchase between the hours of 12:00 a.m. (midnight) and 6:00 a.m. of the following day.
- (n) Failing to remove display and objects in an area designated by the Board of Supervisors by 12:00 a.m. (midnight); placement of display or objects in said area prior to 6:00 a.m. of the following day.
- (o) Selling, offering for sale, or soliciting offers to purchase from any vehicle.
- (p) Failing to maintain for the passage of pedestrians a space of at least eight (8) feet in width, as measured on a line perpendicular to the curb line, between the edge of the sidewalk farthest from the curb and the edge of the street artist's activities. No portion of a street artist's activities shall be included in measuring the eight-foot clear pedestrian passageway. Notwithstanding the foregoing, the Board of Supervisors, by resolution, may temporarily permit street artists to engage in their activities in specified locations where eight (8) feet of clear pedestrian passageway cannot be maintained. Such temporary permission may not be granted by the Board of Supervisors for any period exceeding eighteen months.

For any case of street artist violation, the Art Commission has the authority to increase or mitigate its standard penalty applicable to the violation.

## REVOCATION AND FINAL REVOCATION

The Art Commission's policy adopted June 7, 1993 on certificate revocation provides that (1) a period of at least one year must elapse between the revocation of a street artist certificate and the Commission's consideration of an application for a new certificate; (2) the Program Committee must hear the request for a new certificate; (3) at the hearing, the applicant must present evidence in the form of witness testimony or



## VIOLATIONS, COMPLAINTS, CHARGES, HEARINGS, PENALTIES

documentation that he or she is now able and willing to comply with the street artist ordinance; (4) the Program Committee's recommendation for approval or disapproval is submitted to the full Art Commission which, by resolution, approves or disapproves the recommendation; (5) the Commission's disapproval is appealable to the Board of Appeals; and (6) if the artist obtains a second certificate and this certificate is revoked, the second revocation is final, and no consideration is to be given by the Commission of any future application submitted by the revokee.

### VIOLATIONS OF COPYRIGHT

In matters of complaint that an artist has copied the art of another artist and that the Art Commission should do something about it, the City Attorney's office, on February 2, 1990 clarified that (1) the Commission has no authority to deny, suspend, or revoke the certificate of an artist who independently conceives a work the same as or essentially similar to the work of another artist in the Street Artists Program; (2) the Commission must deny, suspend or revoke the certificate of an artist who unconsciously or consciously copies the work of another; and (3) the Commission must deny or revoke the certificate of an artist who violates a copyright. (If a final determination is made by a Federal court that the artist has violated a copyright, the Art Commission, upon receiving notice of the determination, must act to revoke the certificate. The Commission must notify the artist that the court determination has been received, set forth the action it proposes to take, and give the artist time to respond.)

Generally, the Program's follow up on such complaints involves the Advisory Committee of Street Artists and Craftsmen Examiners viewing both parties create their art and a further meeting of the Advisory Committee in which its findings and recommendations are given for submittal to the Program Committee for hearing.

## C H A P T E R 10

### INITIATING CHANGE IN THE STREET ARTISTS PROGRAM

A street artist who wishes to propose changes in Street Artists Program rules and policies may exercise a number of options in pursuit of his or her goal.

The proposal may be submitted to the Art Commission's Street Artists Program Committee for hearing. This is done by putting the proposal in writing and giving it to the Program Director who calendars items, upon approval of the Chair, for the agenda of the Program Committee.

The street artist may also seek the support of other street artists for the proposal. This can be done by seeking an endorsement from the Street Artists Liaison Committee at one of its meetings. If it is specifically a lottery matter, the artist may attend a meeting of the Lottery Committee and seek the Lottery Committee's endorsement. The artist may also obtain at least twenty-five street artist signatures on a petition describing the proposal and present the petition to the Lottery Committee which will then arrange with the Program Director to have a printed ballot presented to the artists for vote at the Saturday lottery.

If calendared for the Program Committee, the proposed change will be heard by the Program Committee with a possible motion for recommendation to the full Art Commission. If the proposal has been presented to the street artists for a vote, the results of the vote may be taken into consideration as one among a number of factors which the Commission may consider when making a final decision.

Street artists are encouraged to take an active interest in improving the rules of their Program. Artists so engaged should speak with the Program Director and find out whether similar reforms have been considered in the past and the nature of their outcome; also, whether the proposed change would require -in addition to Art Commission approval - the approval of the Board of Supervisors and the Mayor and/or the approval of the electorate.

The street artist seeking a particular reform must always bear in mind that the matter may be referred to the Office of the City Attorney for review. Would the reform be consistent with the street artist ordinance? Does the Commission have the authority to approve the proposal? Would there be a potential for a lawsuit against the Commission? are just a few of the questions that would be submitted to the City Attorney. The City

INITIATING CHANGE

Attorney's responses would be taken very seriously by the Commission.

PART I I

ART COMMISSION CERTIFICATION POLICIES;  
HEARING PROCEDURES OF STREET ARTIST VIOLATIONS;  
LOTTERY RULES AND GUIDELINES;  
OTHER POLICIES AND PROCEDURES

## **CERTIFICATION POLICIES**

On March 5, 1979, the Art Commission adopted the following:

**TIME LIMIT FOR APPLICANTS TO RESPOND TO NOTICE OF EXAMINATION:** Applicants for certificates, who receive notice of examination of their arts and crafts, must respond within thirty (30) days from the date of the notification in order to receive an appointment with the Advisory Committee. (This provision and the due date for response shall be stated in the notification.) Failure to respond within the time period shall result in forfeiture of applicant's position on the waiting list.

On December 3, 1979, the Art Commission adopted the following:

**ISSUANCE OF TWO CERTIFICATES TO EACH STREET ARTIST:** Two certificates shall be issued to each street artist: one to be affixed to the display in a prominent location at all times while the artist is selling; the other to be carried by the artist for use in entering in and participating in the Arts Commission's lottery system for the assignment of sales spaces.

On May 3, 1982, the Art Commission adopted the following:

**CERTIFICATE RENEWAL PERIOD:** A street artist certificate must be renewed within ten (10) office work days prior to and including its date of expiration, or ten (10) office work days after its date of expiration. (Failure to renew results in forfeiture of certificate.)

On March 4, 1985, the Art Commission adopted the following:

**APPLICATIONS SUBMITTED BY MAIL:** Applications submitted by mail must be registered certified in order to be considered as proof of mailing.

On September 14, 1987, the Art Commission adopted the following policy **DENYING CERTIFICATION OF ANY ITEM VIOLATING COPYRIGHTED DESIGN:**

RESOLVED, That this Commission does hereby adopt recom -

## CERTIFICATION POLICIES

mendation that it be the Commission's policy to deny the certification of any item found by the Commission to be a violation of a copyrighted design, and that the City Attorney's office be requested to provide further clarification and counsel in this matter.

(See clarification in February 2, 1990 letter from Deputy City Attorney Burk E. Delventhal in section on **HEARING PROCEDURE OF STREET ARTIST VIOLATIONS; PENALTIES.**)

On June 5, 1989, the Art Commission adopted amendment to its policy adopted December 3, 1979 on **GRANTING PRIORITY IN ISSUANCE OF NEW CERTIFICATES TO FORMER CERTIFICATE-HOLDERS** (additions to language in *italics*; deletions in double parentheses (( )) ):

**GRANTING PRIORITY IN ISSUANCE OF NEW CERTIFICATES TO FORMER CERTIFICATE-HOLDERS:** The only cases for consideration shall be those who file an appeal within ninety (90) days of the date of their certificate's expiration, with the exception of those cases who submit with their request documentation of medical or other significant reasons for inability to renew. As per Section 26 of Part III of the San Francisco Municipal Code, the Arts Commission may exercise its sound discretion as to whether a certificate should be granted or denied, All (( cases )) former certificate-holders whose appeals were filed after ninety days of the date of their certificate's expiration and whose appeals are approved for the issuance of a new certificate must be re-screened by the Advisory Committee before certification is granted.

On November 11, 1990, the Art Commission adopted the following amendment to its **CERTIFICATE RENEWAL BY MAILED PAYMENT** adopted July 12, 1982 (amending language in *italics*):

**CERTIFICATE RENEWAL BY MAILED PAYMENT:** Whenever a street artist comes to the Street Artists Program office for renewal of certificate, the artist may sign and leave on file two blank certificate cards and necessary postage for mailing of the cards; upon receipt of the artist's mailed payment for each of the next two renewals, the staff shall validate and laminate the signed card and shall mail it to the artist. *In the event that an artist requires*

## CERTIFICATION POLICIES

*an extended period of renewals-by-mail, the artist must submit a request for such extension of time in writing to the Director of the Street Artists Program, whereupon the applicable information and new expiration date will be entered onto a certificate card and then mailed to the artist for the artist's signature and returning of the card to the Street Artists Program for lamination and re-mailing to the artist.*

On October 7, 1991, the Art Commission adopted the following:

**TIME LIMIT ON ISSUANCE OF CERTIFICATE TO FORMER CERTIFICATE-HOLDER:** A former certificate-holder whose request for priority above the waiting list of applicants in the issuance of a certificate is approved by the Arts Commission must purchase a certificate within ten (10) office work days from the date of the Arts Commission's approval or, if a re-examination of the artist's wares is scheduled, within ten (10) office work days from the date of the re-examination of the artist's wares by the Advisory Committee of Street Artists and Craftsmen Examiners.

On June 7, 1993, the Art Commission adopted the following procedures **WAIVING THE FEE OF A STREET ARTIST CERTIFICATE FOR-ANY HONORABLY DISCHARGED VETERAN WHO IS PHYSICALLY UNABLE TO OBTAIN A LIVELIHOOD BY MANUAL LABOR:**

**PROCEDURES DIRECTING STAFFS REVIEW OF APPLICATIONS FOR EXEMPTION FROM PAYING FEES UNDER CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTIONS 16001 AND 16001.5:** In keeping with the provisions of the California Business and Professions Code sections 16001 and 16001.5, the Art Commission shall waive the fee of a street artist certificate for any honorably discharged veteran who is physically unable to obtain a livelihood by manual labor provided that (1) said veteran meets the requirements of Sec. 4 (**Examination**) and Sec. 5 (**Issuance of certificate**) of Proposition "L," approved by the voters at the election held on

## CERTIFICATION POLICIES

November 4, 1975 (San Francisco Police Code section 2400); (2) said veteran furnishes to the Director of the Street Artists Program of the Art Commission the following items: (a) an honorable discharge certificate; (b) a notarized statement that said veteran, as a result of physical impairment, is physically unable to earn a living through manual labor; and (c) documentation of the impairment. The following are examples of sufficient documentation of impairment: (1) a medical record; (2) a pertinent letter of explanation from medical or social services personnel; or (3) a military statement of disability with the honorable discharge certificate. This list is not meant to be exhaustive. The Director of the Street Artists Program shall allow other reasonable documentation or proof of physical impairment. Upon receipt of items (a), (b) and (c) above, the Director of the Street Artists Program, on behalf of the Director of Cultural Affairs of the Art Commission, shall waive the certificate fee. If the request for waiver is denied for failure to submit the items listed above, the applicant is entitled to an appeal before the full Art Commission. While Sections 16001 and 16001.5 exempt an honorably discharged veteran unable to earn a living by manual labor from paying for a street artist certificate, these sections do not override other City ordinances or rules regulating the issuance of street artist certificates or the conduct of street artists.

On June 6, 1994, the Art Commission rescinded a policy adopted June 4, 1979, allotting ten office work days for an applicant to obtain a certificate, and adopted a new policy allotting fifteen office work days for an applicant to obtain a certificate (**TIME LIMIT ON ISSUANCE OF CERTIFICATE**):

Motion to approve rescission of ten-day policy on issuance of certificate as provided by Res. 1979-356 and adoption of policy allotting fifteen (15) work days from applicant's examination of wares for applicant to obtain certificate.

On September 6, 1994, the Art Commission adopted a **CERTIFICATION PROCEDURE OF COMMENCING VALIDITY OF A RENEWED CERTIFICATE** :



## CERTIFICATION POLICIES

Motion to approve certification procedure of commencing validity of a renewed certificate on the day of its payment within the ten-day grace period.

On December 9, 1996, the Art Commission adopted a policy **LIMITING THE NUMBER OF ARTS/CRAFTS ANY APPLICANT MAY SUBMIT AT A SCREENING BY THE ADVISORY COMMITTEE :**

Motion to approve October 31, 1996 recommendation by Advisory Committee of Street Artists and Craftsmen Examiners to limit the number to three (3) arts or crafts any applicant may submit for verification at a single screening meeting conducted by the Advisory Committee.

**ARTS COMMISSION HEARING PROCEDURE OF STREET ARTIST  
VIOLATIONS; PENALTIES FOR VIOLATIONS**

The Street Artist Ordinance, Proposition L approved by the voters on November 4, 1975, grants to the Arts Commission jurisdiction to regulate street artists and to issue street artist certificates. Proposition L makes it unlawful for any person to sell a handcrafted item in any public street or public place where it is permissible, without either a street artist certificate or a peddler's permit. It further prohibits the sale by a street artist of a handcrafted item in an area not designated for street artist activities without a peddler's permit. Article 24.2, Section 2408, of the San Francisco Police Code empowers the Arts Commission to deny, suspend or revoke a street artist's certificate for violation of the street artist regulations after a public hearing and for good cause shown.

The Arts Commission may, but need not, require submittal of a Police report before proceeding with the denial, suspension or revocation of a street artist's certificate. The Arts Commission may proceed based on the submittal of a written report by its staff, a street artist, or by anyone. The procedures followed by the Arts Commission or other permit-issuing bodies for the suspension or revocation of permits is a civil proceeding separate and apart from any criminal sanctions that may be applicable.

In the event of the Arts Commission receiv-

## HEARING PROCEDURES

ing notices of two convictions of criminal violations of street artist regulations by an artist, within a twelve-month period, the Commission may notify the artist that the certificate may be subject to review for possible suspension/revocation.

The Arts Commission is empowered to suspend or revoke a street artist's certificate, after a public hearing, both pursuant to its express power to revoke for good cause shown contained in the street artist regulations and under the general and discretionary powers granted to all permit-issuing departments as set forth in Sections 24 and 26 of Part III of the San Francisco Municipal Code.

Street artist violations are heard by the Commission's Street Artists Program Committee who makes recommendations for either acquittal, suspension, revocation, or denial of certification. The recommendation is submitted to the Program Director who may adopt or disapprove the recommendation.

Any suspension or revocation commences a minimum of fifteen (15) days after the Program Director's approval of the Program Committee's recommendation, allowing fifteen (15) days for the artist to file an appeal with the Board of Appeals.

Failure to appear for any violation hearing may result in a Program Committee recommendation of the penalty for the violation of which the artist has been charged. If this recommendation is approved by the Program Director, the artist may either file an appeal with the Board of Appeals within fifteen days or request a hearing with the Program Committee within five (5) days from the date of the Committee hearing. Such request for hearing must be in writing and must state succinctly the grounds upon which such hearing is requested. If new evidence is relied upon as a ground for hearing, the request shall show: (1) the nature and character of the

## HEARING PROCEDURES

new evidence; (2) the names of the witnesses and/or a description of the documents to be produced; (3) why the evidence was not produced, and why the artist did not appear, at the original hearing.

There shall be a penalty of two (2) months suspension of certificate for a first offense of any of the following violations, and there shall be a penalty of revocation of certificate for a second offense of any of the following violations if the person has been found in violation by the Arts Commission within the twelve-month period immediately preceding the current offense, and that finding has not been overruled by the Board of Appeals: (1) Display of items not in accord with Arts Commission criteria; (2) Display of items not of the artist's own creation; (3) Display of items not certified by the Arts Commission; (4) Display of items by salesperson or another artist on behalf of a street artist; (5) Transference of certificate to any other person; (6) Display of items and/or participation in Arts Commission lottery by artist during period of certificate suspension; (7) Participation in Arts Commission lottery without a State Board of Equalization Resale Permit; (8) Signing in for more than one space on any given day (all lotteries included). (Lottery sign-up sheets will be kept by the Arts Commission for a period of six months.); (9) Failure to occupy a space for which the artist has signed. Occupying a space means an artist setting up the working display and the artist selling in the space for a minimum duration of three hours. In the event of a question of occupancy of a space, the Lottery Committee workers shall have available an Arts Commission document slip containing spaces for the signatures of three witnesses, to be submitted as evidence to the Arts Commission.

### **Violations of Section 2405, Ordinance 41-83.**

There shall be a penalty of three (3) weeks sus -

## HEARING PROCEDURES

pension of certificate for a first offense of any of the following violations, a penalty of six (6) weeks suspension of certificate for a second offense of any of the following violations, and there shall be a consideration of revocation of certificate for a third offense of any of the following violations if the person has been found in violation by the Arts Commission within the three-year period immediately preceding the current offense, and that finding has not been overruled by the Board of Appeals:

1) Selling, offering for sale, or soliciting offers to purchase in areas not designated by the Board of Supervisors.

2) Selling, offering for sale, or soliciting offers to purchase in areas designated by the Board of Supervisors which are not under the jurisdiction of an officer, board, or commission of the City and County:

- (a) More than four and one-half (4 ½) feet from the curb line of any sidewalk.
- (b) Within eighteen (18) inches of the curb line of any sidewalk.
- (c) More than five (5) feet above any sidewalk.
- (d) In an area more than four (4) feet Long.
- (e) Within seven and one-half (7 ½) feet of a sprinkler inlet or standpipe inlet (both wet and dry), measured from the outer edge of a standpipe bank from the building line to the sidewalk edge.

## HEARING PROCEDURES

- (f) Within twelve (10) feet from the outer edge of any entrance to any building including, but not limited to, doors, driveways, emergency exits measured in each direction parallel to the building line and thence at a 90-degree angle to the curb.
- (g) Obstructing a fire escape underneath and perpendicular from building to the street within five (5) feet from an end of the fire escape.
- (h) On any sidewalk adjacent to a curb which has been duly designated pursuant to local ordinance ,or regulation as one of the following: white zone, yellow zone, or bus zone.
- (i) Within five (5) feet of any crosswalk.
- (j) Within five (5) feet of any inflammable liquid vent or fill pipe, in either direction of the sidewalk when tanks are not being filled or within twenty-five (25) feet while tank is being filled.
- (k) Within five (5) feet of the display of any other Street Artist.
- (l) Within five (5) feet of a fire hydrant .
- (m) Selling, offering for sale, or soliciting offers to purchase between the hours of 12:00 a.m. (midnight) and 6:00 a.m. of the following day.
- (n) Failing to remove display and objects in an area designated by the Board of Supervisors by 12:00 a.m. (midnight); placement of display or objects in

## HEARING PROCEDURES

said area prior to 6:00 a.m, of the following day.

- (0) Selling, offering for sale, or soliciting offers to purchase from any vehicle.
- (p) Failing to maintain for the passage of pedestrians a space of at least eight (8) feet in width, as measured on a line perpendicular to the curb line, between the edge of the sidewalk farthest from the curb and the edge of Street Artist's activities. No portion of a Street Artist's activities shall be included in measuring the eight (8) foot clear pedestrian passageway. Notwithstanding the foregoing, the Board of Supervisors, by resolution, may temporarily permit Street Artists to engage in their activities in specified locations where eight (8) feet of clear pedestrian passageway cannot be maintained. Such temporary permission may not be granted by the Board of Supervisors for any period exceeding eighteen months.

## HEARING PROCEDURES

On December 9, 1996 the Art Commission voted to endorse the Street Artists Program Director in implementing a provision of the street artist ordinance which authorizes the Program Director to refuse to issue or renew a certificate for a street artist if a report has been filed with the Art Commission that the artist has violated the ordinance, pending hearing by the Commission's Street Artists Program Committee.

Specifically, Section 5 of Proposition "L" (street artist ordinance) approved by the voters at the November 4, 1975 election states:

**Issuance of Certificate.** If the applicant's examination is satisfactory, and if no charges of deception resorted to in obtaining the certificate, or any other violation of the applicable provisions of the San Francisco Municipal Code, have been filed with the Commission, upon payment of the certificate fee fixed by this ordinance, the Executive Director of the Art Commission shall issue a certificate to the applicant, duly signed, and shall show therein that the person named therein passed the examination and is entitled to engage in the display and sale of the specific art or craft item set forth in said certificate in accordance with the provisions of this ordinance.

The Art Commission's resolution, as follows, to implement Section 5, approved procedures that may be used to address violations in addition to, and may be taken with, the existing suspension-revocation procedures (described on the preceding pages):

RESOLUTION NO. 1209-96-560: Motion to approve Program Director's draft criteria and guidelines, as approved and amended by City Attorney and Program Committee, for implementing provision in Section 5 of Proposition "L" (Street Artist Ordinance) of November, 1975 election whereby a certificate shall not be issued (or renewed) if charges of deception resorted to in obtaining the certificate, or any other violation of the applicable provisions of the San Francisco Municipal Code, have been filed with the Art Commission; such criteria and guidelines to be made widely available; and that staff report to Art Commission at a public hearing in six (6) months as to the impact of this change in enforcement of the Street Artist Ordinance.



## HEARING PROCEDURES

After the Art Commission approved the procedures implementing Section 5, the following "NOTICE TO STREET ARTISTS" was sent to all certificate-holders, describing the procedures:

### SAN FRANCISCO ART COMMISSION

#### NOTICE TO STREET ARTISTS

Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue a street artist certificate or renewal if charges have been filed alleging deception or violation of the Street Artists Ordinance. The Arts Commission has adopted the following procedures to implement Section 5. These procedures may be used to address violations in addition to, and may be taken with, the existing suspension-revocation procedures.

#### CHARGES OF MINOR VIOLATIONS OF THE STREET ARTISTS ORDINANCE:

- includes most violations of a non-violent/non-threatening nature.

**First Violation:** "NOTICE OF WARNING" from Program Director.

**Second Violation:** "NOTICE OF INTENT TO RECOMMEND DENIAL OF CERTIFICATE OR RENEWAL" from Program Director.

Notice will offer artist an opportunity to have a public hearing with Program Director to discuss the charge. If artist agrees in writing to comply with Street Artists Ordinance, Program Director will recommend issuance of certificate or renewal. If artist does not agree in writing to comply with the ordinance, Program Director will recommend denial of certificate or renewal.

**Third Violation:** (when at least 1 of the 3 incidents has been witnessed by Police or Program staff): "NOTICE OF WITHHOLDING OF CERTIFICATE OR RENEWAL PENDING HEARING" from Director of Cultural Affairs.\*

#### CHARGES OF SERIOUS VIOLATIONS OF THE STREET ARTISTS ORDINANCE:

- includes violations of a violent or threatening nature and violations that significantly threaten integrity of Street Artists Program.

**First Verifiable Violation:** "NOTICE OF WITHHOLDING OF CERTIFICATE OR RENEWAL PENDING HEARING" from Director of Cultural Affairs.\*

\* Denials of certificates or renewals are governed by Section 2408 of the Street Artists Ordinance. The Street Artists Program Committee will hold a public hearing on the certificate or renewal in accordance with Section 2408. A decision by the Committee and Program Director to deny certificate or renewal may be appealed to the Board of Appeals within 15 days, in accordance with Section 2409 of the Street Artists Ordinance.

## HEARING PROCEDURES

### OTHER AMENDMENTS TO HEARING PROCEDURES

On December 4, 1978, the Art Commission passed a resolution to enforce appointments for re-examination of wares of certificate-holders as requested by staff:

**FAILURE TO APPEAR AT RE-SCREENING:** If a Street Artist is unable to keep his appointment for re-screening, he must submit written notification to the Street Artists Program office stating reason(s) for inability to appear. Failure to appear for a second appointment will result in suspension of Certificate until his re-screening obligation is met.

On August 4, 1986, the Art Commission adopted the following **TIME LIMITS FOR TESTIMONY IN HEARINGS ON ISSUES AND ALLEGED VIOLATIONS:**

The Street Artists Program Committee follow a procedure whereby the times of issues and matters be posted on each agenda and that speakers be allotted two minutes for comments, provided that the Committee, at its discretion, may increase the allotted time where there is just cause.

On April 7, 1987, the Art Commission adopted the following resolution:

**TIME LIMIT OF THREE YEARS ON COUNTING AN ARTIST'S VIOLATIONS OF SECTION 2405, ORD. 41-83.**

On August 1, 1988, the Art Commission adopted a **POLICY DIRECTING STREET ARTISTS TO REFRAIN FROM PARTICIPATING IN VIOLENCE:**

That it be the policy of the Arts Commission to expect street artists to walk away when violence is threatened, to do what is necessary to avoid violence, rather than to participate in violence, this being in keeping with the Arts Commission's power to suspend or revoke the certificate of any artist when, after public hearing, it appears that the artist was conducting his or her business in a disorderly, improper or hazardous manner.

## HEARING PROCEDURES

On May 3, 1993, the Art Commission approved the following amendment to its "HEARING PROCEDURE OF STREET ARTIST VIOLATIONS; PENALTIES FOR VIOLATIONS" which defers a suspension or revocation to a later time within one year (amending language in **bold print**; deletions in (( double parentheses )) ):

(( Any )) **A suspension or revocation commences (( two (2) weeks ) fifteen (15) days after the Art Commission's resolution, allowing (( ten (10) )) fifteen (15) days for the artist to file an appeal with the Board of Permit Appeals (( . )), unless the Art Commission sets a suspension period or a revocation for a later time within one (1) year of the Commission's resolution. In the event the Art Commission sets a suspension period or a revocation for a later time, the artist, if wishing to appeal, must file an appeal with the Board of Permit Appeals within fifteen (15) days after the Art Commission's resolution. "**

**NOTE:** Certain provisions in the above amendment, as in the "HEARING PROCEDURE" itself, were superceded by Ordinance 291 - 94; namely, the ordinance replaces the "Art Commission's resolution" with the Program Director's decision, and provides for the Street Artists Program Committee, rather than the Art Commission, to be the one who, through recommendation, sets a suspension period or a revocation subject to the approval of the Program Director, the Program Director's disapproval governed by certain restrictions.

On June 7, 1993, the Art Commission approved the following provision **LIMITING TESTIMONY:**

Motion to approve statement included on Program Committee agenda limiting testimony to three minutes and no witness to cross-examine another witness without Committee approval.

On June 7, 1993, the Art Commission approved the following amendment to its "HEARING PROCEDURE OF STREET ARTIST VIOLATIONS" **providing for minimum of one (1) year between revocation of a street artist's certificate and Art Commission consideration of the artist's application for new certificate; hearing procedure; final revocation:**

## HEARING PROCEDURES

### **POLICY PROVIDING FOR MINIMUM OF ONE (1) YEAR BETWEEN REVOCATION OF A STREET ARTIST'S CERTIFICATE AND ART COMMISSION CONSIDERATION OF THE ARTIST'S APPLICATION FOR NEW CERTIFICATE; HEARING PROCEDURE; FINAL REVOCATION:**

When a former certified street artist whose previous certificate was revoked submits application for a new certificate, there shall be a minimum of one (1) year's duration between the revocation of the previous certificate and Art Commission consideration of the application for new certificate.

The request for a new certificate shall be heard in the first instance by the Art Commission's Street Artists Program Committee. In its consideration of such request for a new certificate, the Program Committee shall calendar a hearing for the request, and the applicant shall be required to submit evidence in the form of witness testimony or documentation that the applicant is now able and willing to comply with the street artist ordinance.

The Program Committee shall submit its recommendation of approval or disapproval of the request to the full Art Commission who, by resolution, shall approve or disapprove the recommendation.

In the event of the Art Commission's disapproval of the applicant's request, the applicant is entitled, pursuant to San Francisco Charter Section 3.651, to appeal the decision of the Commission to the San Francisco Board of Permit Appeals. Part III, Article I, Section 8 of the San Francisco Municipal Code provides that any such appeal must be filed within fifteen (15) days from the date on which the Art Commission by resolution makes its decision.

When the Art Commission revokes a certificate of a street artist for the second time, the second revocation shall be final, and no consideration shall be given by the Commission of any future application submitted by the revokee.

## HEARING PROCEDURES

On September 6, 1994, the Art Commission approved the following amendment, as recommended by the Advisory Committee of Street Artists and Craftsmen Examiners, to the "HEARING PROCEDURE OF STREET ARTIST VIOLATIONS" by providing for **Advisory Committee re-examination of questionable street artist wares; warning to cease and desist selling questionable items; charge of Violation for non-compliance:**

Any observation of a street artist's alleged first time non-compliance to the Art Commission's arts and crafts criteria) as reported by two or more members of the Advisory Committee of Street Artists and Craftsmen Examiners, an Art Commissioner, or staff of the Street Artists Program, may be brought to the attention of the Director of the Street Artists Program who shall notify the artist to appear before the Advisory Committee of Street Artists and Craftsmen Examiners for a re-examination of the item(s) in question and to cease and desist selling or offering for sale the item(s). The Director shall warn the artist that failure to appear before the Advisory Committee may result, and failure to cease and desist selling the item(s) shall result, in a charge of violation of the Street Artist Ordinance for selling an item not in accord with Art Commission criteria.

On November 3, 1997, the Art Commission adopted the following policy **to notify the Port Commission:**

Motion to approve policy for Street Artists Program to notify Port Commission of street artist violators on Port property.

The above resolution implements Item "e", Exhibit 2, of Port Resolution No. 95-56; this resolution, passed by the Port Commission on June 27, 1995, in reference to the street artists' spaces on Port property (Jefferson Street), is attached following the resolutions herein reprinted.

The following rules and guidelines are reprinted from the Fifth Edition, Street Artists Program (1998) with amending language recommended by the Street Artists Liaison Committee and adopted by the Art Commission on April 2, 1990, appearing in **bold print**:

**WHARF AND DOWNTOWN LOTTERY RULES  
AND LOTTERY COMMITTEE GUIDELINES**

The following rules and guidelines were drafted by the Wharf and Downtown Lottery Committee in January, 1976, revised February and June, 1976, and in June, 1978; and amended by the Arts Commission in October, 1980 (elimination of numbers trading):

All guidelines involving the running of the lotteries have been voted on by the street artists who participate in the lotteries. Rules governing the Lottery Committee are voted on by the street artists or by the Committee when dealing with internal affairs. The Lottery Committee was conceived and voted upon by the craftspeople as an advisory committee, working for and by the street artists themselves as per suggestion by the Board of Supervisors and the Art Commission with the implementation of Proposition 'L'.

**I AMENDMENT PROCEDURE**

Issues of policy may be put to a vote of street artists at a lottery and such vote must be conducted by the Lottery Committee, but final approval of any vote rests with the Art Commission. Issues to be voted on are announced at the 9:00 a.m. lottery on Saturday at Beach Street. On the following Saturday these issues may be voted on and, if passed, submitted to the Art Commission for approval.

Any street artist may collect 25 signatures of valid street artists which automatically ensures a ballot the week after presentation of signatures at a Saturday lottery at Beach Street.

**II AREAS LOTTERIES TAKE PLACE**

There are two designated major areas: WHARF AREA and DOWNTOWN AREA. Lotteries for both areas take place behind the Maritime Museum, Aquatic Park, Beach and Larkin Streets.

## LOTTERY RULES

### III CERTIFICATION

**Display on Stand** - All artists who sell in a legally designated space must display their certificate during the day they are selling, at all times. **If the artist is present, he/she must have his/her lottery slip on his/her person or on their display; if he/she is not present, the slip must be attached to the display.**

**Entering Lottery** - Street artist must present a valid certificate with State Board of Equalization resale permit number recorded on it by the Art Commission. The Lottery Committee allows only artists with valid certificates to enter the lotteries. Artists with expired certificates may not sell in designated sales spaces. The Art Commission has ruled that if an artist is late in renewing a certificate, that artist must re-apply and be screened as a newcomer, having his/her application placed at the end of a long line of applicants.

DON'T LET YOUR CERTIFICATE EXPIRE! RENEW A FEW DAYS AHEAD OF YOUR EXPIRATION DATE!

### IV DESIGNATED SPACE SLIP

A blue lottery slip is issued for Wharf Area Spaces; a gold lottery slip is issued for Downtown Area spaces. These lottery slips contain the name, certificate number, and craft of the street artist as well as the lottery number and date of lottery that number was obtained, space designation and date for that designation (not always the same dates as lotteries are for two-or three-day periods), and the name of Lottery Committee member that supervised that particular lottery day. This lottery slip should be displayed on the artists' stands with their certificate during the day they are selling.

### V ELECTION OF LOTTERY COMMITTEE

## LOTTERY RULES

Three (3) weeks before election of members, an announcement is made at main lotteries, asking for nominations. All nominees must have valid certificates and be active street artists. Nominations are accepted up to one week before the election. There is an election every three months for half of the Committee. Each term is for six months. However, if more than five openings are open at any election, the person receiving 6th or more place in votes will serve only three months, keeping in balance a staggered election of half of the Committee being elected every three months.

Ballots containing names of nominees are to be posted at the Art Commission at least one week before elections. Elected volunteers to the Lottery Committee are subject to approval by the Art Commission upon submission of final vote tally.

The elected Secretary of each new Lottery Committee is responsible for the printed ballots at elections, the keeping of minutes of meetings of the Committee, and the submission of said minutes to the Art Commission.

### VI **HELPERS RULE**

Helpers must be present 20 minutes before lottery time. To be eligible as a lottery helper, you must have the highest drawn number from the previous lottery period. If the scheduled helper does not appear 20 minutes before the lottery, the next highest drawn number may take the place of the scheduled helper. There are three (3) helpers needed for main lotteries and one (1) helper for sign up/mini-lottery secondary lottery days. This is a set rule and not up to the discre-



## LOTTERY RULES

tion of the Lottery Committee member running the lotteries. You CANNOT be a helper for the following reasons:

If you have a 'last' number not drawn from the lottery barrel.

If you are a Lottery Committee member.

If you are not present 20 minutes before lottery time. **NOTE: If there are not enough helpers present at 20 minutes before the lottery, the Committee member may pick the first volunteer to be helper, even though this person was not present 20 minutes before the lottery.**

If your certificate is not valid.

If you have used a numbered slip in the lottery period for which you are to help, with the exception of Monday. (Monday helpers can enter Saturday main lottery and still be helpers on Monday. )

### VII LOTTERY COMMITTEE: INFRINGEMENTS OF GUIDELINES

By Committee members may result, after a hearing conducted by the Art Commission, in dismissal from the Lottery Committee if: Two (2) scheduled Lottery meetings are not attended (consecutively); Committee member fails to appear to run Lottery on his/her scheduled day, twice during their elected term. There is no appeal procedure for this infringement; however, for other infringements there may be a written appeal and hearing granted by the Lottery Committee. Replacement of Committee members: if opening occurs in first two months

## LOTTERY RULES

after a recent election, then person with the next highest vote (alternate) in that election is the replacement. If vacancy occurs during the month of an election, then the current Committee will draw lots and fill in open days to run lottery until next election takes place.

All Lottery Committee members are expected to uphold all lottery rules and guidelines of the Art Commission and all laws described in Proposition 'L' of the ballot of November, 1975. Any infringement of these laws by any member of the Committee may result, after a hearing conducted by the Art Commission, in dismissal.

### VIII LOTTERY PROCEDURE

Committee member and three helpers on main lottery days begin one half hour before lottery time (9:00 a.m.) to list name, certificate number, and craft on a blue or gold lottery slip (depending on the lottery area). Committee member and/or helpers are responsible for entering only valid certificate numbers into lotteries.

Lottery slips are placed in a barrel by Committee member and helpers. One helper draws lottery slips from barrel at 9:00 a.m. and lists the order of drawing (number) on each lottery slip. Another helper records each number with corresponding Certificate number on a record sheet. In another place, away from the barrel and drawing of numbers, the Committee member and the third helper record space selections for designated selling spaces for that day. A second record sheet is used to record what certificate is used (in order) when selection for space is recorded by the Lottery Committee member. This insures a double check' so that the same number cannot be used two (or three) days in a row to obtain

## LOTTERY RULES

a selling space. On the second (or third) day . there is a similar 'sign-up' for space selection done in the same manner. Anyone not using their number on the first 'sign-up' may use it on the second day. After all artists with a numbered lottery slip have chosen a space, a mini-lottery is held for remaining spaces (see X **MINI-LOTTERIES**). This is open to anyone who has not participated in the main lottery or has already used his/her number on the first day 'sign-up'.

### IX **MEETINGS**

Time, place, and frequency of meetings are decided by the current Lottery Committee and can be changed after each election. Lottery Committee meetings are patterned after the Art Commission meetings; they are open to spectators who may speak only on invitation or request of the Committee. At the first meeting after each election, the Committee elects from its members a Chairperson and a Secretary. Each Lottery Committee member is allowed up to one month leave of absence **with prior arrangements made with alternative Lottery member. If he/she resigns, they are considered to have served their full term.** If a member takes longer than one month away from Lottery meetings and activities, the member is automatically dismissed from Committee.

### X **MINI-LOTTERIES**

Held on the second (or third) day of a Lottery period, to determine the order in which persons wishing to sell that day may select spaces that have been left over. The mini-lottery may be entered on secondary lottery day by persons who did not participate in the main lottery. One cannot enter the mini-lottery while 'holding' or not using a main lottery number/slip.

## LOTTERY RULES

### XI NOONTIME RULE

The twelve o'clock (12:00 noon) rule: displays must be set up in selected space by noon or the space and lottery number will be forfeited. Such space(s) will be re-assigned by the Lottery Committee member for the day to anyone wanting it. If more than one person wants said space, the person with the lowest (not used) lottery number has preference. Anyone selecting a space in this way will be considered as having chosen to sell on that day and will be recorded as having used his/her lottery number for that space. A part of the working display must be placed in the selected selling space by noon and working display is defined as such. A brick, milk box, board or blanket does **not** constitute a part of a **working** display.

### XII POLITICS

The Lottery Committee shall remain non-political and shall not initiate any political activity unless a petition of twenty-five (25) valid, active street artists requests the Lottery Committee to do so. Any such activity can pertain only to the Lottery, selling spaces, or street artists selling in lottery spaces.

### XIII SPACE SELECTION

Spaces are assigned in order of the number and name drawn on the first day of the lottery period. A space may be selected for either day of that period, but the artist may not select a space again for the duration of that period until all other artists holding lottery numbers have had their chance to select a space.

### XIV STATE BOARD OF EQUALIZATION RESALE PERMIT AND NUMBER

## LOTTERY RULES

Must be recorded by Art Commission on certificate to be valid for entry into lottery.

### XV TIME OF LOTTERIES (WHARF AND DOWNTOWN)

**WHARF AREA: Main Lottery** - 9:00 a.m.  
TUESDAY, THURSDAY, SATURDAY

**Secondary Lottery** - 9:30 a.m.  
MONDAY, WEDNESDAY, FRIDAY and  
SUNDAY. This is a 'sign-up'  
lottery and mini-lottery time.

**DOWNTOWN AREA: Main Lottery** - 9:00 a.m.  
MONDAY, WEDNESDAY, FRIDAY

**Secondary Lottery** - 9:30 a.m.  
TUESDAY, THURSDAY, SATURDAY.  
This is a 'sign-up' lottery  
and mini-lottery time.

Each lottery is for a two-day period, with the exception of the Wharf Area Lottery on Saturday which is for Saturday, Sunday, and Monday.

Main lotteries are for drawing of names and numbers and first day sign-up. Secondary lotteries are for sign-up and mini-lotteries.

Lottery days and times are prescribed in an ordinance by the City and County of San Francisco and can only be changed by the Board of Supervisors.

\*

**CLIFF HOUSE AREA LOTTERY:** The lottery for the three spaces at Point Lobos, near the Cliff House, is held by the artists at that location on Monday, Wednesday, Friday, and Sunday at 8:30 a.m.; and on Tuesday, Thursday, and Saturday at 8:00 a.m.

## LOTTERY RULES

(reprinted from Fourth Edition, Street Artists Program, with amending language by Street Artists Liaison Committee and adopted by Art Commission on April 2, 1990, appearing in **bold print**)

**PROCEDURES FOR SALES SPACE OCCUPANCY RULE; CONDITIONS REQUIRING NO LOTTERY SLIP; PROVISION FOR ARTISTS TO EXCHANGE A SPACE OCCUPIED BY CONSTRUCTION OR OTHER OBSTRUCTION, FOR ANOTHER SPACE IN THE LOTTERY** (The following procedures and provisions amending the lottery rules were passed on November 20, 1985 by the Street Artists Liaison Committee, reviewed and amended on November 26, 1985 by the Street Artists Program Committee, and approved by resolution on December 2, 1985 by the Arts Commission. These measures were further amended by the Arts Commission on June 2 and December 1, 1986.)

**PHILOSOPHY:** The intent and purpose of the lottery is to assign spaces as fairly as possible to all competing artists. Any space chosen in the lottery is for the exclusive use of the artist who claims it, and it may not be traded, bartered, or given away to another individual.

Spaces fall into two classifications: (1) **assigned spaces**; and (2) **unassigned spaces**.

- I **Assigned Spaces** -These are spaces that were selected in the lottery for a given day. (Generally, artists wish to have an "assigned space" because it is one that is considered to be "good" and more than one person wishes to vie for it; or, secondly, because by having the space assigned, it gives the artist the security of having a set space for the day -that is, no one can take it away from the artist.) An assigned space carries with it certain

## LOTTERY RULES

responsibilities:

1) The artist must set up in the space by 12:00 noon. (However, if the artist cannot be present at noon for any number of reasons, he/she must leave part of their working display with the lottery slip attached to show clearly that the artist intends to return and work that space. A brick, milk box, board, etc., does **not** constitute a part of the working display.)

In cases where family unit members use displays that are similar or identical, there is no way that the display can be recognized as belonging to any particular member. In cases like these, the lottery slip is the only means which can identify who has the space. For this reason, the slip must be attached in order to designate which member of the family unit is using the display at that time. "Lottery slip" means original or duplicate slip, signed by a Committee member, and attached to a working part of the display by the person who signed for the space.

2) The hours for which "space occupancy" exist for **assigned spaces** are **12:00 - 3:00 p.m.** No further spaces may be assigned after the morning sign-in until **12:10 p.m.** (Footnote 1) The name of the person responsible for all noontime reassignments must be circled on the sign-up sheet and the location of the artist made clear. The sign-up sheet must be kept in the same location every day to allow assured access. These duties will generally fall to the Lottery Committee member who ran the morning lottery. However, if that person cannot be present, it is his/her responsibility to assign another person to take charge. Note: The next available Lottery Committee member is advised; but if none are available, then one of the helpers from that morning's lottery should take care of the duties. One of the duties shall be to take the sign-up sheet (approximately ten to fifteen minutes before

## LOTTERY RULES

noon) to check to see if any of the "assigned" spaces are vacant. (Note: The assigned person has until 12:00 noon to show up and claim his/her space. A space is to be considered vacant (and available for reassignment) if anyone other than the assigned artist is present and if the assigned artist does not "mark the spot" by leaving a part of his/her working display and the valid lottery slip. (During this time the space may be occupied by only the assigned street artist and no one else. If the assigned artist is not present, another artist cannot set up or have the space reassigned as long as the assigned artist has left a part of the display and valid slip attached. If the assigned artist vacates the space during this time, **after the noon reassignment and until 5:00 p.m.** it must remain vacant (completely empty) for fifteen minutes before it is reassigned. The fifteen-minute time period shall begin from the time an artist desiring the space reports to the person in charge of reassignment. If the space becomes vacant during this period of time (12: 00 noon -3:00 p.m.), anyone else who wishes to use the space **must** report to the Lottery Committee member, so that the space may be reassigned. The Committee member would follow the following procedure: first, the priority for reassigning the space would go to the person with the lowest unused lottery number from that period; second, to the lowest unused mini-lottery number; and, third, if no one has a slip, or if no one chooses to use their slip, a flip of a coin or some other method will determine who gets the space. The lottery worker must change the official sign-up sheet to show the change and new assignment. If a



## LOTTERY RULES

lottery number was used to obtain the vacated space, that number must be recorded on the back of the sheet (with perhaps an \* on the front to clearly show a number was used), and this information must be turned in to the lottery for use the next day (this would prevent someone from using a lottery number twice.

**NOTE:** All mini numbers must be recorded on the day they are pulled. This information should be available in case of conflict.

3) The final area for responsibility for an **assigned space** is that if the person who chooses the space decides before noon not to sell, he/she must leave the space completely vacant; no one else can set up in that space between 11:45 a.m. and 12:00 noon. This will allow anyone who is trying to find a vacant space to easily identify it without having to consult the sign-up sheet (which is not always readily available) and without having to determine who is entitled to the space. The person who wishes to claim the vacant space must do so by the procedure listed above.

- II **Unassigned Spaces** - These are spaces not chosen in the lottery. They are generally considered less viable or, at certain times of the year, less competed for. These spaces would not require a lottery slip, and an artist could set up at any time (consistent with regulations) and sell for any length of time. In the event that two or more artists want the same **unassigned space**, a flip of a coin or some other method should be used to determine who gets the space. **NOTE:** There may be times when there are a number of **unassigned spaces** after a lottery ends (for example, during off-season; or poor locations). If there are a number of artists who wish to sell in these spaces, an informal lottery **called the mini-mini lottery** (Footnote 2) shall take place

## LOTTERY RULES

after the regular lottery, supervised by the Committee member. This is how it shall work: All "leftover" spaces shall be given out among the artists present, through a second drawing of names. These assignments shall be considered final, unless a person with a valid lottery slip chooses to sign-in for the space **during the noon reassignment.**

(It is recommended that a person who obtains a space in this manner set up or "mark" the space immediately to avoid any confusion to artists looking around for vacant spaces.) If a space is "nassigned" and not selected in the informal lottery, it can be selected on a first-come, first-served basis. Spaces may **not** be marked off or claimed before the lottery in anticipation of their remaining vacant.

To avoid any confusion over what is or is not an **unassigned space**, the lottery sheet should have such spaces circled. If an **unassigned space** becomes **assigned** during the 12:00 -3:00 p.m. period, the artist in the space must relinquish the space to the person who shows a valid lottery slip for the space.

A person with a "real number" or unused lottery slip can use that at any time during the "mini-mini" lottery. This unused slip has preference over any "mini-mini" number, of course.

On the second day of a three-day lottery at the wharf (and downtown during the Christmas season), the Committee member running the lottery is responsible for making sure that only those persons with used first day (Saturday) numbers enter the mini-lottery on the second day (Sunday). Those entering the mini-lottery should put the number they received on the first day in the upper right hand corner of the mini-lottery slip to check against the Saturday "used" sheet in order to determine the eligibility of the mini-lottery slip. (Footnote 3)

## LOTTERY RULES

**CONDITIONS REQUIRING NO LOTTERY SLIP:** (1) In an empty space before 12:00 noon; (2) in a vacant assigned space after 3:00 p.m.; (3) all day in an unassigned space; (4) **if the person who signed in is present when the Committee member passes the space, or if the full display is set up and is recognizable to the Committee member as belonging to the person who signed in for that space.** (Under any of these conditions, the certificate itself would suffice as the document in lieu of a lottery slip, as per Section 2406(h) of Ordinance 41-83.)

**PROVISIONS FOR ARTISTS TO EXCHANGE A SPACE OCCUPIED BY CONSTRUCTION OR OTHER OBSTRUCTION, FOR ANOTHER SPACE IN THE LOTTERY:** An artist may exchange his/her space selection if it is determined, while the lottery is still in progress, that the space is blocked by construction or other obstruction.

\* \* \*

On June 2, 1986, the Arts Commission adopted the following lottery procedure:

**ENTERING ONCE IN EACH LOTTERY:** An artist's certificate number may be entered only once in each lottery. To intentionally do otherwise is considered a violation, punishable by suspension of certificate. If a certificate should (in error) be entered into a lottery more than once, the artist will be assigned the numerically higher (that is, worse) number. In addition, this number cannot be used to qualify the artist for a lottery helper position.

On December 1, 1986, the Arts Commission adopted the following lottery procedures:

**ADDENDUM TO "HELPER'S RULE":** In a two- or three-day lottery period, if an artist is helper on a second day, the artist may enter the lottery on the first day and either use that number on the first day or retain his/her

## LOTTERY RULES

helper position for the second day; but if the artist chooses to be helper, the artist forfeits the right to use that number for any other day of that period or for the helpershhip for the next period. This applies to both helpers and Lottery Committee members.

**WHEN LAST NUMBER IS GIVEN:** The last number for any morning lottery or mini-lottery may be given out only while the morning lottery is still in progress.

On August 6, 1984, the Arts Commission adopted the following lottery provision:

**GIVING AWAY SPACES PROHIBITED:** No one may sign in for a space and give it to someone else, including family unit members.

## FOOTNOTES

- 1 **12:10 p.m.:** In the commentary section of this edition, the time "12:10" has been changed to 12:**15** to make it consistent with other passages in the rules which call for a fifteen-minute vacancy period.
- 2 **Mini-mini lottery:** Although, in 1990, the Liaison Committee ordered that street artists hold "mini-mini" lotteries for unassigned spaces, it should be noted that such "mini-mini" lotteries, as well as "mini-mini" lotteries conducted by Lottery Committee members, immediately after Main Lottery signups and Mini Lottery signups are legally not binding. See Chapter 8's section on **"Closing the Main Lottery; 'Mini-Mini' Lotteries."**
- 3 This recommendation (that street artists write their Main Lottery numbers on their Mini Lottery slips to provide a check against their holding Main Lottery numbers until the third day of a three-day lottery period) was rendered null and void by an amendment approved by the Art Commission on May 1, 1995, which makes it permissible to hold a Main Lottery number until the third day of a three-day lottery period and to enter the Mini Lottery on the second day of the three-day lottery period.

## FURTHER AMENDMENTS TO LOTTERY RULES AND PROCEDURES

(adopted by Art Commission since publication of  
Fourth Edition, *STREET ARTISTS PROGRAM*)

On June 6, 1988, the Art Commission adopted the following amendment to the **Noon Rule**:

RESOLVED, That this Commission does hereby approve the amendment to the Noon Rule (Street Artist Space Assignment) Procedures, as recommended by the Street Artists Liaison Committee.

(The Liaison Committee, on April 27, 1988, recommended the following five-point amendment:

1. The cut-off time by which a street artist must occupy his or her space will still be 12:00 noon.
2. It will be the job of the lottery person, beginning at 12:00 noon, to check all spaces along Beach, Hyde and Jefferson streets, marking each space on the sign-in sheet that is not occupied by the person who signed in for it.
3. Any space not properly occupied by 12:00 noon is to be reassigned by the usual method (comparing numbers and drawing lots if necessary), except for one difference. In order to give everyone a fair opportunity to participate, the reassignment will take place at a fixed time and place every day: 12:15 pm, on the Beach St. wall by the steps to the cable car turnaround, approximately across from space B-7. Holding the reassignment at 12:15 pm gives the lottery person time to check the spots, and conforms to the 15 minute vacant space rule, which allows other people to see unoccupied spaces. Having the reassignment at a specified time and place, and checking the spots only once, after noon (when it really counts), will save time and frustration for all concerned, including the lottery person.
4. The time by which an unoccupied space must be vacated, if it is being temporarily used by another street artist, will be changed from 11:45 am to 12:00 noon, because this is when checking for occupancy begins, and when the 15-minute vacant-space rule begins.

## FURTHER AMENDMENTS TO LOTTERY RULES AND PROCEDURES

A person does not have to give up their assigned space in order to participate in the noon rule reassignment. However, if they are reassigned a space at noon, their previous space becomes vacant and available for reassignment. (Liaison Committee amendment adopted 4/2/90)

5. A street artist who arrives late for his or her spot, just after noon, loses claim to that spot, but may participate at 12:15 pm in the reassignment.)

On April 2, 1990, the Art Commission adopted the following amendment to **lottery procedures**:

Motion to approve recommendation of Street Artists Liaison Committee: Amending language to lottery procedures.

(The Liaison Committee, on February 15, 1990, recommended amending language to the lottery procedures described on Pages 10 through 26 of the Fourth Edition of *Street Artists Program* book; this amending language is inserted in **bold print** within the preceding pages of the reprinted Fourth Edition's "**WHARF AND DOWNTOWN LOTTERY RULES AND LOTTERY COMMITTEE GUIDELINES**" and "**PROCEDURES FOR SALES SPACE OCCUPANCY RULE**", and within the amendment to the Noon Rule procedures adopted by the Art Commission on June 6, 1988.)

On June 4, 1990, the Arts commission adopted the following recommendation regarding **helpership** from the Street Artists Liaison Committee:

Motion to approve recommendation from Liaison Committee: Lottery Committee members to reserve privilege of being helper.

(The Liaison Committee, on April 5, 1990, recommended that "a Lottery Committee member may be a helper in a lottery if no one else wishes to be helper.")

On July 9, 1990, the Art Commission adopted the following Recommendation **regarding voting at Saturday lottery** from the Street Artists Liaison Committee:

## FURTHER AMENDMENTS TO LOTTERY RULES AND PROCEDURES

Motion to approve recommendation from Street Artists Liaison Committee: Amended language to procedures for submitting an item for a vote at the street artist Saturday lottery.

(The Liaison Committee, on April 5, 1990, recommended a procedure which was amended by the Street Artists Program Committee on May 16, 1990, and was adopted by the full Art Commission, as follows: "The Liaison Committee shall not present an item to the Saturday lottery for a vote unless there are at least five (5) Liaison Committee members approving it or a petition of five (5) street artists requesting that the item be voted on.")

On August 15, 1990, the Art Commission adopted the following regarding **lottery number pull-out**:

Motion to approve lottery rule prohibiting any artist from taking his/her lottery number from pull-out of slips before each artist's name is called.

On October 4, 1993, the Art Commission adopted the following amendment to Lottery Rule VIII, "LOTTERY PROCEDURE", **regarding checking for valid certificates**, with deleted language in (( double parentheses)) and additional language in **bold print**:

Committee member and three helpers on main lottery days begin one half hour before lottery time (9:00 a.m.) to list name, certificate number, and craft on a blue or gold lottery slip (depending on the lottery area).  
(( Committee members and/or helpers are responsible for entering only valid certificate numbers into lotteries. ))  
**The person assigning the spaces shall check the validity of each artist's certificate prior to the artist's signing in for a selling space. Any artist whose certificate has expired and is or is not within the ten-day grace period for renewal shall not be allowed to sign-in for a selling space.**

On March 7, 1994, the Art Commission adopted the following



FURTHER AMENDMENTS TO LOTTERY RULES/PROCEDURES

Requirement, regarding **reporting of certificates**, for Lottery Committee members:

**(POST-LOTTERY REPORTING OF ARTISTS WITHOUT CERTIFICATES):**  
Procedure for Lottery Committee members to telephone Program office after daily lottery with names of artists who could not produce valid certificate at spaces sign-in.

On May 2, 1994, the Art Commission adopted the following amendments to Lottery Rules **prohibiting dismissed lottery members and suspended street artists from running for election to Lottery Committee, and providing for announcements of election/call for candidates:**

**PROHIBITING DISMISSED LOTTERY COMMITTEE MEMBERS FROM RUNNING FOR ELECTION TO LOTTERY COMMITTEE:** Any member dismissed by the Art Commission, due to infringement of any lottery rule or guideline or violation of any provision of the street artist ordinance, shall be prohibited from running for election to the Lottery Committee for a period of one (1) year after such dismissal. (amending Lottery Rule VII, "INFRINGEMENTS OF GUIDELINES")

**PROHIBITING SUSPENDED STREET ARTISTS FROM RUNNING FOR ELECTION TO LOTTERY COMMITTEE:** Any street artist serving a certificate suspension for having violated any provision of the street artist ordinance shall be prohibited from running for election to the Lottery Committee during the period of his/her suspension. (amending Lottery Rule VII)

**ANNOUNCING ELECTION/CALL FOR CANDIDATES:** One week prior to an election, at the Saturday lottery prior to the pulling of numbers for spaces, the Lottery member running the lottery shall provide for a verbal announcement of the election and a call for candidates and shall clearly state the location of a list on which candidates shall enter their names. (amending Lottery Rule V, "ELECTION OF LOTTERY COMMITTEE")

On May 1, 1995, the Art Commission adopted the following amendments:

FURTHER AMENDMENTS TO LOTTERY RULES/PROCEDURES

- 1) **Elimination of unofficial "mini-mini lottery" on Sundays** and institution of procedure whereby any street artist holding a lottery number-for the third day of a three-day lottery may enter the mini lottery of the second day.
- 2) **Amendment of Occupancy Rule** for a temporary six-month trial basis by eliminating the provision for a "marked" (assigned) space to remain vacant until the assigned artist uses it; to provide for a lottery to be held, after the noon lottery, to distribute vacant assigned spaces among non-assigned artists who may occupy such spaces until such time as they are occupied by the assigned artists; and to provide that in the event an assigned artist's display is fully set up in the assigned space and the artist is not present, no other artist may cover the display and/or sell in the space.

On June 6, 1995, the Art Commission adopted the following regarding **time of lottery reassigning improperly "marked" spaces** :

Motion to **disapprove** recommendation from Lottery Committee to amend Occupancy Rule by eliminating the requirement that the lottery to reassign spaces not properly "marked" takes place at 12:15 p.m. and to provide that such lottery shall take place after the Lottery member completes the noon walk and arrives on Beach Street.

On December 4, 1995, the Art Commission adopted the following amendments:

- 1) **Amendment of Lottery Rule V to provide for elimination of election of Lottery Committee members** and for selection of members by lot as early as possible and for a trial period of one year.
- 2) **Amendment of Lottery Rule VII to provide for elimination of Art Commission dismissal** of any Lottery Committee member who infringes the Lottery rules or the street artist ordinance, and to provide for Program Director to immediately dismiss any such member based on a valid complaint indicating just cause, and to authorize Program Director to act as

## FURTHER AMENDMENTS TO LOTTERY RULES/PROCEDURES

hearing officer on requests for reinstatement to the Lottery Committee, subject to appeal to Program Committee, and for a six-month trial period subject to further review.

- 3) **Amendment of Lottery Rule VIII to provide for two (2) Lottery Committee members per day to conduct the lotteries**, one member to conduct the Wharf lottery and one member to conduct the Downtown lottery, during the period of November 15 - January 15.

On January 8, 1996, the Art Commission adopted the following Amendment regarding artist's **failure to show certificate at lottery**:

**Motion to approve amendment of Lottery Rule VIII to provide that if a street artist fails to show, in obtaining a selling space at the lottery, a valid certificate for two (2) times in the duration of a month**, the Program shall institute a hearing procedure to consider suspending the artist's certificate.

On December 9, 1996, the Art Commission adopted the following procedure for lotterizing spaces adversely affected by **film companies** and for **compensating artists** for loss of such spaces:

**Motion to approve proposal for usage of compensation collected by Street Artists Program from film companies and photographers for street artist space used or adversely affected by filming or photographing**: proposal to place such used or adversely affected spaces into regular street artist lottery of the day the spaces are used/adversely affected, to prohibit artists who "sign in" for such spaces from using them and to allow such artists to receive from the Program a payment of \$200 to be processed by the Program upon receipt of compensation from the film company or to return to the Program as revenue any compensation leftover from such spaces not selected in the lottery, such accumulated compensation to possibly offset for the following year a fee increase due to increased Program costs or, conversely, to factor in with the fee revenue for possibly lowering the fee; adoption of proposal for a period of 12 months.

## FURTHER AMENDMENTS TO LOTTERY RULES/PROCEDURES

On April 7, 1997, the Art Commission adopted the following **amendment** to the above **"movie spaces"/compensation** procedure:

**Motion to approve amendment to Resolution No. 1209-96-561 to remove from the regular street artist lottery spaces used/adversely affected by film companies and photographers and to place such spaces into a separate lottery** open to all street artists including Lottery Committee members and helpers, and to prohibit Lottery Committee members and helpers from receiving priority in selecting such spaces; lottery for such spaces to occur at 9:00 a.m. prior to regular lottery or at 9:30 a.m. prior to secondary lottery.

On April 7, 1997, the Art Commission adopted the following procedure requiring **portrait artists and "funsketchers"** to use their **Main Wharf lottery numbers** to obtain **Leavenworth Street** spaces:

Motion to approve placement of Leavenworth Street spaces in main Wharf lottery and to require portrait artists, cartoonists, or funsketchers to use their main Wharf lottery numbers to obtain Leavenworth Street spaces.

On October 5, 1998, the Art Commission adopted the following lottery rule relating to a **Lottery Committee member's choice of a sales space**:

**LOTTERY COMMITTEE MEMBER'S CHOICE OF SALES SPACE AS COMPENSATION FOR CONDUCTING LOTTERY:** The Lottery Committee member may choose a sales space in either the Wharf or Downtown Lottery as compensation for running aforesaid lotteries any day of the week including Saturdays. If the member decides not to take a space in the lottery he or she was designated to run, the member may select a space in the opposite lottery, it being Downtown or Wharf, depending on which one the member was designated to run. Upon choosing to select the opposite lottery as compensation, the member may sign up after the designated Committee member and before the helpers.

On the first of second day of a lottery period, if a Committee member running a lottery chooses a space in the opposite lotterized area, the member may choose a space in that same area for the remaining days available in that lotterized period only by obtaining a number in the mini (secondary) lottery (the member may not choose a space in that area by obtaining a number in the main lottery). This procedure also applies to all days of the winter holiday season when two members run the lotteries each day. The only exception to the above procedure is a Lottery Committee member who runs the main lottery and chooses the opposite

## FURTHER AMENDMENTS TO LOTTERY RULES/PROCEDURES

lottery in which to sign up for a space on the third day of a three-day lottery period; in this case, the member may enter the opposite main lottery and use his or her number on the first or second day as well as be assigned a space on the third day of the three-day period.

On April 9, 2001, the Art Commission adopted the following rule authorizing **dismissal of Lottery Committee members who fail to announce movie lotteries:**

Motion to approve authorizing dismissal from the Street Artist Lottery Committee of any member who fails to publicly announce an upcoming "movie lottery."

On March 4, 2002, the Art Commission approved the following **amendment to the lottery helpers procedure:**

Motion to approve amendment to street artist lottery helpers procedure to allow a designated helper to fulfill his/her helpership without having to present his/her lottery slip if sign-up sheet indicating the artist's helpership is present.

On July 1, 2002, the Art Commission adopted the following **continuation of amended lottery procedures:**

Motion to approve continuation of amended lottery procedures to allow street artists to enter into the lotteries names of street artists not present at the lotteries.

On May 5, 2003, the Art Commission approved the following **rescission of amendment to Lottery Rule V:**

Motion to approve rescission of the amendment to Lottery Rule V which prohibits any Lottery Committee member who has served for twelve (12) months consecutively from being considered at the next time of the Committee's selection of members; rescission of amendment for the duration of one year subject to the rescission's continuation unless a complaint warrants a new hearing on the issue.

On July 14, 2003, the Art Commission approved the following **amendment of "Procedures for Sales Space Occupancy Rule":**

Motion to approve amendment of the "Procedures for Sales Space Occupancy Rule" for a six-month trial period to require street artists to mark their sales spaces by either attaching their lottery slip to a working part of their display or taping the slip to the pavement; amended procedure to continue unless a re-hearing is warranted based on complaint.

FURTHER AMENDMENTS TO LOTTERY RULES/PROCEDURES

On May 3, 2004, the Art Commission approved the following **amendment of the lottery procedure for assigning spaces:**

Motion to approve amendment to lottery procedure for assigning selling spaces to allow helperships received through the lottery to be for the same lottery period of the following week.

On November 1, 2004, the Art Commission approved the following **elimination of three (3) additional Lottery Committee members for winter holiday season:**

Motion to approve the elimination of three (3) additional temporary Lottery Committee members for the winter holiday season subject to review after the winter holiday season.

On November 1, 2004, the Art Commission approved the selection of **additional Lottery helpers for peak selling seasons:**

Motion to approve selection of additional Lottery helpers for peak selling seasons of winter (the day after Thanksgiving through the first Monday after January 1<sup>st</sup>) and summer (the Friday before Memorial Day through Labor Day).

On January 8, 2007, the Art Commission approved the following proposal for **Lottery Committee chairperson:**

Motion to approve proposal for Arts Commission to request chairperson of Street Artist Lottery Committee to attend all Street Artists Committee meetings.

On January 8, 2007, the Art Commission approved the following provision for **giving a last number:**

Motion to approve proposal to amend street artist lottery procedure to allow any street artist who misses a main lottery to be given a last number at the following day's sign-in of the same lottery period.

On August 6, 2007, the Art Commission approved the following provision for **lottery helper to announce names and numbers:**

Motion to approve amending the street artist space-assignment lottery procedure to require the lottery helper who records lottery numbers on pulled lottery slips to announce the artists' names and lottery numbers.

## **OTHER POLICIES AND PROCEDURES**

On July 1, 1991, the Art Commission approved a **PROCEDURE FOR MAKING POLICY: PROGRAM COMMITTEE OPTION TO REFER ITEMS TO STREET ARTISTS LIAISON COMMITTEE:**

All new items of street artist policy submitted to the Street Artists Program shall be initially calendared on the agenda of the Street Artists Program Committee for possible referral to the Street Artists Liaison Committee.

On August 5, 1991, the Art Commission-approved a street artist proposal for a space-sharing system known as the **"BUDDY SYSTEM":**

Motion to approve the proposal for space-sharing system; approval for three-month trial basis.

The procedure was re-adopted by the Commission on June 9, 1992:

Motion to approve request for re-adoption of "Buddy (space-sharing)System."

The rules of the "Buddy (space-sharing) System," sent to all members of the Street Artists Lottery and Liaison Committees on August 6, 1991, are herewith reprinted:

### **SPACE-SHARING SYSTEM**

#### **RULES:**

- 1) After a street artist has been assigned a space, they may share their space with one other street artist.
- 2) Before a space may be shared, the person assigned the space must be present and working in it.
- 3) Both street artists must conduct their own sales; and both certificates must be displayed at all times.
- 4) The person who is assigned the space cannot display their wares in a manner that is an attempt to give the space away.

## OTHER POLICIES AND PROCEDURES

- 5) When a display is shared and wares are arranged separately on the tabletop, the person assigned the space must occupy a minimum of one-half the display.
- 6) When a display is shared and wares are arranged in any manner other than separately on the tabletop, the person being allowed to share the display may not arrange their wares in a manner that dominates the display.
- 7) If the person assigned the space vacates it before 3:00 p.m., the person sharing the space must vacate it immediately, and the space is to be re-assigned according to the noon rule.
- 8) If there are any violations of these rules, both street artists will be cited.



PART I I I

ORDINANCES;

RESOLUTIONS;

PORT COMMISSION RESOLUTION NO. 95-96;

CITY ATTORNEY LETTERS RE: ARTS COMMISSION JURISDICTION;

MAPS OF STREET ARTIST SPACES;

DIAGRAM OF GENERAL DISPLAY SIZE REGULATIONS

ORDINANCE 41-83 STREET ARTISTS ORDINANCE

As amended in Bd. 1/31/83

FILE NO. 129-82-20

ORDINANCE NO. 41-83

(STREET ARTISTS)

AMENDING PART II, CHAPTER VIII, SAN FRANCISCO MUNICIPAL CODE  
(POLICE CODE) RELATING TO THE REGULATION OF STREET ARTISTS BY  
REPEALING ARTICLE 24 (SECTIONS 1700 THROUGH 1707) AND ARTICLE  
24.1 (SECTIONS 1720 THROUGH 1731); RENUMBERING AND AMENDING  
ARTICLE 24.2 (SECTIONS 2400 THROUGH 2407) TO SET FORTH AN  
INITIATIVE ORDINANCE RELATING TO STREET ARTISTS AND TO  
INCORPORATE PERTINENT PROVISIONS OF ARTICLE 24.1 WHICH IS TO BE  
REPEALED; AND ADDING SECTIONS 2408 through 2411 THERETO.

NOTE: See memorandum to Howard Lazar, dated  
November 3, 1982 for explanation of amendments.

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

Section 1. Article 24, Sections 1700 through 1707, of Part  
II, Chapter VIII, San Francisco Municipal Code is hereby repealed.

Section 2. Article 24.1, Sections 1720 through 1731, of  
Part II, Chapter VIII, San Francisco Municipal Code is hereby  
repealed.

Section 3. Article 24.2, Part II, Chapter VIII of the San  
Francisco Municipal Code is renumbered and amended to read as  
follows:

ARTICLE 24

REGULATING STREET ARTISTS

Section 2400. Statement of Purpose and Text of Street  
Artist Ordinance.

Section 2401. Additional Definitions.

Section 2402. Compensation of Advisory Committee.

Section 2403. Age Eligibility for Street Artists.

Section 2404. Street Artist Certificate: Disclaimer,  
Transfer, and Display.

Section 2405. Regulations for Street Artists.

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1 Section 2406. Lottery.  
2 Section 2407. Director of Public Works to Provide Markings.  
3 Section 2408. Issuance, denial, suspension or revocation  
4 of certificate; appeals.  
5 Section 2409. Appeals to Board of Permit Appeals.  
6 Section 2410. Criminal Violations: Penalties.  
7 Section 2411. Severability.

8  
9 Section 2400. Statement of Purpose and Text of Street  
10 Artist Ordinance. This ordinance is enacted to implement an  
11 initiative ordinance approved by the electors of San Francisco as  
12 Proposition "L" at the election held on November 4, 1975. The  
13 provisions of Proposition "L" are set forth herein for  
14 convenience and may only be amended by the electors of San  
15 Francisco. Proposition "L" reads as follows:

16 REGULATING STREET ARTISTS AND CRAFTSPERSONS

- 17 Sec. 1. Definitions.  
18 Sec. 2. Advisory Committee of Street Artists and  
19 Craftpersons Examiners; Establishment; Appointments:  
20 Compensation; Terms; Chairperson; Secretary.  
21 Sec. 3. Application.  
22 Sec. 4. Examination.  
23 Sec. 5. Issuance of Certificate.  
24 Sec. 6. Certificate Fee; Period.  
25 Sec. 7. Regulating Street Artists and Craftpersons.  
26 Sec. 8. Designation of Sales Areas.  
27 Sec. 9. Repeal.

28 "Sec. 1. Definitions. For the purposes of this  
29 ordinance the following words or phrases shall mean or  
30 include:

1 (a) "Art Commission". The Art Commission of the City  
2 and County.

3 (b) "Advisory Committee". The Advisory Committee of  
4 Street Artists and Crafts Examiners of the City and  
5 County.

6 (c) "City and County". The City and County of San  
7 Francisco.

8 (d) "Family Unit". Two or more persons jointly  
9 engaged in the creation or production of an art or  
10 craft item, no one of whom stands in an  
11 employer-employee relationship to any of the other  
12 members thereof, or, two or more physically or  
13 mentally handicapped persons participating in a formal  
14 rehabilitation program a part of which includes  
15 activities for the creation of arts and crafts by said  
16 persons.

17 (e) "Person". Any individual, copartnership, firm,  
18 association, joint stock company, corporation, or  
19 combination of individuals of whatever form or  
20 character; provided, however, that whenever a right,  
21 privilege, or power is conferred upon a person by the  
22 provisions of this ordinance, the term "person" shall  
23 mean an individual natural person.

24 "Sec. 2. Advisory Committee of Street Artists and  
25 Crafts Examiners; Establishment; Appointment;  
26 Compensation; Terms; Chairperson; Secretary. There is  
27 hereby established an Advisory Committee of Street  
28 Artists and Crafts Examiners, who shall advise the Art  
29 Commission on matters relating to the wares produced  
30 by street artists and to perform such other functions

1 as shall from time to time be deemed appropriate by  
2 the Commission. The Advisory Committee shall consist  
3 of five members to be appointed by the Mayor. Four of  
4 said members shall be experienced artists or  
5 craftspersons and each such member shall be appointed  
6 from among three persons whose names shall have been  
7 submitted to the Mayor for appointment by the Art  
8 Commission, and one of the members shall be an art  
9 educator. Each member shall be compensated for the  
10 time he or she spends in this capacity as assigned by  
11 the Chairperson at a rate of pay to be established  
12 from time to time by the Board of Supervisors. The  
13 term of each member shall be two years, provided that  
14 the five members first appointed by the Mayor shall,  
15 by lot, classify their terms so that the terms of two  
16 members shall be for a period of one year and the  
17 terms of three members shall be for a period of two  
18 years, and upon the expiration of these and successive  
19 terms, the Mayor shall appoint their successors for a  
20 two-year term in a manner similar to that described  
21 herein for the initial members. In the event a  
22 vacancy occurs during the term of office of any  
23 member, the Mayor shall appoint for the unexpired term  
24 of the office vacated, a successor in a manner similar  
25 to that described herein for the initial members. The  
26 Advisory Committee shall elect from its members a  
27 Chairperson and a Secretary to hold office for one  
28 year, or until their successors are duly elected and  
29 qualified. The Secretary shall keep an accurate  
30 record of all proceedings of the Advisory Committee

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1 which shall be open to inspection by the public at all  
2 times.

3 "Sec. 3. Application. Every person desiring  
4 certification as a street artist or craftsman  
5 pursuant to this ordinance shall file an application  
6 with the Art Commission upon a form provided by said  
7 Commission. Except as otherwise provided herein, said  
8 application shall specify:

9 (a) the applicant's residence address, place of  
10 employment where the work of art is produced and the  
11 mailing address of a person through whom the applicant  
12 may always be reached shall appear on the application.

13 (b) a description of the art or craft item for which  
14 the applicant seeks certification.

15 (c) a declaration under penalty of perjury that the  
16 art or craft item for which applicant seeks  
17 certification is of the applicant's own creation or  
18 the creation of the applicant's family unit, and that  
19 the applicant neither employs other persons nor is  
20 employed by another person in the production of the  
21 art or craft item for which applicant seeks  
22 certification.

23 "Sec. 4. Examination. Upon receipt of an application  
24 filed pursuant to this ordinance, the Executive  
25 Director of the Art Commission shall fix a date for  
26 Advisory Committee consideration and action upon said  
27 application and shall notify the applicant of said  
28 date. In its consideration of an application, the Art  
29 Commission shall examine representative samples of the  
30 applicant's work for the purposes of verifying the

1 information set forth in the application. After such  
2 examination, and for the purposes of further  
3 investigation, the Art Commission may designate one or  
4 more of its members to visit the studio or workshop of  
5 the applicant to view the applicant's facilities and  
6 to further verify that the art or craft item for which  
7 the applicant seeks certification is his or her own  
8 creation or those of his or her family unit.

9 "Sec. 5. Issuance of Certificate. If the applicant's  
10 examination is satisfactory, and if no charges of  
11 deception resorted to in obtaining the certificate, or  
12 any other violation of the applicable provisions of  
13 the San Francisco Municipal Code, have been filed with  
14 the Commission, upon payment of the certificate fee  
15 fixed by this ordinance, the Executive Director of the  
16 Art Commission shall issue a certificate to the  
17 applicant, duly signed, and shall show therein that  
18 the person named therein passed the examination and is  
19 entitled to engage in the display and sale of the  
20 specific art or craft item set forth in said  
21 certificate in accordance with the provisions of this  
22 ordinance.

23 "Sec. 6. Certificate Fee; Period. The fee for any  
24 certificate issued pursuant to the provisions of this  
25 ordinance shall be \$20.00 and said certificate shall  
26 be valid for a period of three months from the date of  
27 issuance.

28 "Sec. 7. Regulating Street Artists and Craftspersons.

29 (a) It shall be unlawful for any person to sell,  
30 offer for sale, expose for sale, or solicit offers to

1 purchase, any art or craft work of the person's own  
2 creation on any public street or public place where  
3 such activities are permitted, unless duly certified  
4 as a street artist or craftsman pursuant to the  
5 provisions of this ordinance, or duly licensed as a  
6 peddler pursuant to the provisions of Section 869 of  
7 Part II, Chapter VIII of the San Francisco Municipal  
8 Code (Police Code).

9 (b) It shall be unlawful for any person certified as  
10 a street artist or craftsman pursuant to the  
11 provisions of this ordinance to sell, offer for sale,  
12 expose for sale, or solicit offers to purchase, any  
13 art or craft work of the person's own creation on any  
14 public street or public place where such activities  
15 are not permitted, unless duly licensed as a peddler  
16 pursuant to the provisions of Section 869 of Part II,  
17 Chapter VIII of the San Francisco Municipal Code  
18 (Police Code).

19 (c) All or part of funds derived from the fees paid  
20 by street artists and craftsmen may be assigned by  
21 the Board of Supervisors to the Art Commission for use  
22 in paying members of the Advisory Committee as set  
23 forth in Section 2 above and to the San Francisco  
24 Police Department for enforcement of this Proposition.

25 "Sec 8. Designation of Sales Areas. The Board of  
26 Supervisors, by resolution after public hearings  
27 thereon, may designate areas in or on any public  
28 street or public place where any street artist or  
29 craftsman certified pursuant to the provisions of  
30 this ordinance may sell, offer for sale, expose for



1 sale, or solicit offers to purchase any art or craft  
2 item of his or her own creation; provided, however,  
3 that any designation of an area in a public place  
4 under the jurisdiction of an officer, board or  
5 commission of the City and County shall be subject to  
6 the approval of such officer, board or commission. In  
7 designating such areas, the Board of Supervisors may  
8 impose such conditions and limitations as, in its  
9 discretion, are necessary to prevent any undue  
10 interference with normal pedestrian or vehicular  
11 traffic, or any damage to surrounding property,  
12 including interference with use, view or enjoyment of  
13 public parks.

14 "Sec 9. Repeal. The initiative ordinance relative to  
15 permits and licenses for street artists, approved by  
16 the electorate as Proposition "J" on the ballot for  
17 the election held in the City and County of San  
18 Francisco on June 4, 1974, is hereby repealed."

19 Section 2401. Additional Definitions. For the purpose of  
20 administering Proposition "L", the following words or phrases  
21 shall mean or include:

22 (a) "Art" or "craft." The terms "art" or "craft" do not  
23 include any item intended or suitable for human consumption.

24 (b) "Handcrafted Item". An item predominantly created or  
25 significantly altered in form by the street artist.

26 (c) "Proposition "L". Proposition "L" on the November 4,  
27 1975 ballot in San Francisco, an initiative ordinance.

28 (d) "Street Artist". Any person who has been certified as  
29  
30

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1 a Street Artist or craftsperson pursuant to the provisions of  
2 Proposition "L".

3 (e) "Street Artist Certificate". A certificate issued by  
4 the Art Commission pursuant to the provisions of Proposition "L"  
5 and this Article.

6 Section 2402. Compensation of Advisory Committee.

7 Pursuant to the provisions of Section 2 of Proposition "L", the  
8 compensation of the appointive members of the Advisory Committee  
9 of Street Artists and Crafts Examiners shall be thirty-five  
10 dollars (\$35.00) for each meeting of the Advisory Committee  
11 actually attended by said members for fifty per cent (50%) of  
12 each meeting of four or more hours, provided that the aggregate  
13 amount paid each member shall not exceed thirty (30) meetings or  
14 one thousand fifty dollars (\$1050) per year.

15 Section 2403. Age Eligibility for Street Artists. No  
16 person under the age of sixteen is eligible for certification as  
17 a street artist.

18 Section 2404. Street Artist Certificate: Disclaimer,  
19 Transfer, and Display.

20 (a) Disclaimer. On each "Street Artist Certificate" the  
21 following words shall appear:

22  
23 "The issuance of this Certificate does not  
24 constitute an endorsement by the City and County  
of San Francisco of the Article sold pursuant to  
the terms of this Certificate."

25 (b) Transfer. Any Street Artist Certificate issued  
26 pursuant to the terms of this Article cannot be transferred to  
27 any other person as defined in Proposition "L".

28 (c) Display. The Art Commission shall issue to each  
29 Street Artist a Certification Card which shall contain a  
30 photograph of the Street Artist, the certificate number of all

1 members of the family unit and the number of the certificate in  
2 figures plainly discernible. The Art Commission, or its  
3 designee, shall determine the manner and form of any other  
4 information that may be placed upon this Certification Card. The  
5 Certification Card shall be displayed by the Street Artist at all  
6 times when said Street Artist is selling or soliciting offers to  
7 purchase any art or craft work. The photograph shall be  
8 furnished by the Street Artist.

9 Section 2405. Regulations for Street Artists.

10 (a) Street Artists shall sell, offer for sale or solicit  
11 offers to purchase only for those specific handcrafted art or craft  
12 items created personally by the Street Artist or the Street  
13 Artist's family unit for which the Street Artist has been certified.

14 (b) Street artists shall sell, offer for sale or solicit  
15 offers to purchase only in those areas designated by the Board of  
16 Supervisors by Resolution. The designation of any area in a  
17 public place under the jurisdiction of an officer, board or  
18 commission of the City and County is subject to the approval of,  
19 and to any rules or regulations imposed by, such officer, board  
20 or commission.

21 (c) In areas designated by the Board of Supervisors which  
22 are not under the jurisdiction of an officer, board or commission  
23 of the City and County, street artists shall sell, offer for sale  
24 or solicit offers to purchase subject to the following  
25 regulations:

- 26 (1) Not more than four and one-half (4-1/2) feet from the  
27 curb line of any sidewalk.  
28 (2) Not within eighteen (18) inches of the curb line of  
29 any sidewalk.  
30 (3) No more than five (5) feet above any sidewalk.

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- 1 (4) In an area not more than four (4) feet long.
- 2 (5) Sprinkler inlets, standpipe inlets (both wet and dry)
- 3 are to be kept clear for seven and one-half (7-1/2)
- 4 feet on each side, measured from the outer edge of
- 5 standpipe bank from the building line to the
- 6 sidewalk edge.
- 7 (6) Not within twelve (12) feet from the outer edge of any
- 8 entrance to any building including, but not limited
- 9 to, doors, driveways, emergency exits measured in each
- 10 direction parallel to the building line and thence at
- 11 a 90-degree angle to the curb.
- 12 (7) Fire escapes be unobstructed underneath and
- 13 perpendicular from building to the street five (5)
- 14 feet from both ends of fire escape.
- 15 (8) Not on any sidewalk adjacent to curb which has been
- 16 duly designated pursuant to local ordinance or
- 17 regulation as one of the following:
- 18 1. White zone
- 19 2. Yellow zone
- 20 3. Bus zone
- 21 (9) Not within five (5) feet of any crosswalk.
- 22 (10) Inflammable liquid vents and fill pipes to be kept
- 23 clear for five (5) feet in both directions on the
- 24 sidewalk when tanks are not being filled or within
- 25 twenty-five (25) feet while tank is being filled.
- 26 (11) Not within five (5) feet of the display of any other
- 27 Street Artist.
- 28 (12) Fire hydrants to have five (5) feet sidewalk clearance.
- 29 (13) No Street Artist shall sell, offer to sell, or solicit
- 30 offers to purchase between the hours of 12:00 a.m.

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(Midnight) and 6:00 a.m. of the following day.

(14) All displays and objects placed in those areas designated by the Board of Supervisors shall be removed by 12:00 a.m. (Midnight) and shall not be placed prior to 6:00 a.m. of the following day.

(15) No Street Artist shall sell, offer for sale, or solicit offers to purchase, from any vehicle.

(16) Street Artists shall engage in their activities on the public sidewalks of the City and County of San Francisco in such a manner that at all times there shall remain open for the passage of pedestrians a space of at least ten (10) feet in width, as measured on a line perpendicular to the curb line, between the edge of the sidewalk farthest from the curb and the edge of the Street Artists' activities. No portion of a Street Artist's activities shall be included in measuring the ten (10) foot clear pedestrian passageway. Notwithstanding the foregoing, the Board of Supervisors, by resolution, may temporarily permit Street Artists to engage in their activities in specified locations where ten (10) feet of clear pedestrian passageway cannot be maintained. Such temporary permission may not be granted by the Board of Supervisors for any period exceeding eighteen months.

Section 2406. Lottery.

(a) The Art Commission shall establish and supervise a lottery system whereby those persons certified by the Art Commission as Street Artists and possessing a valid State Board of Equalization Resale Permit shall be chosen by lot for the

1 available selling areas as designated by the Board of Supervisors  
2 by resolution.

3 (b) The Art Commission shall specify three days in each  
4 week for the holding of a lottery for selling areas which are  
5 designated by the Board of Supervisors.

6 (c) The Art Commission, at its discretion, may postpone any  
7 lottery if sufficient volunteers to conduct the lottery are not  
8 available. No fees shall be paid to the volunteers conducting  
9 the lottery or collected by the Art Commission to establish or  
10 supervise the lottery. Each volunteer conducting the lottery  
11 shall be compensated for his or her service with a single sales  
12 space of the volunteer's choice selected prior to and from the  
13 lottery the volunteer conducts and for the duration of the day in  
14 which the volunteer conducts the lottery.

15 (d) The Art Commission shall not be liable for any damage,  
16 injury or loss occasioned by the lottery.

17 (e) The Art Commission may make such reasonable rules and  
18 regulations as are necessary to effectuate the lottery.

19 (f) The Art Commission shall design and distribute to  
20 those chosen in the lottery on each day a lottery is held, a  
21 document identifying the person chosen, the craft of the person  
22 chosen and the location where the person chosen will be allowed  
23 to sell, offer for sale, or solicit offers to purchase.

24 (g) The lottery document shall be in the possession of the  
25 Street Artist at all times and shall be displayed to a police  
26 officer upon request.

27 (h) It shall be unlawful to sell, offer for sale, or  
28 solicit offers to purchase goods and crafts in those areas  
29 subject to the lottery without first obtaining a document from  
30 the Art Commission indicating the seller has been chosen for the

1 area or a document from the Art Commission indicating that no  
2 lottery document is necessary for that area.

3 Section 2407. Director of Public Works to Provide  
4 Markings. The Director of Public Works shall place identifying  
5 markings on public streets or curbs designated as sales areas by  
6 the Board of Supervisors. Said markings shall be consistent with  
7 the regulations contained in this Article.

8 Section 2408. Issuance, Denial, Suspension or Revocation  
9 of Certificate; Appeals.

10 (a) The issuance of Street Artist's certificates is  
11 governed by Section 5 of Proposition L. The violation by a  
12 Street Artist of any provision of Proposition "L", this Article  
13 or any rules or regulations issued pursuant to this Article of  
14 which the person has been given notice, shall be grounds for  
15 denial, suspension or revocation, after a public hearing and for  
16 good cause shown, of the Street Artist Certificate.

17 (b) The Art Commission shall adopt rules and regulations  
18 governing appeals to the Art Commission from a denial, suspension  
19 or revocation of a Street Artist's certificate.

20 Section 2409. Appeals to Board of Permit Appeals. Appeals  
21 to the Board of Permit Appeals from the final decision of the Art  
22 Commission to grant, deny, suspend or revoke a Street Artists  
23 Certificate shall be governed by Article 1, Section 30 of Part  
24 III of the Municipal Code and shall be filed not later than 10  
25 days after the final decision of the Art Commission.

26 Section 2410. Criminal Violations: Penalties.

27 (a) Except as provided in subsection (b), any person  
28 violating any provision of Proposition "L", this Article or any  
29 rules or regulations issued pursuant to this Article of which the  
30 person has been given notice, shall be guilty of an infraction

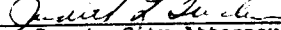
1 and subject to a fine of not in excess of \$100.

2 (b) A violation of any provision of Proposition 'L' or  
3 this Article which would otherwise be an infraction shall be a  
4 misdemeanor if the person who has violated such provision has  
5 previously been convicted of two or more violations within the  
6 twelve-month period immediately preceding the current offense and  
7 the prior convictions are admitted by the person charged with the  
8 violations or are alleged in the accusatory pleading. For this  
9 purpose, a bail forfeiture shall be deemed to be a conviction of  
10 the offense charged. A person convicted of a misdemeanor  
11 pursuant to this subsection shall be subject to imprisonment in  
12 the County Jail for a period not exceeding 30 days or a fine not  
13 exceeding \$500, or both.

14 Section 2411. Severability: If any section, subsection,  
15 subdivision, paragraph, sentence, clause or phrase in this  
16 Article or any part thereof, is for any reason held to be  
17 unconstitutional or invalid or ineffective by any court of  
18 competent jurisdiction, such decision shall not affect the  
19 validity or effectiveness of the remaining portions of this  
20 Article or any part thereof. The Board of Supervisors hereby  
21 declares that it would have passed each section, subsection,  
22 subdivision, paragraph, sentence, clause or phrase thereof  
23 irrespective of the fact that any one or more sections,  
24 sub-sections, subdivisions, paragraphs, sentences, clauses or  
25 phrases be declared unconstitutional or ineffective.  
26

27 APPROVED AS TO FORM:

28 GEORGE AGNOST  
29 City Attorney

30 By   
Deputy City Attorney

8394B  
11/1/82  
BOARD OF SUPERVISORS



PROPOSITION "K" PASSED BY THE VOTERS, NOVEMBER 8, 1983

FILE NO. 274-837

ORDINANCE NO. \_\_\_\_\_

(Street Artists)

1 AN ORDINANCE TO AMEND THE STREET ARTIST ORDINANCE (ADOPTED BY THE  
2 VOTERS AT AN ELECTION HELD ON NOVEMBER 4, 1975, AND RECODIFIED AS  
3 SECTION 2400 OF THE SAN FRANCISCO POLICE CODE) BY AMENDING  
4 SECTION 6 THEREOF TO PROVIDE FOR ANNUAL CERTIFICATES AND AN  
5 INCREASE IN FEES BY THE BOARD OF SUPERVISORS.  
6

7 Note: Additions or substitutions are indicated by underlining;  
8 Deletions are indicated by ((double parenthesis)).  
9

10 Be it ordained by the people of the City and County of San  
11 Francisco:

12 Section 1. Section 6 of the ordinance cited in the title  
13 hereof is amended to read as follows:

14 Section 6. Certificate Fee; Period. The fee for any  
15 certificate issued pursuant to the provisions of this ordinance  
16 shall be \$20.00 and said certificate shall be valid for a period  
17 of three months from the date of issuance; except that any person  
18 certified pursuant to the provisions of this ordinance shall have  
19 the option of purchasing for \$80.00 a certificate valid for a  
20 period of one year from the date of issuance. The Board of  
21 Supervisors may increase the certificate fee when necessary in  
22 order to finance the costs of the Art Commission in administering  
23 and enforcing the provisions of this ordinance.  
24

25 APPROVED AS TO FORM

26 GEORGE AGNOST  
27 City Attorney

28  
29 By Quint R. Brynion  
30 Deputy City Attorney

45540

ORDINANCE 511-84 (CERTIFICATE FEE; FEE SETTING  
PROCEDURE)

FILE NO. 121-84-19

ORDINANCE NO. 511-84

(Fees)

AMENDING PART II, CHAPTER VIII, ARTICLE 24, OF THE SAN FRANCISCO  
MUNICIPAL CODE (POLICE CODE) BY ADDING SECTIONS 2404.1 AND 2404.2  
THERE TO INCREASING THE FEE FOR A STREET ARTIST CERTIFICATE AND  
SETTING FORTH A PROCEDURE FOR ESTABLISHING FEES.

Note: This section is entirely new.

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

Section 1. Part II, Chapter VIII, Article 24, San  
Francisco Municipal Code (Police Code) is hereby amended by  
adding Sections 2404.1 and 2404.2 thereto to read as follows:

Section 2404.1. Street Artist Certificate: Fee. Pursuant  
to the provisions of Proposition K, adopted by the voters at an  
election held on November 8, 1983, the Board of Supervisors  
hereby establishes the fee for a Street Artist Certificate to be  
as follows: The fee for a Street Artist Certificate shall be  
\$40.00 and said certificate shall be valid for a period of three  
months from the date of issuance; except that any person  
certified as a Street Artist pursuant to the provisions of this  
Article shall have the option of purchasing for \$160.00 a  
certificate valid for a period of one year from the date of  
issuance.

Section 2404.2. Fee Setting Procedure. Each year the Arts  
Commission shall cause a report to be made of the revenues  
collected for Street Artist Certificates, the costs incurred in  
administering and enforcing the provisions of the Street Artist  
Ordinance (Proposition "L" adopted by the electors of San

///

1 Francisco at the election held on November 4, 1975), the  
2 anticipated costs for the ensuing year, and the fee which would  
3 be necessary to support such costs. Said report shall be filed  
4 with the Controller no later than April 1 of each year pursuant  
5 to the provisions of Section 3.17-2 of the San Francisco  
6 Administrative Code. The Controller shall file said report with  
7 the Board of Supervisors no later than May 15 of each year and  
8 the Board of Supervisors shall, by ordinance, establish or  
9 readjust the fee for a Street Artist Certificate. The fee set  
10 shall be equal to, but not greater than, the fees necessary to  
11 support the costs of administering and enforcing the provisions  
12 of the Street Artist Ordinance.

13  
14 APPROVED AS TO FORM:

15 GEORGE AGNOST, CITY ATTORNEY

16  
17 By Judith A. Boyajian  
18 Judith A. Boyajian  
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading

December 10, 1984

Ayes: Supervisors Britt Hongisto  
Kopp Maher Molinari Nelder Renne  
Silver Walker Ward

Absent: Supervisor Kennedy

§ Finally Passed

§  
§ December 17, 1984

§  
§  
§ Ayes: Supervisors Britt Hongisto  
§ Kennedy Maher Molinari Walker  
§ Ward

§  
§ Absent: Supervisors Kopp Nelder  
§ Renne Silver

I hereby certify that the foregoing ordinance  
was finally passed by the Board of Supervisors  
of the City and County of San Francisco

File No.  
121-84-19

12/21/84  
Date Approved

John Taylor  
Clerk  
James D. Harrison  
Mayor

FILE NO. 080514

ORDINANCE NO. 103-08

1 [Increasing Street Artist Certificate Fee and Increasing Rate of Compensation of the Advisory  
2 Committee of Street Artists and Crafts Examiners]

3 **Ordinance amending Article 24 of the San Francisco Police Code by amending Section**  
4 **2404.1 to increase the fee for a Street Artist Certificate and amending Section 2402 to**  
5 **increase the rate of compensation for the Advisory Committee of Street Artists and**  
6 **Craftsmen Examiners, and making environmental findings.**

7 Note: Additions are single-underline italics Times New Roman;  
8 deletions are ~~striketrough italics Times New Roman~~.  
9 Board amendment additions are double underlined.  
Board amendment deletions are ~~striketrough normal~~.

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

11 **Section 1. Findings**

12 The Planning Department has determined that the actions contemplated in this  
13 Ordinance are in compliance with the California Environmental Quality Act (California Public  
14 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the  
15 Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

16 **Section 2.** The San Francisco Police Code is hereby amended by amending Section  
17 2404.1, to read as follows:

18 **SEC. 2404.1. STREET ARTIST CERTIFICATE: FEE.**

19 Pursuant to the provisions of Proposition K, adopted by the voters at an election held  
20 on November 8, 1983, the Board of Supervisors hereby establishes the fee for a Street Artist  
21 Certificate to be as follows: ~~For the period beginning 30 days after enactment of this ordinance~~  
22 ~~through June 30, 2004~~ Beginning July 1, 2008, the fee for a quarterly Street Artist Certificate shall  
23 be ~~\$93.40~~ \$133.07 and said certificate shall be valid for a period of three months from the date  
24 of issuance; except that any person certified as a street artist pursuant to the provisions of this  
25 Article shall have the option of purchasing for ~~\$373.60~~ \$532.28 an annual certificate valid for a

1 period of one year from the date of issuance. ~~For the period from July 1, 2004 through June 30,~~  
2 ~~2005, the fee for a quarterly certificate shall be \$99.10 and the fee for an annual certificate shall be~~  
3 ~~\$396.40. Beginning on July 1, 2005, the fee for a quarterly certificate shall be \$104.80 and the fee for~~  
4 ~~an annual certificate shall be \$419.20.~~

5 **Section 3.** The San Francisco Police Code is hereby amended by amending Section  
6 2404.2, to read as follows:

7 **SEC. 2402. COMPENSATION OF ADVISORY COMMITTEE.**

8 Pursuant to the provisions of Section 2 of Proposition "L," the compensation of the  
9 appointive members of the Advisory Committee of Street Artists and Crafts~~men~~ Examiners  
10 shall be as follows:

11 (a) A member shall receive ~~\$80.00~~ \$100.00 plus reasonable travel expenses for  
12 each meeting of the Advisory Committee actually attended by said member for 50 percent of  
13 each meeting of four or more hours.

14 (b) A member shall receive ~~\$80.00~~ \$100.00 plus reasonable travel expenses for each  
15 visit to the studio or workshop of a certified street artist or an applicant for a Street Artist  
16 Certificate for the purpose of viewing the applicant's facilities and verifying that the art or craft  
17 item for which the applicant seeks certification is his or her own creation or those of his or her  
18 family unit, for an assignment of monitoring or inspecting street artist wares being sold in  
19 public locations, or for the performance of such other function as shall from time to time be  
20 deemed appropriate by the Arts Commission.

21 ///

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23 ///

24 ///

25 ///

Arts Commission  
**BOARD OF SUPERVISORS**

Page 2  
4/14/2008

1 (c) In no event shall the aggregate amount paid each member exceed 35 meetings/studio  
2 visits or ~~\$2,800.00~~ \$3,500.00 per year excluding reimbursement for reasonable travel expenses.  
3 For the purposes of this section, the term "reasonable travel expenses" shall include travel to  
4 and from a member's office or home.

5  
6 APPROVED AS TO FORM:  
7 DENNIS J. HERRERA, City Attorney

8 By:

  
9 ADINE K. VARAH  
10 Deputy City Attorney  
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# City and County of San Francisco

## Tails

### Ordinance

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 080514

**Date Passed:**

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and amending Section 2402 to increase the rate of compensation for the Advisory Committee of Street Artists and Craftsmen Examiners, and making environmental findings.

June 3, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 1 - Daly

June 10, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 1 - Daly

File No. 080514

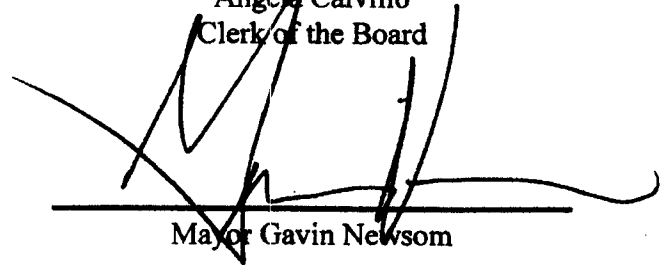
I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on June 10, 2008 by  
the Board of Supervisors of the City and  
County of San Francisco.



Angela Calvillo  
Clerk of the Board

6-18-08

Date Approved



Mayor Gavin Newsom



ORDINANCE 291-94 REVISION OF PROCEDURES FOR SUSPENSION/  
REVOCATION OF STREET ARTIST CERTIFICATES

File No. 121-94-7

ORDINANCE NO. 291-94

[Street Artist Hearing Procedure]

AMENDING PART II, CHAPTER VIII OF THE SAN FRANCISCO MUNICIPAL  
CODE (POLICE CODE) BY AMENDING SECTIONS 2401, 2408, AND 2409 TO  
REVISE PROCEDURES FOR THE SUSPENSION OR REVOCATION OF STREET  
ARTIST CERTIFICATES.

Note: Additions or substitutions are indicated by  
underlining; deletions are indicated by ((double  
parenthesis)).

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

((Section 2401)) Section 2401. Additional Definitions.

For the purpose of administering Proposition "L," the following  
words or phrases shall mean or include:

(a) "Art" or "Craft." The terms "art" or "craft" do not  
include any item intended or suitable for human consumption.

(b) "Handcrafted item." ((.)) An item predominantly  
created or significantly altered in form by the street artist.

(c) "Proposition ((.)) L."((.)) Proposition "L" on  
the November 4, 1975 ballot in San Francisco, an initiative  
ordinance.

(d) "Street Artist."((.)) Any person who has been  
certified as a street artist or craftsperson pursuant to the  
provisions of Proposition "L."

(e) "Street Artist Certificate."((.)) A certificate  
issued by the Art Commission pursuant to the provisions of  
Proposition "L" and this Article.

(f) "Street Artist Program." A program of the Art

BOARD OF SUPERVISORS

SUPERVISOR HALLINAN, *alio*  
8021;

PAGE NO.  
291-94

1 Commission which implements the provisions of Proposition "L" and  
2 this Article.

3 (g) "Street Artist Program Committee." A committee  
4 appointed by the Art Commission and consisting solely of  
5 Commission members. The Committee shall have responsibility for  
6 oversight of the Street Artist Program.

7 (h) "Program Director." The director of the Street  
8 Artist Program, responsible for administering the provisions of  
9 Proposition "L" and this Article, on behalf of the Executive  
10 Director of the Art Commission.

11 Section 2408. Issuance, Denial, Suspension, or Revocation  
12 of Certificate; Appeals.

13 (a) The issuance of Street Artist(( 's)) Certificates is  
14 governed by Section 5 of Proposition "L." The violation by a  
15 street artist of any provision of Proposition "L,"((.)) this  
16 Article or any rules or regulations issued pursuant to this  
17 Article of which the person has been given notice, shall be  
18 grounds for denial, suspension or revocation, after a public  
19 hearing and for good cause shown, of the Street Artist  
20 Certificate.

21 (b) The Art Commission shall adopt rules and regulations  
22 governing appeals ((to the Art Commission)) from a denial,  
23 suspension or revocation of a Street Artist(( 's)) Certificate. A  
24 public hearing on the suspension or revocation of a Street Artist  
25 Certificate shall be conducted by the Street Artist Program

BOARD OF SUPERVISORS

SUPERVISOR HALLINAN  
8021;

PAGE NO. 2  
5/20/91

1 Committee. The findings and recommendations of the Street Artist  
2 Program Committee shall be submitted directly to the Program  
3 Director, who shall approve or disapprove such findings and  
4 recommendations. The Program Director shall not amend such  
5 findings and recommendations. The Program Director may  
6 disapprove the findings and recommendations of the Street Artist  
7 Program Committee and order a rehearing only if: (1) the Program  
8 Director finds that a fair and public hearing has not occurred;  
9 (2) evidence critical to the Street Artist's case was not  
10 introduced except that a Street Artist shall not be relieved of  
11 his or her failure to put on evidence unless it was improperly  
12 excluded, or it constitutes new evidence which the Street Artist  
13 using reasonable diligence could not have obtained until after  
14 the hearing; or (3) the artist failed to appear at the hearing  
15 and has, for good cause, subsequently requested another hearing.  
16 A Street Artist shall have five business days following his or  
17 her hearing before the Street Artist Program Committee in which  
18 to request a rehearing, after which time the Program Director  
19 shall render his or her decision on the Program Committee's  
20 findings. The decision of the Program Director shall be made in  
21 writing, and may only be appealed in accordance with Section  
22 2409. The Program Director's decision concerning the suspension  
23 or revocation of a Street Artist Certificate shall not be  
24 appealable to any level of the Art Commission.

25 Section 2409. Appeals to Board of Permit Appeals. Appeals

BOARD OF SUPERVISORS

SUPERVISOR HALLINAN  
8021g

PAGE NO. 3  
5/20/94

1 to the Board of Permit Appeals from the final decision of the Art  
2 Commission to grant((,)) or deny((, suspend or revoke)) a Street  
3 Artist((s)) Certificate shall be governed by Article I, Section  
4 30 of Part III of the Municipal Code and shall be filed not later  
5 than ((10)) 15 days after the final decision of the Art  
6 Commission. Appeals to the Board of Permit Appeals from the  
7 final decision of the Program Director to suspend or revoke a  
8 Street Artist Certificate shall be governed by Article I, Section  
9 30 of Part III of the Municipal Code and shall be filed not later  
10 than 15 days after the Program Director's decision approving or  
11 disapproving the Program Committee's findings and recommendations.

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APPROVED AS TO FORM:

LOUISE H. RENNE  
City Attorney

By   
Deputy City Attorney

BOARD OF SUPERVISORS  
SUPERVISOR HALLINAN  
80219

PAGE NO 4  
5/20/94

ORDINANCE 383-96 APPLICATION/EXAMINATION FEE

FILE NO. 121-96-11

AS AMENDED IN COMMITTEE  
09/25/96

ORDINANCE NO. 383-96

1 [Street Artists]

2 AMENDING ARTICLE 24 OF THE SAN FRANCISCO POLICE CODE BY ADDING  
3 SECTION 2404.1.1 THERETO TO ESTABLISH A FEE TO COVER THE ARTS  
4 COMMISSIONS' COSTS OF ADMINISTERING THE APPLICATION/EXAMINATION  
5 PROCESS.

6 Note: This entire section is new.

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

9 Section 1. Article 24 of the San Francisco Police Code is  
10 hereby amended by adding Section 2404.1.1 to read as follows:

11 SEC. 2404.1.1. STREET ARTIST APPLICATION/EXAMINATION FEE.

12 Every person applying for street artist certification, whether  
13 for the first time or for re-issuance of certification after a  
14 lapse in payment of the certificate fee, shall pay a non-refundable  
15 application/examination fee. The fee shall initially be set at  
16 <sup>twenty</sup> ~~twenty-five~~ dollars <sup>(\$20)</sup> ~~(\$25)~~ and shall be paid upon filing of an  
17 application for certification. The application/examination fee  
18 collected shall be equal to, but shall not exceed, the fee  
19 necessary to support the costs of processing applications and  
20 examinations under the Street Artists Ordinance. As part of the  
21 report required by Section 2404.2 of this Article, each year the  
22  
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25


BOARD OF SUPERVISORS

1 Arts Commission shall report to the Controller the costs incurred  
2 in administering the application and examination process.

3 The funds credited to the Arts Commission pursuant to this  
4 Section, in combination with funds derived from Sections 2404.1 and  
5 2410 of this Ordinance, shall not exceed the actual cost to the  
6 Arts Commission of administering and enforcing Proposition "L" and  
7 this Article.  
8

9  
10 APPROVED AS TO FORM:

11  
12 LOUISE H. RENNE  
13 City Attorney

14 By:   
15 Deputy City Attorney  
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BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

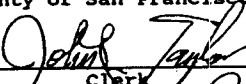
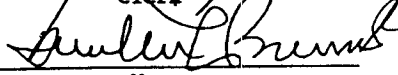
Passed for Second Reading	§ Finally Passed
	§
September 30, 1996	§ October 7, 1996
	§
	§
Ayes: Supervisors Alioto Ammiano	§ Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	§ Bierman Brown Hsieh Kaufman Leal
Leal Shelley Teng Yaki	§ Shelley Teng Yaki
	§
	§ Absent: Supervisor Katz

I hereby certify that the foregoing ordinance  
was finally passed by the Board of Supervisors  
of the City and County of San Francisco

File No.  
121-96-11

OCT 15 1996

Date Approved

  
Clerk  
  
Mayor

FILE NO. 990737

ORDINANCE NO. 151-99

*official book copy*

[STREET ARTISTS FUND]

AMENDING ARTICLE XIII, CHAPTER 10, PART I OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE) BY ADDING SECTION 10.117-123 THERETO, ESTABLISHING THE STREET ARTISTS FUND AS A SPECIAL FUND FOR THE PURPOSE OF RECEIVING ALL FUNDS RECEIVED BY THE SAN FRANCISCO ARTS COMMISSION STREET ARTISTS PROGRAM PURSUANT TO ARTICLE 24 OF THE SAN FRANCISCO POLICE CODE, AND PROVIDING FOR INTEREST ACCUMULATION THEREIN.

**NOTE: This entire section is new.**

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

Section 1. Chapter 10 of the San Francisco Administrative Code is hereby amended by adding Section 10.117-123, to read as follows:

**SEC. 10.117-123. STREET ARTIST FUND.**

- (a) **Establishment of Fund.** There is hereby established a special fund for the purpose of receiving all fees received by the San Francisco Arts Commission for the Street Artists Program pursuant to Article 24 of the San Francisco Police Code, sections 2400 – 2411 (Regulating Street Artists). Said special fund shall be known and designated as the "Street Artist Fund."
- (b) **Acceptance of Gifts.** All donations of money and other gifts which may be offered to the San Francisco Arts Commission for Street Artist Program purposes are hereby accepted for such purposes. Any grants, gifts and bequests from private sources for this purpose shall be deposited into said special fund.

SUPERVISOR TENG  
BOARD OF SUPERVISORS

Page 1  
4/14/99



- 1 (c) **Existing Street Artists Fund.** The Controller shall cause all funds previously  
2 received by the San Francisco Arts Commission pursuant to Article 24 of the  
3 San Francisco Police Code, Sections 2400 – 2411 (Regulating Street Artists), to  
4 be deposited into the Street Artist Fund established by this Section.
- 5 (d) **Expenditure of Monies.** The monies in this fund shall be expended, in  
6 accordance with the budgetary and fiscal provisions of the Charter, solely for the  
7 purposes of supporting the operation of the San Francisco Street Artists  
8 Program.
- 9 (e) **Interest.** Interest shall be credited by the Controller on any balance of funds  
10 accumulated in excess of \$50,000 remaining in said fund at the close of any  
11 ~~business day~~. Interest earned from the Street Artist Fund shall become part of  
12 the principal thereof, and shall not be expended for any purpose other than that  
13 for which said fund is established.
- 14 (f) **Accumulation of Monies in Fund.** The balance remaining in the Street Artist  
15 Fund at the close of any fiscal year shall be deemed to have been provided for a  
16 specific purpose within the meaning of the Charter and shall be carried forward  
17 and accumulated in said fund for the purposes recited herein.

18  
19  
20 APPROVED AS TO FORM:  
LOUISE H. RENNE, City Attorney

21  
22 By:

23   
MIRIAM L. STOMBLER  
24 Deputy City Attorney  
25

SUPERVISOR TENG  
BOARD OF SUPERVISORS

Page 2  
4/14/99



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

**File Number:** 990737

**Date Passed:**

Ordinance amending Administrative Code by adding Section 10.117-123, establishing the Street Artists Fund as a special fund for the purpose of receiving all funds received by the San Francisco Arts Commission Street Artists Program pursuant to Article 24 of the San Francisco Police Code, and providing for interest accumulation therein.

May 17, 1999 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Ammiano, Becerril, Bierman, Katz, Leno, Newsom, Teng, Yaki

Absent: 3 - Brown, Kaufman, Yee

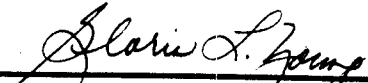
May 24, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng, Yaki, Yee

Absent: 1 - Katz

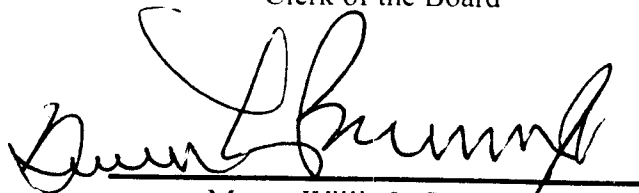
File No. 990737

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on May 24, 1999 by  
the Board of Supervisors of the City and  
County of San Francisco.

  
\_\_\_\_\_  
Gloria L. Young  
Clerk of the Board

JUN - 2 1999

Date Approved

  
\_\_\_\_\_  
Mayor Willie L. Brown Jr.

File No. 990737 continued...

City and County of San Francisco  
Tails Report continued...

RESOLUTION 572-77 (SALES SPACES)

FILE NO. 288-77-1

RESOLUTION NO. 572-77

DESIGNATING SALES AREAS FOR CERTIFIED STREET ARTISTS ON VARIOUS  
PUBLIC STREETS AND PUBLIC SPACES IN SAN FRANCISCO; RESCINDING  
RESOLUTION NO. 867-76; DESIGNATING TERMINATION DATE FOR TEMPORARY SITES.

WHEREAS, Ordinance No. 489-75 authorized the Board of Super-  
visors, by resolution, to designate sales areas where any street  
artist or craftsman previously certified may sell art or craft items;  
now, therefore, be it

RESOLVED, That the following street areas and public places  
are designated:

	<u>Spaces</u>
1. Justin Herman Plaza, upon approval of the Recreation and Park Commission	100
2. Golden Gate Park, Music Concourse, upon approval of the Recreation and Park Commission	23
3. The Embarcadero, north side, Powell to Mason Streets as designated and approved by the Port Commission	66
4. Jefferson Street, north side, Taylor to Mason Streets, as designated and approved by the Port Commission	9
5. Hallidie Plaza, west of Fifth Street Hallidie Plaza, east of Fifth Street, upon approval by the Director of Public Works and the Director of Property	9 51
6. Bay Plaza, surface areas, Montgomery and Market Streets, upon approval of the Director of Public Works	8

and, be it

FURTHER RESOLVED, That the following areas on public streets  
are hereby designated as sales areas:

RESOLUTION 572-77 (SALES SPACES)

7. Taylor Street, east side, North Point to Beach Streets	28
8. Taylor Street, east side, Bay to North Point Streets	8
9. Taylor Street, west side, Bay to North Point Streets	7
10. Leavenworth Street, west side, Beach to Jefferson Streets	10
11. Hyde Street, east side, Beach to Jefferson Streets	21
12. Jefferson Street, south side, Hyde to Leavenworth Streets	9
13. Jefferson Street, south side, Leavenworth to Jones Streets	22
14. Jefferson Street, north side, Leavenworth to Jones Streets	6
15. Jefferson Street, south side, Jones to Taylor Streets	4
16. Jefferson Street, south side, Mason to Powell Streets	4
17. Beach Street, north side, Larkin to Hyde Streets	44
18. Beach Street, north side, Hyde to Leavenworth Streets	6
18(a). Beach Street, north side, Hyde to Leavenworth Streets (Temporary)	2
18(b). Beach Street, north side, Larkin to Polk Streets (Temporary)	10
19. Point Lobos Avenue, area in front of Cliff House	3
20. O'Farrell Street, north side, Stockton Street to Grant Avenue	14
21. O'Farrell Street, south side, Stockton Street to Grant Avenue	6
22. O'Farrell Street, south side, Stockton Street to Powell Street	8
23. Geary Street, south side, Stockton Street to Grant Avenue	7
24. Grant Avenue, east side, O'Farrell to Geary Streets	11
25. Grant Avenue, west side, O'Farrell to Geary Streets	3
26. Grant Avenue, east side, Geary to Post Streets	4
27. Grant Avenue, west side, Geary to Post Streets	3
28. Grant Avenue, east side, Post to Sutter Streets	4
29. Grant Avenue, west side, Post to Sutter Streets	3
30. Grant Avenue, east side, Sutter to Bush Streets	6

RESOLUTION 572-77 (SALES SPACES)

- |  |    |
|--|----|
| 31. Grant Avenue, west side, Sutter to Bush Streets    | 3  |
| 32. Stockton Street, east side, Post to Sutter Streets | 6  |
| 33. Stockton Street, west side, Post to Sutter Streets | 2  |
| 34. Market Street, north side, Fifth to Sixth Streets  | 3  |
| 35. Market Street, south side, Fifth to Sixth Streets  | 8  |
| 36. Market Street, south side, Fourth to Fifth Streets | 6  |
| 37. Market Street, north side, Third to Fourth Streets | 5  |
| 38. Market Street, south side, Third to Fourth Streets | 34 |
| 39. Market Street, north side, Second to Third Streets | 8  |
| 40. Market Street and Steuart Street, northeast corner | 9  |
- and, be it

FURTHER RESOLVED, That the sales areas hereinabove indicated as temporary sites shall terminate effective October 1, 1978; and, be it

FURTHER RESOLVED, That Resolution No. 857-76 is hereby rescinded.

Adopted—Board of Supervisors, San Francisco.....JUL 18 1977.....

Ayes: Supervisors Barbagelata, Freitas, Franco, Gonzalez, Kopp, Mendelsohn, Moskowitz, Neider, Priel, Tamara, von Beroldingen.

No: Supervisor TAMARAS.....

Absent: Supervisors FEINSTEIN MOLINARI PELOSI.....

I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco

258-77-1 JUL 18 1977  
File No. Approved  
Clerk  
Mayor

NOTE: The "temporary" areas listed in Resolution 572-77 were reinstated by Resolutions 887-78, 932-79, and 849-80.

RESOLUTION 404-81 (UNITED NATIONS PLAZA)

FILE NO. 214-81-2

RESOLUTION NO. 404-81

1 DESIGNATING UNITED NATIONS PLAZA AS SALES AREA FOR STREET ARTISTS CERTIFIED  
2 BY ART COMMISSION, CITY AND COUNTY OF SAN FRANCISCO.  
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6 WHEREAS, The Street Artist Ordinance adopted by the voters November 4,  
7 1975, authorizes the Board of Supervisors, by resolution, to designate sales  
8 areas where any street artist or craftsman previously certified may sell art  
9 or craft items; and

10 WHEREAS, the Art Commission at its meeting of November 3, 1980 accepted  
11 the proposal by the Market Street Project that United Nations Plaza be utilized  
12 as an area for street artist participation; and

13 WHEREAS, the Art Commission at its meeting of March 2, 1981, proposed  
14 that United Nations Plaza be utilized by a daily maximum number of fifty (50)  
15 street artists; and

16 WHEREAS, this participation in conjunction with the planned Inner City  
17 Farmer's Market will add to San Francisco's cultural image; now, therefore, be it

18 RESOLVED, That United Nations Plaza is hereby designated as a legal  
19 sales area for a daily maximum of fifty (50) street artists certified by the  
20 Art Commission, City and County of San Francisco.

Adopted—Board of Supervisors, San Francisco..... MAY 26 1981.....

Ayes: Supervisors Britt, Dolson, Hongisto, Kennedy, Kopp, Molinari, Nelder, Renne, Silver, Walker, Ward.

~~Noes: Supervisors~~

~~Absent: Supervisors~~

I hereby certify that the foregoing resolution was adopted by the  
Board of Supervisors of the City and County of San Francisco.

214-81-2  
File No.

MAY 29 1981  
Approved

Ed Borman  
Clerk  
Dianne Feinstein  
Mayor

FILE NO. 274-83-2

ORDINANCE NO. 388-83

ORDINANCE 388-83 EXEMPTING AREAS FROM REGULATIONS

(Street Artists)

AMENDING PART II, CHAPTER VIII, SAN FRANCISCO MUNICIPAL CODE  
(POLICE CODE) RELATING TO THE REGULATION OF STREET ARTISTS BY  
AMENDING SECTION 2405 TO ADD A PROVISION AUTHORIZING THE BOARD OF  
SUPERVISORS TO EXEMPT DESIGNATED AREAS FROM REGULATIONS

NOTE: Additions or substitutions are indicated by  
underlining; deletions are indicated by  
((double parentheses)).

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

Section 1. Part II, Chapter VIII, San Francisco Municipal  
Code (Police Code) is hereby amended by amending Section 2405  
thereof to read as follows:

(a) Street Artists shall sell, offer for sale or solicit  
offers to purchase only for those specific handcrafted art or  
items created personally by the Street Artist or Street  
Artist which the Street Artist has

(d) In the Resolution designating or redesignating an  
area where Street Artists may sell, offer for sale or solicit  
offers to purchase, the Board of Supervisors may exempt the area  
from one or more of the regulations set forth in subsection (c)  
above if the Board finds that the exemption will not be  
inconsistent with or interfere with the purposes of the  
regulation from which the area is exempted.

Passed for Second Reading  
Board of Supervisors, San Francisco  
June 27, 1983

Ayes: Supervisors Britt, Hongisto, Kennedy,  
Kopp, Maher, Molinari, Nelder, Renne, Silver,  
Walker, Ward.

~~Noes: Supervisors~~

Absent: Supervisors Kopp Ward

*M. B. Maguire* ACTING Clerk

274-83-2  
File No.

JUL 14 1983  
Approved

Read Second Time and Finally Passed  
Board of Supervisors, San Francisco

JUL 5 1983

Ayes: Supervisors Britt, Hongisto, Kennedy,  
Kopp, Maher, Molinari, Nelder, Renne, Silver,  
Walker, Ward.

~~Noes: Supervisors~~

~~Absent: Supervisors~~

I hereby certify that the foregoing ordinance was  
finally passed by the Board of Supervisors of the  
City and County of San Francisco.

*John L. Taylor* 63 Clerk  
*Harold K. Kopp* Mayor



RESOLUTION 626-83 STOCKTON STREET SPACES

ED. NO. 274-83-3

RESOLUTION NO.

626-83

1 REDESIGNATING STOCKTON STREET, WEST SIDE, POST TO SUTTER STREETS,  
2 AS A SALES AREA FOR STREET ARTISTS CERTIFIED BY ART COMMISSION,  
3 CITY AND COUNTY OF SAN FRANCISCO, AND EXEMPTING SAID AREA FROM  
4 THE REGULATION PROHIBITING SELLING ADJACENT TO A WHITE ZONE; PROVIDING  
5 FOR OPERATIVE DATE.

6 WHEREAS, the Street Artist Ordinance adopted by the voters  
7 November 4, 1975 authorizes the Board of Supervisors, by  
8 resolution, to designate sales areas where any street artist or  
9 craftsman previously certified may sell art or craft items; and

10 WHEREAS, the Board of Supervisors by Resolution 572-77  
11 previously designated eight (8) spaces on Stockton Street, West  
12 Side, Post to Sutter Streets, as a street artists sales area; and

13 WHEREAS, subsequent to the designation by the Board of  
14 Supervisors of Stockton Street, West Side, Post to Sutter  
15 Streets, as a street artists sales area the curb adjacent to said  
16 area was designated a white zone; and

17 WHEREAS, the Board of Supervisors finds that use of  
18 Stockton Street, West Side, Post to Sutter Streets, as a street  
19 artists sales area will not be inconsistent with or interfere  
20 with the purpose of the adjacent white zone;

21 NOW, THEREFORE, BE IT RESOLVED that Stockton Street, West  
22 Side, Post to Sutter Streets, is redesignated as a legal sales  
23 area for Street Artists certified by the Art Commission of the  
24 City and County of San Francisco, said sales area to consist of a  
25 maximum of eight (8) spaces;

26 FURTHER RESOLVED that Stockton Street, West Side, Post to  
27 Sutter Streets, is exempt from the provisions of subsection  
28 2405(c)(8)(I), which prohibits Street Artists from selling,  
29 offering for sale or soliciting offers to purchase on any  
30 sidewalk adjacent to a curb which has been designated as a white  
zone.

6/27/83

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FURTHER RESOLVED, That this resolution shall become operative upon the

effective date of the ordinance contained in Board of Supervisors File No. 274-83-2.

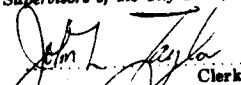
Adopted—Board of Supervisors, San Francisco..... JUL 5 1983

Ayes: Supervisors ~~Britt~~, Hongisto, Kennedy, Kopp, Maher, Molinari, Nelder, Renne, ~~Silver~~, Walker, ~~Ward~~.

~~No. Supervisors~~

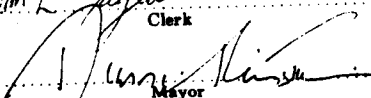
Absent: Supervisors..... BRITT SILVER WARD 3

I hereby certify that the foregoing resolution was adopted by the  
Board of Supervisors of the City and County of San Francisco.

  
Clerk

274-83-3  
File No.

JUL 14 1983  
Approved

  
Mayor

RESOLUTION 817-84 (BART PLAZA)

AMENDMENT OF THE WHOLE AS  
PREPARED IN COMMITTEE 10/11/84

FILE NO. 378-84-1

RESOLUTION NO. 817-84

(Street Artist)

DESIGNATING ADDITIONAL DISPLAY SPACES AT BART PLAZA, MONTGOMERY AND  
MARKET STREETS, AS A SALES AREA FOR STREET ARTISTS CERTIFIED BY THE  
ARTS COMMISSION, CITY AND COUNTY OF SAN FRANCISCO, AND EXEMPTING  
SAID AREA FROM THE REGULATION PROHIBITING A STREET ARTIST FROM  
SELLING, OFFERING FOR SALE OR SOLICITING OFFERS TO PURCHASE WITHIN  
FIVE (5) FEET OF THE DISPLAY OF ANY OTHER STREET ARTIST.

WHEREAS, The Street Artist Ordinance adopted by the voters on  
November 4, 1975, authorizes the Board of Supervisors, by resolution,  
to designate sales areas where any street artist or craftsman previously  
certified may sell art or craft items; and

WHEREAS, the Board of Supervisors by Resolution 572-77 designated  
eight (8) spaces at BART Plaza, surface areas, Montgomery and Market  
Streets, as a street artist sales area; and

WHEREAS, for the Christmas season of 1983, the Board of Supervisors  
by Resolution 960-83, and pursuant to Police Code Section 2405(c),  
exempted from subsection (11) the eight permanent and four temporary  
(Christmas season) spaces located at BART Plaza, providing for at  
least two feet between displays; and

WHEREAS, The Arts Commission has approved the concept of  
designating four (4) temporary spaces at BART Plaza as permanent  
(year-round) spaces by exempting the BART Plaza area from subsection (11)  
of Police Code Section 2405(c), as based upon a review of locations  
agreement by the Street Artists Association, the Downtown Association  
and the Street Artists Program staff of the Arts Commission; now,  
therefore, be it

RESOLVED, That the following public place is designated as a sales  
area for street artists certified by the Arts Commission, City and  
County of San Francisco:

1 2 3 4 5 6 7 8 9 10 11	<p>BART Plaza, surface areas, Montgomery and Market  Streets, upon approval of the Director of  Public Works</p> <p>and, be it</p> <p>FURTHER RESOLVED, That BART Plaza, surface areas, Montgomery  and Market Streets, is exempt from the provision of subsection (11)  of Police Code Section 2405(c), which prohibits a street artist  from selling, offering for sale or soliciting offers to purchase  within five (5) feet of the display of any other street artist,  provided, however, that there will be at least two (2) feet between  the displays.</p>	<p><u>Spaces</u></p> <p>12</p>
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Adopted - Board of Supervisors. San Francisco October 22. 1984

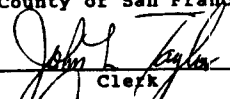
Ayes: Supervisors Britt Hongisto Kennedy Kopp Maher Molinari  
Nelder Renne Walker

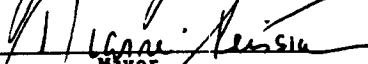
Absent: Supervisors Silver Ward

I hereby certify that the foregoing resolution  
was adopted by the Board of Supervisors  
of the City and County of San Francisco

File No.  
378-84-1

OCT 26 1984  
Date Approved

  
Clerk

  
Mayor

RESOLUTION 773-87 MARKET/DRUMM ST. SPACES

FILE NO. 165-87-1

RESOLUTION NO. 773-87

1 DESIGNATING MARKET STREET, AT DRUMM AND SPEAR STREETS (BY CABLECAR  
2 TURNAROUND), AS A SALES AREA FOR STREET ARTISTS CERTIFIED BY ARTS  
3 COMMISSION, CITY AND COUNTY OF SAN FRANCISCO; REQUIRING AN ANNUAL  
4 REVIEW.

5  
6 WHEREAS, The Street Artist Ordinance adopted by the voters  
7 November 4, 1975, authorizes the Board of Supervisors, by resolution,  
8 to designate sales areas where any street artist or craftsman  
9 previously certified may sell art or craft items; and

10 WHEREAS, Last year the Board of Supervisors in Resolution No.  
11 935-86 approved nine (9) temporary selling spaces on Market Street,  
12 at Drumm and Spear Streets (by the cablecar turnaround), for the  
13 street artists for the Christmas 1986 selling season; and

14 WHEREAS, The Arts Commission has approved the concept of designat-  
15 ing eight (8) temporary spaces on Market Street, at Drumm and Spear  
16 Streets (by the cablecar turnaround), as permanent (year-round)  
17 spaces, as based upon a review of locations agreement by the Street  
18 Artists Guild, the Downtown Association, and the Street Artists  
19 Program staff of the Arts Commission; now, therefore, be it

20 RESOLVED, That the following public place is designated as a  
21 sales area for street artists certified by the Arts Commission, City  
22 and County of San Francisco:

23	Market Street, at Drumm and Spear Streets	<u>Spaces</u>
24	(by cablecar turnaround)	8

25 FURTHER RESOLVED, That each August the Arts Commission shall  
26 submit the sales area designation under this resolution to the Board  
27 of Supervisors for review; and be it

28 FURTHER RESOLVED, That the Arts Commission shall present a copy  
29 of its annual request for Board of Supervisors review, at the time  
30 submitted, to the Municipal Railway; and be it

BOARD OF SUPERVISORS

1 FURTHER RESOLVED, That upon approval of the resolution by her  
2 Honor, the Mayor, the Clerk shall send a copy of this resolution to  
3 the Arts Commission.  
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Adopted - Board of Supervisors, San Francisco August 17, 1987

Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher  
Molinari Silver Walker

Absent: Supervisors Nelder Ward

I hereby certify that the foregoing resolution  
was adopted by the Board of Supervisors  
of the City and County of San Francisco

File No.  
165-87-1

8/27/87  
Date Approved

Mary Anne Burke  
ACTING Clerk

John F. Sutter  
Mayor

RESOLUTION 743-89 "GRANT-7" AND "8" (FORMERLY  
"Z-36" AND "Z-37")

Amended in Committee  
9/19/89

FILE NO. 245-89-2

RESOLUTION NO. 743-89

1 DESIGNATING TWO FORMER TEMPORARY SELLING SPACES ON GRANT AVENUE, WEST SIDE,  
2 POST TO SUTTER STREETS, AS PERMANENT (YEAR-ROUND) SELLING SPACES FOR STREET  
3 ARTISTS CERTIFIED BY THE ARTS COMMISSION, CITY AND COUNTY OF SAN FRANCISCO;  
4 RESCINDING TWO PERMANENT SELLING SPACES ON GRANT AVENUE, WEST SIDE, POST TO  
5 SUTTER STREETS.

6  
7 WHEREAS, The Street Artist Ordinance adopted by the voters on  
8 November 4, 1975, authorizes the Board of Supervisors, by resolution, to  
9 designate sales areas where any street artist or craftsman previously  
10 certified may sell art or craft items; and

11 WHEREAS, The Board of Supervisors, by Resolution No. 572-77, designated  
12 five (5) permanent (year-round) selling spaces on Grant Avenue, west side,  
13 Post to Sutter Streets, for street artists; and

14 WHEREAS, The Board of Supervisors, by Resolutions Nos. 838-88,  
15 1030-87, and 935-86, designated two (2) temporary selling spaces (known as  
16 "Z-36" and "Z-37") on Grant Avenue, west side, Post to Sutter Streets, for  
17 street artists for the Christmas selling season of 1988, 1987, and 1986; and

18 WHEREAS, The Arts Commission has approved the concept of designating  
19 the two temporary spaces on Grant Avenue, west side, Post to Sutter Streets,  
20 as permanent (year-round) spaces, and has approved the concept of rescinding  
21 two of the five permanent spaces (the two known as "G-10" and "G-11") and  
22 of designating them as temporary selling spaces for the Christmas season,  
23 as based upon a review of locations agreement by the Union Square  
24 Association, the Street Artists Program staff of the Arts Commission, and  
25 the street artists, now, therefore, be it

26 RESOLVED, That the two temporary selling spaces (known as "Z-36" and  
27 "Z-37") on Grant Avenue, west side, Post to Sutter Streets, as designated in  
28 Resolutions Nos. 838-88, 1030-87, and 935-86, are hereby designated as  
29 permanent (year-round) spaces for street artists certified by the Arts  
30 Commission, City and County of San Francisco; and be it

1                   FURTHER RESOLVED, That two permanent selling spaces (known as "G-10"  
2                   and "G-11") of the five permanent selling spaces on Grant Avenue, west  
3                   side, Post to Sutter Streets, as designated in Resolution No. 572-77, are  
kg 4                   hereby rescinded ~~and shall be submitted, in a subsequent resolution, for~~  
9/19 5                   ~~designation as temporary selling spaces for the Christmas season.~~  
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Adopted - Board of Supervisors, San Francisco September 25, 1989

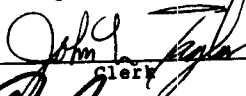
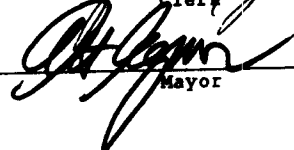
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh  
Maher Nelder

Absent: Supervisors Kennedy Walker Ward

I hereby certify that the foregoing resolution  
was adopted by the Board of Supervisors  
of the City and County of San Francisco

File No.  
245-89-2

9-28-89  
Date Approved

  
Clerk  
  
Mayor



RESOLUTION 407-90 "LEAVENWORTH-1" AND "2"

FILE NO. 169-90-1

RESOLUTION NO. 407-90

1 REDESIGNATING TWO SELLING SPACES ON LEAVENWORTH STREET, WEST SIDE, BEACH  
2 TO JEFFERSON STREETS, FOR STREET ARTISTS CERTIFIED BY THE ART COMMISSION,  
3 CITY AND COUNTY OF SAN FRANCISCO, AND EXEMPTING SAID SPACES FROM THE  
4 REGULATION PROHIBITING SELLING WITHIN TWELVE FEET FROM THE OUTER EDGE OF  
5 ANY ENTRANCE TO ANY BUILDING; DESIGNATING TERMINATION DATE FOR SPACES.

6  
7 WHEREAS, The Street Artist Ordinance adopted by the voters on  
8 November 4, 1975, authorizes the Board of Supervisors, by resolution, to  
9 designate sales areas where any street artist or craftsman previously  
10 certified may sell art or craft items; and

11 WHEREAS, The Board of Supervisors, by Resolution No. 572-77 (July 18,  
12 1977) designated ten (10) selling spaces on Leavenworth Street, west side,  
13 Beach to Jefferson Streets, for street artists; and

14 WHEREAS, The placement of a doorway in the Cannery building adjacent  
15 to the first two of the above-described ten spaces now renders these first  
16 two spaces in violation of Police Code Section 2405 (c) (6) which prohibits  
17 street artists from selling, offering for sale or soliciting offers to  
18 purchase on any sidewalk within twelve (12) feet from the outer edge of  
19 any entrance to any building measured in each direction parallel to the  
20 building line and thence at a 90-degree angle to the curb; and

21 WHEREAS, The prohibition of street artists from selling in the above-  
22 described two spaces represents a severe hardship for artists, especially  
23 those artists who have sold their wares in these spaces since 1977; and

24 WHEREAS, The Art Commission has approved the concept of redesignating  
25 the two spaces on Leavenworth Street by exempting the spaces from the  
26 provisions of Police Code Section 2405 (c) (6) as based on a review by  
27 the management of the Cannery, the Street Artists Program staff of the  
28 Arts Commission, and the street artists who sell their wares on  
29 Leavenworth Street; and

30 WHEREAS, The Board of Supervisors, by Resolution Nos. 626-83, 960-83,

1 816-84, 817-84, 935-85, 935-86, 1030-87, 838-88, 629-89, and 860-89,  
2 has exempted various selling spaces from certain provisions of Police  
3 Code Section 2405 (c); now, therefore, be it

4 RESOLVED, That the first two selling spaces on Leavenworth Street,  
5 west side, Beach to Jefferson Streets, originally designated by Resolution  
6 No. 572-77 and redesignated by Resolution No. 629-89, are hereby  
7 redesignated as a sales area for street artists certified by the Art  
8 Commission, City and County of San Francisco; and, be it

9 FURTHER RESOLVED, That the first two spaces on Leavenworth Street,  
10 west side, Jefferson to Beach Streets, are hereby exempt from the  
11 provisions of Police Code Section 2405 (c) (6); and, be it

12 FURTHER RESOLVED, That the two spaces hereinabove indicated shall  
13 terminate effective February 1, 1991.  
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Adopted - Board of Supervisors, San Francisco May 29, 1990

Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hsieh Kennedy  
Maher Nelder Ward

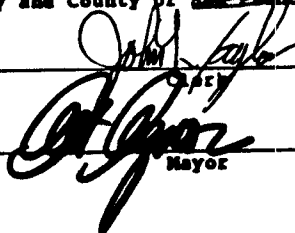
Absent: Supervisors Hongisto Walker

I hereby certify that the foregoing resolution  
was adopted by the Board of Supervisors  
of the City and County of San Francisco

File No.  
169-90-1

JUN 6 1990

Date Approved

  
\_\_\_\_\_  
Mayor

RESOLUTION 617-92 "GRANT-6"

7/7/92 - Amendment of the Whole.

FILE NO. 169-92-1

RESOLUTION NO. 617-92

[Street Artist]

1 REDESIGNATING ONE SELLING SPACE ON GRANT AVENUE, WEST SIDE, GEARY STREET TO MAIDEN  
2 LANE, FOR STREET ARTISTS CERTIFIED BY THE ART COMMISSION, CITY AND COUNTY OF  
3 SAN FRANCISCO, AND EXEMPTING SAID SPACE FROM THE REGULATION PROHIBITING SELLING  
4 ADJACENT TO A YELLOW ZONE; PROVIDING FOR AN ANNUAL REVIEW OF THIS REDESIGNATION  
5 BEGINNING IN AUGUST OF 1993, AND DESCRIBING THE PURPOSE OF THE ANNUAL REVIEW.

6  
7 WHEREAS, The Street Artist Ordinance adopted by the voters on November 4,  
8 1975, authorizes the Board of Supervisors, by resolution, to designate sales areas  
9 where any street artist or craftsman previously certified may sell art or craft  
10 items; and

11 WHEREAS, The Board of Supervisors, by Resolution No. 572-77, previously  
12 designated three (3) spaces on Grant Avenue, west side, Geary to Post Streets, as  
13 a street artist sales area; and

14 WHEREAS, Subsequent to the designation by the Board of Supervisors of Grant  
15 Avenue, west side, Geary to Post Streets, as a street artist sales area, the curb  
16 adjacent to one (1) street artist space in said area nearest to Maiden Lane was  
17 designated a yellow zone; and

18 WHEREAS, The Board of Supervisors finds that use of the one (1) space on  
19 Grant Avenue, west side, Geary Street to Maiden Lane, as a street artist space  
20 will not be inconsistent with or interfere with the purpose of the adjacent yellow  
21 zone at this time; now, therefore, be it

22 RESOLVED, That the one (1) space on Grant Avenue, west side, Geary Street to  
23 Maiden Lane, is redesignated as a legal sales space for street artists certified  
24 by the Art Commission of the City and County of San Francisco; and, be it

25 / / / /

BOARD OF SUPERVISORS

1           FURTHER RESOLVED, That the one (1) space on Grant Avenue, west side, Geary  
2 Street to Maiden Lane, is exempt from the provisions of subsection 2405(c)(8)(2).  
3 Ordinance No. 41-83, which prohibits street artists from selling, offering for sale  
4 or soliciting offers to purchase on any sidewalk adjacent to a curb which has  
5 been designated as a yellow zone; and, be it

6           FURTHER RESOLVED, That the street artist redesignation shall be reviewed by  
7 a committee of the Board of Supervisors on an annual basis beginning in August of  
8 1993; and, be it

9           FURTHER RESOLVED, That the purpose of the annual review shall be to determine  
10 whether or not the use of the one (1) space on Grant Avenue, west side, Geary  
11 Street to Maiden Lane, as a street artist space has become inconsistent with or  
12 interferes with the purpose of the adjacent yellow zone.

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BOARD OF SUPERVISORS

Adopted - Board of Supervisors, San Francisco July 13, 1992

Ayca: Supervisors Britt Gonzalez Hallinan Hsieh Kennedy Maher


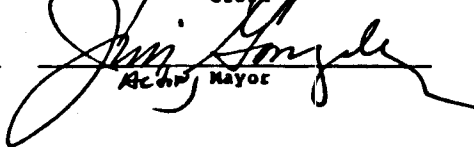
Absent: Supervisors Achtenberg Alioto Conroy Migden Shelley

I hereby certify that the foregoing resolution  
was adopted by the Board of Supervisors  
of the City and County of San Francisco

File No.  
169-92-1

JUL 14 1992

Date Approved

  
Clerk  
  
Acting Mayor

RESOLUTION 737-93 "CHEVRON-1" THROUGH "5"  
(FORMERLY "Z-10" THROUGH "14")

FILE NO. 169-93-2

RESOLUTION NO. 737-93

(Street Artists)

1 DESIGNATING FIVE FORMER TEMPORARY SELLING SPACES ON MARKET  
2 STREET, SOUTH SIDE, SUTTER AND SANSOME STREETS, AS PERMANENT  
3 SELLING SPACES FOR STREET ARTISTS CERTIFIED BY ART COMMISSION,  
4 CITY AND COUNTY OF SAN FRANCISCO; HOLDING HARMLESS FROM ANY  
5 LITIGATION ANY BUILDING ADJACENT TO SAID SPACES.

6  
7 WHEREAS, The Street Artist Ordinance adopted by the voters  
8 on November 4, 1975 authorizes the Board of Supervisors, by  
9 resolution, to designate sales areas where any street artist  
0 or craftsman previously certified may sell art or craft items;  
1 and

2 WHEREAS, The Board of Supervisors by Resolutions Nos. 994-  
3 92, 981-91, 863-90, 860-89, 838-88, 1030-87, 935-86, 935-85,  
4 816-84, 960-83, and 916-82 designated temporary selling spaces  
5 on Market Street, south side, Sutter and Sansome Streets, for  
6 street artists for the Christmas selling season of 1992, 1991,  
7 1990, 1989, 1988, 1987, 1986, 1985, 1984, 1983, and 1982; and

8 WHEREAS, The Board of Supervisors by Resolution No. 994-  
9 92 designated five (5) temporary selling spaces, known as "Z-  
0 10" through "Z-14", on Market Street, south side, Sutter and  
1 Sansome Streets, for a period of six months subject to review  
2 by a committee of the Board of Supervisors in May of 1993 to  
3 determine whether or not these designations endanger the public  
4 or result in congested pedestrian traffic in the immediate area;  
5 and

BOARD OF SUPERVISORS

1           WHEREAS. The Art Commission, after conducting public  
2 hearings, resolved to request the Board of Supervisors to  
3 designate the five spaces on Market Street, south side, Sansome  
4 and Sutter Streets, as permanent spaces and that the Art  
5 Commission's Street Artists Program use available street artist  
6 certificate fees to pay for Police enforcement for all street  
7 artist selling areas; and

8           WHEREAS, The Housing and Land Use Committee of the Board  
9 of Supervisors has reviewed the five selling spaces and  
10 determined that these street artist designations do not endanger  
11 the public or result in congested pedestrian traffic in the  
12 immediate area; now, therefore, be it

13           RESOLVED, That five (5) former temporary selling spaces,  
14 known as "Z-10" through "Z-14", on Market Street, south side,  
15 Sutter and Sansome Streets, as designated in Resolutions Nos.  
16 994-92, 981-91, 863-90, 860-89, 838-88, 1030-87, 935-86, 935-  
17 85, 816-84, 960-83, and 916-82, are hereby designated as  
18 permanent selling spaces for street artists certified by the  
19 Art Commission, City and County of San Francisco; and be it

20           FURTHER RESOLVED, That the owners or management of any  
21 building adjacent to the above designated spaces shall be held  
22 harmless in the event of any litigation resulting from the  
23 designation of these spaces.

24  
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*Supervisor Hallinan, Alberto*  
BOARD OF SUPERVISORS



Adopted - Board of Supervisors, San Francisco September 13, 1993

Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kennedy  
Leal Maher Migden Shelley

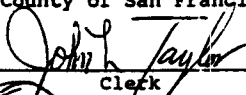
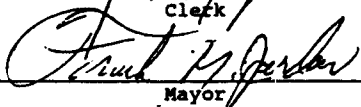
Absent: Supervisor Kaufman

I hereby certify that the foregoing resolution  
was adopted by the Board of Supervisors  
of the City and County of San Francisco

File No.  
169-93-2

SEP 17 1993

Date Approved

  
Clerk  
  
Mayor



RESOLUTION 577-95 "BEACH-O" AND "BEACH-OO" SPACES

AS AMENDED IN COMMITTEE - 7/11/95

FILE NO. 169-95-1

RESOLUTION NO. 577-95

1 (Street Artist)

2 REDESIGNATING TWO SELLING SPACES ON BEACH STREET, NORTHWEST  
3 CORNER, AT HYDE STREET, FOR STREET ARTISTS CERTIFIED BY THE  
4 ART COMMISSION, CITY AND COUNTY OF SAN FRANCISCO.

5  
6  
7 WHEREAS, The Street Artist Ordinance adopted by the voters  
8 on November 4, 1975, authorizes the Board of Supervisors, by  
9 resolution, to designate sales areas where any street artist  
10 or craftsperson previously certified may sell art or craft items;  
11 and

12 WHEREAS, A survey by the Art Commission's Street Artists  
13 Program found that in recent years one hundred fifteen street  
14 artist selling spaces in the Fisherman's Wharf area had been  
15 eliminated due to construction; and

16 WHEREAS, The Board of Supervisors in Resolution No. 572-  
17 77 approved forty-four selling spaces for street artists on  
18 Beach Street; north side, Larkin to Hyde Streets; and

19 WHEREAS, The Board of Supervisors in Resolution No. 940-  
20 91 approved two selling spaces for street artists on Beach  
21 Street, northwest corner, at Hyde Street, subject to review  
22 by a committee of the Board of Supervisors every six months,  
23 beginning in May of 1992, and ending in May of 1993; and

24 WHEREAS, The Board of Supervisors in Resolutions Nos. 618-  
25 92, 248-93, and 532-94 approved the redesignation of the two  
Supervisor Hallinan

BOARD OF SUPERVISORS

1 selling spaces on Beach Street, northwest corner, at Hyde Street  
2 for six-month periods; and

3 WHEREAS, The Art Commission, after public hearing, has  
4 recommended that the two selling spaces on Beach Street,  
5 northwest corner, at Hyde Street, be redesignated on a permanent  
6 basis; and

RJ  
7/11

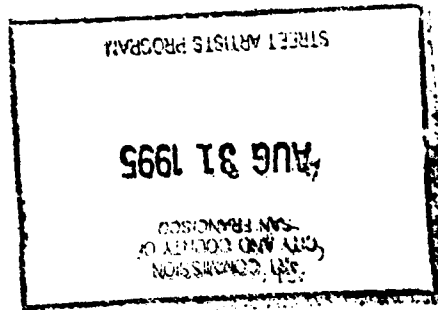
7 Government Efficiency and Labor  
8 WHEREAS, The ~~Housing and Land Use~~ Committee of the Board  
9 of Supervisors has reviewed the two selling spaces and determined  
10 that these street artist designations do not endanger the public,  
11 result in congested pedestrian traffic in the immediate area,  
12 or threaten the continuation of City permits of any other and,  
13 especially, any pre-existing permit holders in the immediate  
14 area; now, therefore, be it

15 RESOLVED, That the Board of Supervisors hereby redesignates  
16 the following selling spaces for street artists certified by  
17 the Art Commission:

18 Spaces

19 2 - Beach Street, northwest corner, at Hyde Street.  
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BOARD OF SUPERVISORS



Adopted - Board of Supervisors, San Francisco July 17, 1995

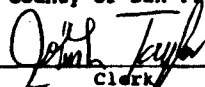

Ayes: Supervisors Alioto Amiano Bierman Hallinan Hsieh Kaufman  
Kennedy Leal Migden Shelley Teng

I hereby certify that the foregoing resolution  
was adopted by the Board of Supervisors  
of the City and County of San Francisco

File No.  
169-95-1

JUL 28 1995

Date Approved

  
Clerk  
  
Mayor

RESOLUTION 568-96 "CHEVRON-6" THROUGH "9"  
(FORMERLY "Z-15" THROUGH "18") AND "SUTTER-1"  
THROUGH "3" (FORMERLY "Z-29" THROUGH "31")

FILE NO. 169-26-2

RESOLUTION NO. 568-96

(Street Artists)

1 DESIGNATING FOUR FORMER TEMPORARY HOLIDAY SELLING SPACES ON MARKET STREET, SOUTH  
2 SIDE, 2ND TO 1ST STREETS, AS PERMANENT SELLING SPACES AND DESIGNATING THREE  
3 FORMER TEMPORARY HOLIDAY SELLING SPACES ON SUTTER STREET, SOUTH SIDE, AT MARKET  
4 STREET, FOR ONE YEAR SUBJECT TO BOARD OF SUPERVISORS REVIEW FOR STREET ARTISTS  
5 CERTIFIED BY ART COMMISSION, CITY AND COUNTY OF SAN FRANCISCO.

6  
7 WHEREAS, The Street Artist Ordinance adopted by the voters on November 4,  
8 1975 authorizes the Board of Supervisors, by resolution, to designate sales  
9 areas where any street artist or craftsman previously certified may sell  
10 art or craft items; and

11 WHEREAS, The Board of Supervisors in Resolutions Nos. 922-95, 945-94,  
12 875-93, 994-92, 981-91, 863-90, 860-89, 838-88, 1030-87, 935-86, 935-85,  
13 816-84, 960-83, and 916-82 designated temporary holiday selling spaces on  
14 Market Street, south side, 2nd to 1st Streets, for street artists certified by  
15 the Art Commission, City and County of San Francisco; and

16 WHEREAS, The Board of Supervisors in Resolution No. 737-93 designated five  
17 (5) of the above former temporary selling spaces (known as "Z-10" through  
18 "14") on Market Street, south side, 2nd to 1st Streets, as permanent selling  
19 spaces for street artists; and

20 WHEREAS, The Board of Supervisors in Resolutions Nos. 922-95, 945-94,  
21 875-93, 994-92, 981-91, 863-90, 860-89, 838-88, 1030-87, and 935-86 designated  
22 three (3) temporary holiday selling spaces (known as "Z-29" through "31")  
23 on Sutter Street, south side, at Market Street, for street artists; and

24 WHEREAS, The Art Commission, after conducting public hearings, resolved  
25 to request the Board of Supervisors to designate for street artists four (4)

BOARD OF SUPERVISORS

SUPERVISORS: SHELLEY, BIERMAN, TENG

1 of the above former temporary holiday selling spaces (known as "Z-15,"  
2 "16," "17," and "18") on Market Street, south side, 2nd to 1st Streets, as  
3 permanent selling spaces and to designate the above three (3) former  
4 temporary holiday selling spaces (known as "Z-29," "30," and "31") on  
5 Sutter Street, south side, at Market Street, for one year subject to review  
6 by the Board of Supervisors; and

7 WHEREAS, The Board of Supervisors has determined that the above  
8 requested seven spaces meet all of the public fire and safety regulations as  
9 provided in Section 2405, Ordinance 41-83 (Street Artist Ordinance); now,  
10 therefore, be it

11 RESOLVED, That four (4) former temporary holiday selling spaces (known  
12 as "Z-15," "16," "17," and "18") on Market Street, south side, 2nd to 1st  
13 Streets, as designated in Resolutions Nos. 922-95, 945-94, 875-93, 994-92,  
14 981-91, 863-90, 860-89, 838-88, 1030-87, 935-86, 935-85, 816-84, 960-83, and  
15 916-82, are hereby designated as permanent selling spaces for street artists  
16 certified by the Art Commission, City and County of San Francisco; and be it

17 FURTHER RESOLVED, That three (3) former temporary holiday selling  
18 spaces (known as "Z-29," "30," and "31") on Sutter Street, south side, at  
19 Market Street, as designated in Resolutions Nos. 922-95, 945-94, 875-93,  
20 994-92, 981-91, 863-90, 860-89, 838-88, 1030-87, and 935-86, are hereby  
21 designated for one year for street artists certified by the Art Commission,  
22 City and County of San Francisco; and be it

23 FURTHER RESOLVED, That these three spaces on Sutter Street, south  
24 side, at Market Street, shall be reviewed by a committee of the Board of  
25 Supervisors after one year in order to determine whether or not these

BOARD OF SUPERVISORS

1 designations endanger the public or result in congested pedestrian traffic  
2 and to consider whether these spaces shall be made permanent.  
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Adopted - Board of Supervisors, San Francisco June 17, 1996

Ayes: Supervisors Alioto Amiano Bierman Brown Hsieh Katz  
Kaufman Leal Shelley Yaki

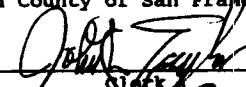
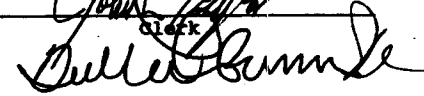
Absent: Supervisor Teng

I hereby certify that the foregoing resolution  
was adopted by the Board of Supervisors  
of the City and County of San Francisco

File No. .  
169-96-2

JUN 19 1996

Date Approved

  
Clerk  
  
Mayor

23  
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BOARD OF SUPERVISORS

RESOLUTION 569-96 "STOCKTON-O", "OO", AND "OOO" SPACES

As Amended in Board  
6/17/96

FILE NO. 169-96-3

RESOLUTION NO. 569-96

(Street Artists)

1 RE-DESIGNATING FOR SIX MONTHS THREE SELLING SPACES ON STOCKTON STREET, WEST  
2 SIDE, AT O'FARRELL STREET, FOR STREET ARTISTS CERTIFIED BY THE ART COMMISSION,  
7/963 CITY AND COUNTY OF SAN FRANCISCO, ~~HOLDING HARMLESS FROM ANY LITIGATION ANY~~  
4 ~~BUILDING ADJACENT TO SAID STREET ARTIST SPACES.~~

5  
6 WHEREAS, The Street Artist Ordinance adopted by the voters on November 4,  
7 1975 authorizes the Board of Supervisors, by resolution, to designate sales  
8 areas where any street artist or craftsman previously certified may sell  
9 art or craft items; and

10 WHEREAS, The Board of Supervisors in Resolution No. 871-95 approved  
11 three selling spaces for street artists on Stockton Street, west side, at  
12 O'Farrell Street for six months; and

13 WHEREAS, The Art Commission, after conducting public hearings, resolved  
14 to request the Board of Supervisors to re-designate for six months the three  
15 selling spaces on Stockton Street, west side, at O'Farrell Street; and

16 WHEREAS, The Board of Supervisors has determined that the requested  
17 three selling spaces on Stockton Street, west side, at O'Farrell Street meet  
18 all of the public fire and safety regulations as provided in Section 2405,  
19 Ordinance 41-83 (Street Artist Ordinance); now, therefore, be it

20 RESOLVED, That the Board of Supervisors hereby re-designates for six  
21 months the following selling spaces for street artists certified by the Art  
22 Commission:

23 Spaces

24 3 - Stockton Street, west side, at O'Farrell Street.

25 ~~and be it~~

BOARD OF SUPERVISORS

SUPERVISORS SHELLEY, BIERMAN, TENG, ALIOTO



6/17/96

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~~FURTHER RESOLVED, That the owners or management of any building  
adjacent to the above designated spaces shall be held harmless in the event  
of any litigation resulting from the designation of these spaces.~~

Adopted - Board of Supervisors, San Francisco June 17, 1996

Ayes: Supervisors Alioto Amiano Bierman Brown Hsieh Katz  
Kaufman Leal Shelley Yaki

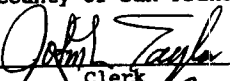
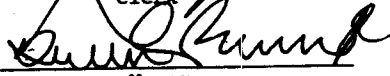
Absent: Supervisor Teng

I hereby certify that the foregoing resolution  
was adopted by the Board of Supervisors  
of the City and County of San Francisco

File No.  
169-96-3

JUN 19 1996

Date Approved

  
Clerk  
  
Mayor

FILE NO. 992286

RESOLUTION NO. 1175-99

(Street Artists)

1 DESIGNATING FIVE FORMER TEMPORARY SELLING SPACES ON GRANT AVENUE,  
2 EAST SIDE, POST TO SUTTER STREETS, AND ONE FORMER TEMPORARY  
3 SELLING SPACE ON GRANT AVENUE, WEST SIDE, POST TO SUTTER STREETS,  
4 AS PERMANENT SELLING SPACES FOR STREET ARTISTS CERTIFIED BY  
5 ARTS COMMISSION, CITY AND COUNTY OF SAN FRANCISCO.

6  
7 WHEREAS, The Street Artist Ordinance adopted by the voters  
8 on November 4, 1975 authorizes the Board of Supervisors, by  
9 resolution, to designate sales areas where any street artist  
10 or craftsperson previously certified may sell art or craft items;  
11 and

12 WHEREAS, The Board of Supervisors in Resolution 964-98  
13 designated for six months five selling spaces on Grant Avenue,  
14 east side, Post to Sutter Streets, and one selling space on  
15 Grant Avenue, west side, Post to Sutter Streets, for street  
16 artists certified by the Arts Commission, City and County of  
17 San Francisco; and

18 WHEREAS, The Arts Commission, after conducting public  
19 hearings, resolved to request the Board of Supervisors to re-  
20 designate the five selling spaces on Grant Avenue, east side,  
21 Post to Sutter Streets, and the one selling space on Grant  
22 Avenue, west side, Post to Sutter Streets, as permanent selling  
23 spaces for street artists; and

24 WHEREAS, The Board of Supervisors has determined that the  
25 requested six selling spaces on Grant Avenue, Post to Sutter

SUPERVISOR TENG, NEWSOM  
BOARD OF SUPERVISORS

1 Streets, meet all of the public fire and safety regulations  
2 as provided in Section 2405, Ordinance 41-83 (Street Artist  
3 Ordinance); now, therefore, be it

4 RESOLVED, That the Board of Supervisors hereby designates  
5 the following selling spaces as permanent selling spaces for  
6 street artists certified by the Arts Commission:

7 Spaces

8 5 - Stockton Street, east side, Post to Sutter  
9 Streets.

10 1 - Stockton Street, west side, Post to Sutter  
11 Streets.



# City and County of San Francisco

## Tails

## Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 992286

**Date Passed:**

Resolution designating five former temporary selling spaces on Grant Avenue, east side, Post to Sutter Streets, and one former temporary selling space on Grant Avenue, west side, Post to Sutter Streets, as permanent selling spaces for street artists certified by Arts Commission, City and County of San Francisco.

December 20, 1999 Board of Supervisors — ADOPTED

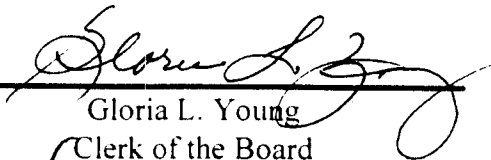
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

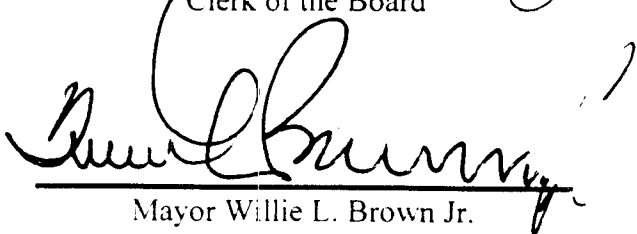
File No. 992286

I hereby certify that the foregoing Resolution  
was ADOPTED on December 20, 1999 by the  
Board of Supervisors of the City and County  
of San Francisco.

DEC 30 1999

Date Approved

  
Gloria L. Young  
Clerk of the Board

  
Mayor Willie L. Brown Jr.

FILE NO. 990691

Official Source Copy  
RESOLUTION NO. 455-99

1 (STREET ARTISTS)  
2 DESIGNATING ELEVEN TEMPORARY SELLING SPACES ON HYDE STREET,  
3 WEST SIDE, BEACH TO JEFFERSON STREETS, FOR STREET ARTISTS  
4 CERTIFIED BY THE ART COMMISSION, CITY AND COUNTY OF SAN  
5 FRANCISCO; DESIGNATION COMMENCING WITH DISPLACEMENT OF TWENTY-  
6 ONE SPACES ON HYDE STREET, EAST SIDE, BEACH TO JEFFERSON STREETS,  
7 DUE TO RENOVATION OF HASLETT WAREHOUSE (WHARFSIDE BUILDING);  
8 EXEMPTING SAID ELEVEN SPACES ON HYDE STREET, WEST SIDE, BEACH  
9 TO JEFFERSON STREETS, FROM THE PROVISIONS OF POLICE CODE SECTION  
10 2405(C)(16) REQUIRING STREET ARTISTS TO MAINTAIN A MINIMUM OF  
11 TEN FEET OF PASSAGEWAY FOR PEDESTRIANS; AND TERMINATING SAID  
12 ELEVEN SPACES ON HYDE STREET, WEST SIDE, BEACH TO JEFFERSON  
13 STREETS, UPON COMPLETION OF RENOVATION OF HASLETT WAREHOUSE  
14 AND RESTORATION OF SAID TWENTYONE SPACES ON HYDE STREET, EAST  
15 SIDE, BEACH TO JEFFERSON STREETS  
16

17 WHEREAS, The Street Artist Ordinance adopted by the voters  
18 on November 4, 1975 authorizes the Board of Supervisors, by  
19 resolution, to designate sales areas where any street artist  
20 or craftsperson previously certified may sell art or craft items;  
21 and

22 WHEREAS, The Board of Supervisors in Resolution Nos. 867-  
23 76 and 572-77 designated twenty-one selling spaces for street  
24 artists on Hyde Street, west side, Beach to Jefferson Streets;  
25 and

SUPERVISOR TENG  
BOARD OF SUPERVISORS

1        WHEREAS, The twenty-one designated spaces on Hyde Street,  
2 west side, Beach to Jefferson Streets, have proven to be prime  
3 selling locations for the street artists for the past twenty-  
4 three years; and

5        WHEREAS, The twenty-one designated spaces on Hyde Street,  
6 west side, Beach to Jefferson Streets, are essential to the  
7 limited supply of spaces for street artists, as a result of  
8 the elimination of spaces due to construction, curb zone  
9 changes, newsracks, planter boxes, etc.; and

10       WHEREAS, The west side of the Haslett Warehouse (Wharfside  
11 Building), belonging to the United States Department of the  
12 Interior, National Park Service, San Francisco Maritime National  
13 Historic Park, is adjacent to the twenty-one designated spaces  
14 on Hyde Street; and

15       WHEREAS, The impending renovation of the Haslett Warehouse  
16 will be requiring the closure of the east sidewalk of Hyde  
17 Street, Beach to Jefferson Streets, for the duration of the  
18 renovation; and

19       WHEREAS, The closure of said sidewalk will eliminate the  
20 twenty-one designated spaces for street artists; and

21       WHEREAS, The Art Commission, after conducting a public  
22 hearing, resolved to request the Board of Supervisors to  
23 designate eleven temporary spaces for street artists on Hyde  
24 Street, west side, Beach to Jefferson Streets, as partial  
25 replacement of the twenty-one spaces on the east side of Hyde

Street, and to commence such temporary designation with the displacement of the twenty-one spaces by the Haslett Warehouse renovation and to terminate such temporary designation upon restoration of the twenty-one spaces; now, therefore, be it

RESOLVED, That the Board of Supervisors hereby designates for the duration of the renovation of the Haslett Warehouse the following spaces for street artists certified by the Art Commission:

Spaces

11 - Hyde Street, west side, Beach to Jefferson  
Streets

and be it

FURTHER RESOLVED, That the eleven (11) temporary spaces on Hyde Street, west side, Beach to Jefferson Streets, are exempt from the provisions of Police Code Section 2405(c)(16) which requires street artists to maintain for the passage of pedestrians a space of at least ten (10) feet in width, as measured on a line perpendicular to the curb line, between the edge of the sidewalk farthest from the curb and the edge of the street artists' activities; and be it

RESOLVED  
FURTHER ~~RESOLVED~~, That the designation of the eleven (11) temporary spaces on Hyde Street, west side, Beach to Jefferson Streets, shall terminate upon completion of the renovation of the Haslett Warehouse and the restoration of the twenty-one spaces on Hyde Street, east side, Beach to Jefferson Streets.

SUPERVISOR TENG  
Board of Supervisors





# City and County of San Francisco

## Tails

### Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 990691

**Date Passed:**

Resolution designating eleven temporary selling spaces on Hyde Street, west side, Beach to Jefferson Streets, for street artists certified by the Art Commission, City and County of San Francisco; designation commencing with displacement of twenty-one spaces on Hyde Street, east side, Beach to Jefferson Streets, due to renovation of Haslett Warehouse (Wharfside Building); exempting said eleven spaces on Hyde Street, west side, Beach to Jefferson Streets, from the provisions of Police Code Section 2405(C)(16) requiring street artists to maintain a minimum of ten feet of passageway for pedestrians; and terminating said eleven spaces on Hyde Street, west side, Beach to Jefferson Streets, upon completion of renovation of Haslett Warehouse and restoration of said twenty-one spaces on Hyde Street, east side, Beach to Jefferson Streets.

May 17, 1999 Board of Supervisors — ADOPTED

Ayes: 8 - Ammiano, Becerril, Bierman, Katz, Leno, Newsom, Teng, Yaki


Absent: 3 - Brown, Kaufman, Yee

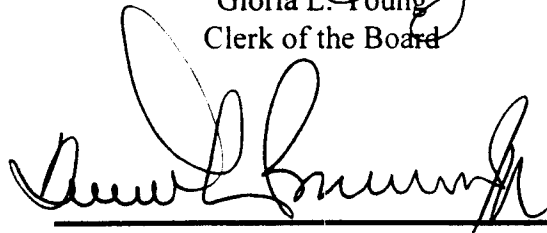
File No. 990691

I hereby certify that the foregoing Resolution  
was ADOPTED on May 17, 1999 by the  
Board of Supervisors of the City and County  
of San Francisco.

**MAY 28 1999**

**Date Approved**

  
Gloria L. Young  
Clerk of the Board

  
Mayor Willie L. Brown Jr.

File No. 990691 continued...

FILE NO. 031528

RESOLUTION NO. 703-03

[Street Artist Hyde Street Spaces]

Resolution re-designating seven (7) permanent selling spaces on Hyde Street, west side, Beach to Jefferson Streets; deleting seven (7) permanent selling spaces on Hyde Street, east side, Beach to Jefferson Streets; re-designating fourteen (14) selling spaces on Hyde Street, east side, Beach to Jefferson Streets; designating two (2) additional selling spaces on Hyde Street, east side, Beach to Jefferson Streets, for street artists certified by the Arts Commission, City and County of San Francisco; and exempting said seven spaces on Hyde Street, west side, Beach to Jefferson Streets, from Police Code Section 2405(c)(16) requiring street artists to maintain a minimum of eight feet of passageway for pedestrians.

WHEREAS, The Street Artists Ordinance adopted by the voters on November 4, 1975, authorizes the Board of Supervisors, by resolution, to designate sales areas where any street artist or craftsperson previously certified may sell art or craft items; and

WHEREAS, The Board of Supervisors in Resolution Nos. 867-76 and 572-77 designated twenty-one (21) selling spaces for street artists on Hyde Street, east side, Beach to Jefferson Streets; and

WHEREAS, The Board of Supervisors in Resolution No. 455-99 relocated by designation eleven (11) of the twenty-one spaces on the east side of Hyde Street to the west side of Hyde Street, Beach to Jefferson Streets, for the duration of the renovation of the Haslett Warehouse; and,

WHEREAS, The Board of Supervisors in Resolution No. 455-99 exempted said eleven spaces from the provisions of Police Code Section 2405(c)(16) requiring street artists to maintain a minimum of ten feet of passageway for pedestrians; and

Arts Commission  
BOARD OF SUPERVISORS

1 WHEREAS, The Board of Supervisors in Ordinance No. 199-03 amended Police  
2 Code Section 2405(c)(16) to require street artists to maintain a minimum of eight feet of  
3 passageway for pedestrians; and

4 WHEREAS, The said eleven spaces on the west side of Hyde Street have proven to be  
5 prime selling locations for the street artists; and

6 WHEREAS, The west sidewalk of Hyde Street, Beach to Jefferson Streets, is adjacent  
7 to Victorian Park, and the east sidewalk of Hyde Street is adjacent to the Argonaut Hotel,  
8 formerly the Haslett Warehouse, both properties belonging to the United States Department of  
9 the Interior, National Park Service, San Francisco Maritime National Historic Park; and

10 WHEREAS, The staff of the Arts Commission and representatives of San Francisco  
11 National Historic Park and the Argonaut Hotel proposed a plan for the permanent usage of the  
12 west and east sidewalks of Hyde Street for street artists; and

13 WHEREAS, the Arts Commission, after conducting public hearings, has resolved to  
14 request the Board of Supervisors to approve permanent designation of seven (7) of the  
15 relocated eleven spaces on the west side of Hyde Street and permanent designation of  
16 sixteen (16) spaces on the east side of Hyde Street, Beach to Jefferson Streets; now,  
17 therefore, be it

18 RESOLVED, That the Board of Supervisors hereby re-designates seven (7) permanent  
19 spaces on the west side of Hyde Street, Beach to Jefferson Streets; and be it

20 FURTHER RESOLVED, That the Board of Supervisors hereby deletes seven (7)  
21 permanent spaces from the east side of Hyde Street, Beach to Jefferson Streets; and be it

22 FURTHER RESOLVED, That the Board of Supervisors hereby re-designates fourteen  
23 (14) permanent spaces on the east side of Hyde Street, Beach to Jefferson Streets; and be it

24 FURTHER RESOLVED, That the Board of Supervisors hereby designates  
25 two (2) additional permanent spaces on the east side of Hyde Street, Beach to Jefferson

1 Streets; and be it

2 FURTHER RESOLVED, That the said seven spaces on the west side of Hyde Street,  
3 Beach to Jefferson Streets, are hereby exempt from the provisions of Police Code  
4 Section 2405(c)(16).

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# City and County of San Francisco

## Tails

### Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 031528

**Date Passed:**


Resolution re-designating seven (7) permanent selling spaces on Hyde Street, west side, Beach to Jefferson Streets; deleting seven (7) permanent selling spaces on Hyde Street, east side, Beach to Jefferson Streets; re-designating fourteen (14) selling spaces on Hyde Street, east side, Beach to Jefferson Streets; designating two (2) additional selling spaces on Hyde Street, east side, Beach to Jefferson Streets, for street artists certified by the Arts Commission, City and County of San Francisco; and exempting said seven spaces on Hyde Street, west side, Beach to Jefferson Streets, from Police Code Section 2405(c)(16) requiring street artists to maintain a minimum of eight feet of passageway for pedestrians.

October 21, 2003 Board of Supervisors — ADOPTED

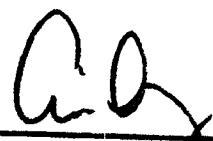
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031528

I hereby certify that the foregoing Resolution  
was ADOPTED on October 21, 2003 by the  
Board of Supervisors of the City and County  
of San Francisco.

  
\_\_\_\_\_  
Gloria L. Young  
Clerk of the Board

October 22, 2003  
Date Approved

  
\_\_\_\_\_  
Mayor Willie L. Brown Jr.  
Acting Mayor

[Street Artist Spaces].

**Resolution approving two (2) former temporary winter holiday selling spaces as permanent selling spaces on Market Street, south side, 4<sup>th</sup> to 5<sup>th</sup> Streets, and three (3) temporary winter holiday spaces as permanent spaces on Market Street, north side, at Montgomery Street, for street artists certified by the Arts Commission, City and County of San Francisco; and exempting said two spaces on Market Street, south side, 4<sup>th</sup> to 5<sup>th</sup> Streets, from Police Code Section 2405(c)(6) requiring street artists to sell not within (10) ten feet of the outer edge of any entrance.**

WHEREAS, The Street Artists Ordinance adopted by the voters on November 4, 1975, authorizes the Board of Supervisors, by resolution, to designate sales areas where any street artist or craftsperson previously certified may sell art or craft items; and

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

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

WHEREAS, The temporary winter holiday space known as "Z-3", located on Market Street, south side, 4<sup>th</sup> to 5<sup>th</sup> Streets, has been approved as a temporary winter holiday space in 1983 and then every year from 1986 through 2003; and

WHEREAS, The temporary winter holiday space known as "Z-4", located on Market Street, south side, 4<sup>th</sup> to 5<sup>th</sup> Streets, has been approved as a temporary winter holiday space every year from 1986 through 2003; and

**\*\*Arts Commission\*\*  
BOARD OF SUPERVISORS**



1 WHEREAS, The temporary winter holiday spaces known as "Z-40", "Z-41", and "Z-42",  
2 located on Market Street, north side, at Montgomery Street, have been approved as  
3 temporary winter holiday spaces every year from 1986 through 2003; and

4 WHEREAS, The Arts Commission, after conducting public hearings, resolved to  
5 request the Board of Supervisors to approve former temporary winter holiday spaces "Z-3",  
6 "Z-4", "Z-40", "Z-41", and "Z-42" as permanent selling spaces for the street artists; now,  
7 therefore, be it

8 RESOLVED, That the Board of Supervisors hereby approves former temporary winter  
9 holiday spaces "Z-3" and "Z-4", located on Market Street, south side, 4<sup>th</sup> to 5<sup>th</sup> Streets, as  
10 permanent selling spaces for street artists certified by the Arts Commission; and be it

11 FURTHER RESOLVED, That the Board of Supervisors hereby approves former  
12 temporary winter holiday spaces "Z-40", "Z-41", and "Z-42", located on Market Street, north  
13 side, at Montgomery Street, as permanent selling spaces for street artists certified by the Arts  
14 Commission; and be it

15 FURTHER RESOLVED, That spaces "Z-3" and "Z-4" are hereby exempt from the  
16 provision of Police Code Section 2405(c)(6) which prohibits artists from selling, offering for  
17 sale, or soliciting offers to purchase on any sidewalk within ten (10) feet from the outer edge  
18 of any entrance to any building including, but not limited to, doors, driveways, emergency exits  
19 measured in each direction parallel to the building line and thence at a 90-degree angle to the  
20 curb.



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

### Resolution

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**File Number:** 041092

**Date Passed:**

Resolution approving two (2) former temporary winter holiday selling spaces as permanent selling spaces on Market Street, south side, 4th to 5th Streets, and three (3) temporary winter holiday spaces as permanent spaces on Market Street, north side, at Montgomery Street, for street artists certified by the Arts Commission, City and County of San Francisco; and exempting said two spaces on Market Street, south side, 4th to 5th Streets, from Police Code Section 2405(c)(6) requiring street artists to sell not within (10) ten feet of the outer edge of any entrance.

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September 14, 2004 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

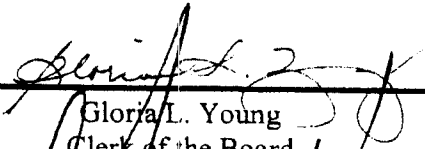
File No. 041092

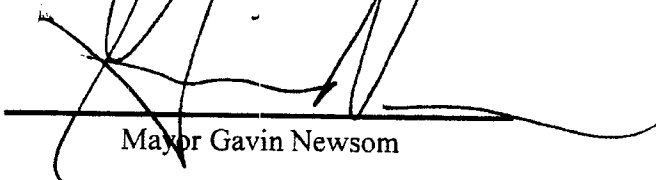
I hereby certify that the foregoing Resolution  
was ADOPTED on September 14, 2004 by  
the Board of Supervisors of the City and  
County of San Francisco.

SEP 15 2004

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Date Approved

  
Gloria L. Young  
Clerk of the Board

  
Mayor Gavin Newsom

File No. 041092

City and County of San Francisco  
Tails Report

2

Printed at 11:22 AM on 9/15/04

FILE NO. 080393

RESOLUTION NO.

196-08

1 [Street Artist Winter Holiday Spaces].

2  
3 **Resolution approving continuous designation of temporary selling spaces in the**  
4 **Downtown area and at Harvey Milk Plaza for street artists certified by the Arts**  
5 **Commission, City and County of San Francisco, for each year's winter holiday season,**  
6 **beginning on November 15 and ending on January 15.**

7  
8 WHEREAS, The Street Artists Ordinance adopted by the voters of San Francisco as  
9 Proposition "L" at the election held on November 4, 1975, authorizes the Board of  
10 Supervisors, by resolution, to designate sales areas where any street artist or craftsperson  
11 previously certified may sell art or craft items; and

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

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

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

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

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

24 WHEREAS, The Arts Commission recommends the renewal of the previous five years'  
25 temporary sales spaces at Harvey Milk Plaza; now, therefore, be it

\*\*Arts Commission\*\*

BOARD OF SUPERVISORS

1           **RESOLVED**, That the Board of Supervisors hereby approves the continuous  
2 designation of the following temporary selling spaces for street artists certified by the Arts  
3 Commission henceforth for each year's winter holiday season beginning on November 15 and  
4 ending on January 15:

5  
6       **Spaces:**

- 7       10 – Market Street, south side, 4<sup>th</sup> to 5<sup>th</sup> Streets  
8       2 – Market Street, north side, Montgomery to Kearny Streets  
9       2 – Market Street, north side, Grant to Kearny Streets  
10      10 – Market Street, north side, Battery to Sansome Streets  
11      5 – Stockton Street, west side, Post to Sutter Streets  
12      1 – Stockton Street, east side, Post to Sutter Streets  
13      6 – Stockton Street, east side, O'Farrell to Geary Streets  
14      3 – Stockton Street, east side, Market to O'Farrell Streets  
15      2 – Montgomery Street, west side, Post to Sutter Streets  
16      2 – Post Street, north side, Montgomery to Kearny Streets  
17      2 – Post Street, south side, Grant to Kearny Streets  
18      5 – California Street, north side, Sansome to Montgomery Streets  
19      2 – California Street, south side, Sansome to Montgomery Streets  
20      3 – Harvey Milk Plaza (upper level)  
21      4 – Harvey Milk Plaza (lower level)  
22      12 – Grant Avenue, west side, Post Street to Maiden Lane; and be it

23           **FURTHER RESOLVED**, That the five (5) temporary spaces on Stockton Street, west  
24 side, Post to Sutter Streets, are exempt from the provisions of Police Code Section  
25

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

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

7 FURTHER RESOLVED, That the one (1) temporary space on Stockton Street, east  
8 side, Post to Sutter Streets, is exempt from the provision of Police Code Section  
9 2405(c)(8)(1); and be it

10 FURTHER RESOLVED, That one (1) of the five (5) temporary spaces on Stockton  
11 Street, west side, Post to Sutter Streets, is exempt from the provision of Police Code Section  
12 2405(c)(6) which prohibits artists from selling, offering for sale or soliciting offers to purchase  
13 on any sidewalk within ten (10) feet from the outer edge of any entrance to any building  
14 including, but not limited to, doors, driveways, emergency exits measured in each direction  
15 parallel to the building line and thence at a 90-degree angle to the curb; and be it

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

21 FURTHER RESOLVED, That the two (2) temporary spaces on Montgomery Street,  
22 west side, Post to Sutter Streets, are exempt from the provisions of Police Code Section  
23 2405(c)(6), 2405(c)(8)(3), and 2405(c)(16) which requires street artists to engage in their  
24 activities in such a manner that at all times there shall remain open for the passage of  
25 pedestrians a space of at least eight (8) feet in width, as measured on a line perpendicular to

1 the curb line, between the edge of the sidewalk farthest from the curb and the street artists'  
2 activities; and be it

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

6 FURTHER RESOLVED, That five (5) of the ten (10) temporary spaces on Market  
7 Street, south side, 4<sup>th</sup> to 5<sup>th</sup> Streets, are exempt from the provision of Police Code Section  
8 2405(c)(6); and be it

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

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



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

### Resolution

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**File Number:** 080393

**Date Passed:**

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

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April 22, 2008 Board of Supervisors — ADOPTED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,  
Mirkarimi, Peskin, Sandoval

Excused: 1 - McGoldrick



File No. 080393

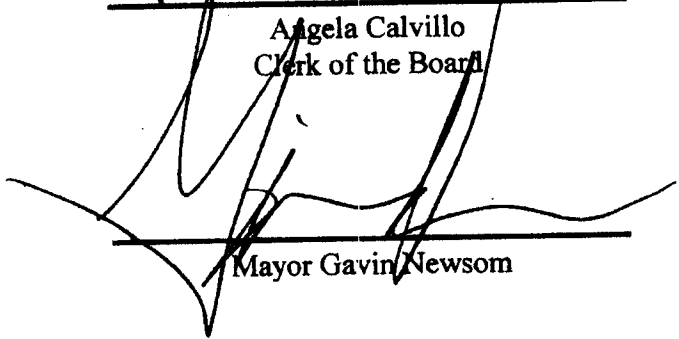
I hereby certify that the foregoing Resolution  
was ADOPTED on April 22, 2008 by the  
Board of Supervisors of the City and County  
of San Francisco.



Angela Calvillo  
Clerk of the Board

4-30-08

Date Approved



Mayor Gavin Newsom

## HEARING PROCEDURES

### PORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

#### RESOLUTION NO. 95-56

- WHEREAS, Charter Section 3.581 empowers the Port Commission with power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco, including the exclusive power to grant franchises, leases, permits, licenses, and privileges of Port land; and
- WHEREAS, under Charter Section 3.581(g) leases and franchises granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and
- WHEREAS, In 1983, the San Francisco Board of Supervisors adopted a comprehensive Street Artists Ordinance as Article 24 of the San Francisco Municipal Police Code (the "Ordinance"), which established a self-supporting Street Artists Program for certifying and regulating street artists under the Art Commission; and
- WHEREAS, the Ordinance empowers the Board of Supervisors to designate spaces for street artists ("Spaces") and to impose conditions and limitations to prevent interference with traffic and property, provided that designation of any Spaces in public places under the jurisdiction of a commission is subject to the approval of that commission, including the imposition of additional or different rules and regulations; and
- WHEREAS, the Board of Supervisors has approved 15 Spaces on Port property (Spaces J1 through J15, but not J1A and J1B), along Jefferson Street at Fisherman's Wharf, as indicated on the site plans attached hereto as Exhibit 1; and
- WHEREAS, Spaces J8 and J9 are located within 12 feet of the outer edge of a new doorway and therefore in violation of Ordinance Section 2405(c)(6), and are not therefore being used by the Street Artist Program; and


## HEARING PROCEDURES

- WHEREAS, Spaces J1A and J1B have been proposed by the Director of the Street Artists Program as replacements for Spaces J8 and J9; and
- WHEREAS, Proposed Space J1B is located within 12 feet of the outer edge of a doorway, and is therefore in violation of Street Artist Ordinance Section 2405(c)(6), the Commission has determined that such space does not interfere with the ingress and egress from such doorway; and desires to exempt such space from the restrictions of Section 2405(c)(6); and
- WHEREAS, Proposed Spaces J1A and J1B are located 2 feet from each other, and are therefore in violation of Ordinance Section 2405(c)(11), and the Commission desires to exempt such spaces from Ordinance Section 2405(c)(11); and
- WHEREAS, in exercising its exclusive control and jurisdiction over the property, the Port Commission is free to change the procedures and requirements of the Ordinance, and desires to adopt additional rules and regulations governing the use of the Street Artist Spaces on Port property; and
- WHEREAS, in light of the Port's land use planning efforts with regard to the San Francisco waterfront, the Commission desires that Port staff study the location of Spaces approved hereunder, and to make recommendations in the future to the Commission regarding location and regulation of the street artists on Port property; now therefore be it
- RESOLVED, that the Port Commission hereby approves the location of Spaces J1, J1A, J1B, J2, J3, J4, J5, J6, J7, J10, J11, J12, J13, J14, and J15 (but not J8 and J9) on Port property as shown on Exhibit 1 attached hereto, subject to the conditions stated in Exhibit 2 attached; and be it further
- RESOLVED, that the Commission exempts Space J1B from Ordinance Section 2405(c)(6) which requires a 12 foot distance from building entryways and exempts Spaces J1A and J1B from Ordinance Section 2405(c)(11) which requires a 5 foot distance between Spaces, and finds that such exemption will not be inconsistent with or interfere with the purposes of the regulation from which the area is exempted; and be it further
- RESOLVED, that Port staff is hereby directed to study the location of the Spaces approved hereby and to make

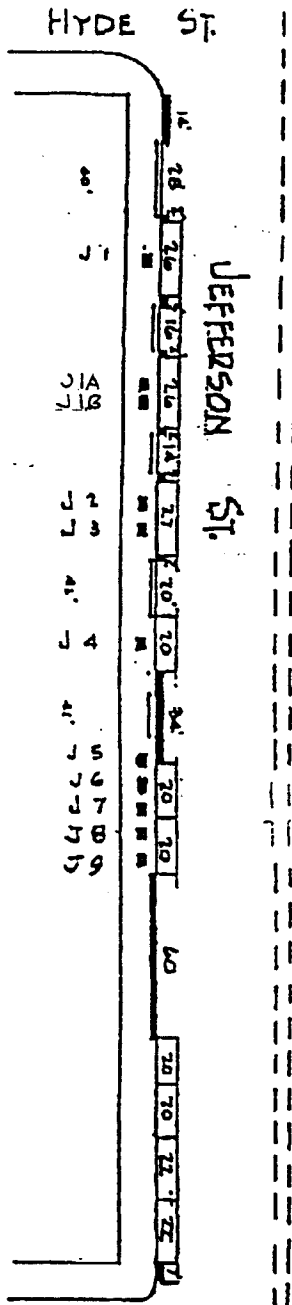
## HEARING PROCEDURES

recommendations to the Commission in the future as to possible alternate locations and regulations of Spaces on Port property as appropriate.

*I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of June 27, 1995.*

  
Secretary

G:\NHS\DOCS\STRTART2.RES



9 STALLS

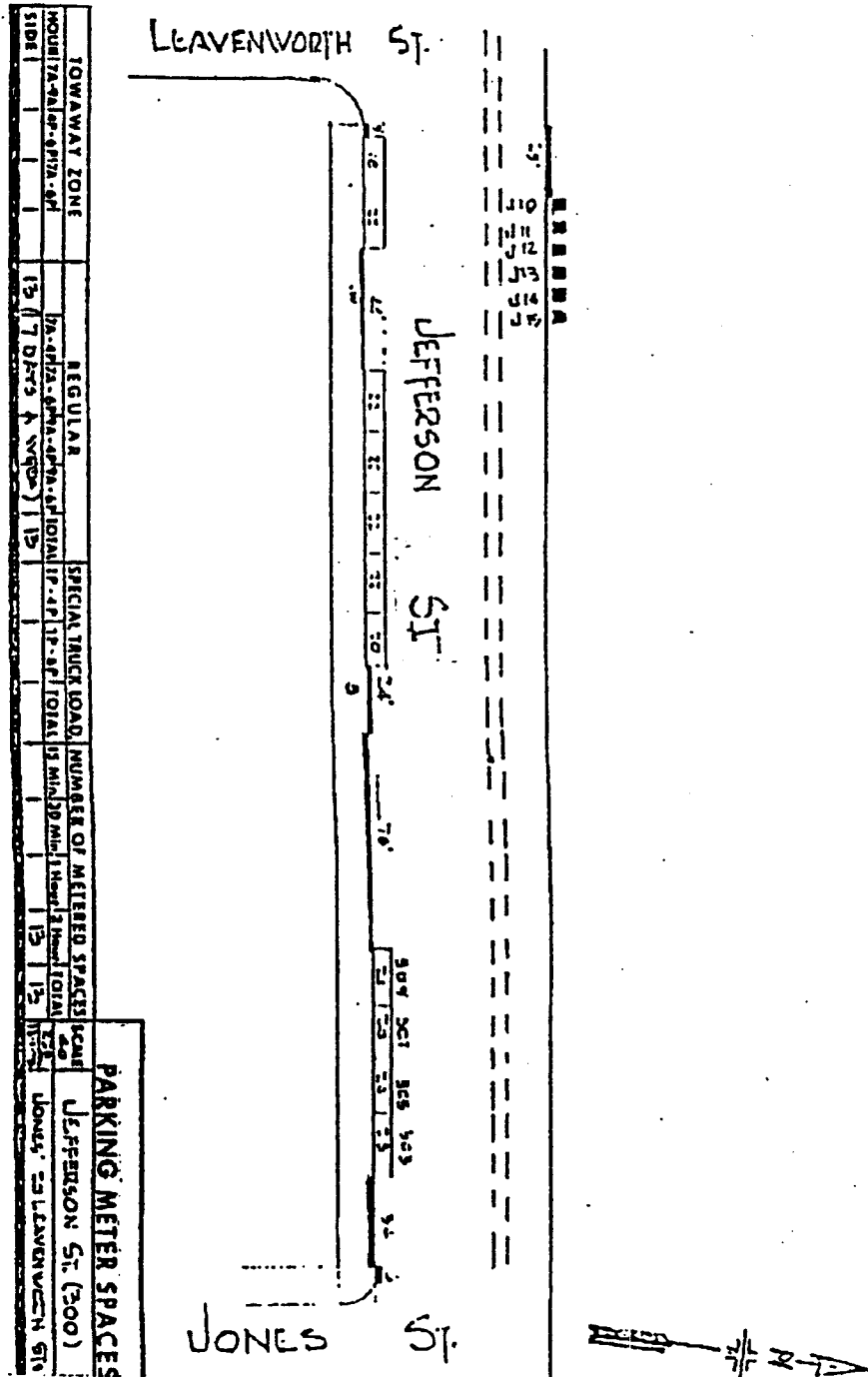
LEAVENWORTH ST.

EXHIBIT 1

[illegible]

== STREET ARTIST SPACE.

# HEARING PROCEDURES



## HEARING PROCEDURES

### EXHIBIT 2 PORT RESOLUTION NO. 95-56

1. Use of the Street Artist Spaces ("Spaces") on Port property shall be in compliance with all of the provisions of the Street Artists Ordinance (the "Ordinance"), except that administration of the Street Artists Program by its Program Director on Port property shall be subject to the authority and oversight of the Port's Executive Director or his designee. The Program Director shall report to the Port Executive Director or his designee as requested.
2. Use of Spaces on Port property shall also be in compliance with the following restrictions, which are in addition to those contained in Section 2405(c) of the Ordinance:
  - a. No displays, tables, or any other personal property or merchandise are to be left on Spaces between 12 midnight and 6 AM, with the Spaces free of any obstruction during these hours;
  - b. Spaces must be left clean and free of debris on a daily basis;
  - c. Displays must be confined to the boundaries of the Spaces and shall not encroach upon or interfere in any way with pedestrian traffic on the sidewalks;
  - d. Street artists shall not use metered parking spaces for longer than the posted time limits and shall not interfere with the use of metered parking spaces by the public; and
  - e. Street artists shall comply with all applicable laws, rules and regulations of the Port governing their use of Spaces on Port property. In the event a designated Port property manager determines that a street artist on Port property has violated such applicable laws, rules and regulations, such violator shall be given written notice of the violation. In the event of two or more violations, such violator shall be denied the ability to participate in the lottery for Spaces on Port property for the twelve month period following such notice of violation. Any street artist receiving a notice of violation shall have the opportunity for a hearing on the notice of violation before the Port Executive Director or his designated director who may act in the place of the Executive Director as the hearing officer. Three or more violations received within any twelve (12) month period shall be grounds for permanent forfeiture of the street artist rights to locate on Port property.

## HEARING PROCEDURES

### KEY LETTERS FROM CITY ATTORNEY REGARDING ART COMMISSION'S ENFORCEMENT OF STREET ARTIST ORDINANCE

City and County of San Francisco:

Office of City Attorney



George Agnost,  
City Attorney

February 1, 1983

Mr. Howard Lazar  
Director, Street Artists Program  
San Francisco Art Commission  
45 Hyde Street, Room 319  
San Francisco, California

Re: Jurisdiction of Art Commission to Suspend  
or Revoke Street Artist's Certificate

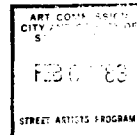
Dear Mr. Lazar:

This is in response to your request for our written advice with respect to the questions posed in your letter dated August 6, 1982. Your questions and our responses thereto are set forth below.

(1) Is it within the Art Commission's jurisdiction to suspend or revoke the certificate of a street artist who has displayed or sold items he has not made, in a location not designated for street artist activities but adjacent to a street artist location?

Yes. Proposition L, an initiative ordinance approved by the voters on November 4, 1975, grants to the Art Commission exclusive jurisdiction to regulate street artists and to issue street artist certificates. Proposition L makes it unlawful for any person to sell a handcrafted item in any public street or public place where it is permissible without either a street artist's certificate or a peddler's permit. It further prohibits the sale by a street artist of a handcrafted item in an area not designated for street artist activities without a peddler's permit. Article 24.1, Section 1729, of the San Francisco Police Code empowers the Art Commission to revoke a street artist's certificate for violation of the street artist regulations after a public hearing and for good cause shown.

In addition to the powers granted it under the street artist regulations, the Art Commission has those general powers applicable to all permit-issuing departments contained in Part III of the San Francisco Municipal Code. Section 24 of Part III provides in relevant part as follows:



(415) 558-3315

Room 206 City Hall

San Francisco 94102



## HEARING PROCEDURES

Mr. Howard Lazar

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February 1, 1983

Any department authorized to issue, revoke or transfer permits or to act on applications for any of said purposes . . . may revoke any permit subject to issuance by said department when it shall appear that the business or calling of the person, firm or corporation to whom it was granted is conducted in a disorderly, improper or hazardous manner, or that the place in which the business is conducted or maintained is not a proper or suitable place in which to conduct or maintain such business or calling.

Section 26 of Part III provides in relevant part:

In the granting or denying of any permit, or the revoking or the refusing to revoke any permit, the granting or revoking power may . . . exercise its sound discretion as to whether said permit should be granted, transferred, denied or revoked.

Although the street artist regulations do not expressly prohibit a street artist from selling an item he or she has not made in an area not designated as a street artist location without a peddler's permit, such activity clearly violates San Francisco's laws with respect to commercial use of streets and other public places of which the street artist regulations are an integral part. Moreover, where the street artist sells non-handcrafted items in an undesignated area without a peddler's permit, he or she compromises the integrity of the Street Artist's Program. Thus, the Art Commission is empowered to suspend or revoke the street artist's certificate for such activities, after a public hearing, both pursuant to its express power to revoke for good cause contained in the street artist regulations and under the general Part III powers granted to all permit-issuing departments set forth above.

(2) Is it within the Art Commission's jurisdiction to notify the Police of unlicensed persons selling wares in locations adjacent to street artist locations?

Yes. Any person may notify the Police of alleged unlawful activities.

## HEARING PROCEDURES

Mr. Howard Lazar

3

February 1, 1983

(3) Is it within the Art Commission's jurisdiction to suspend or revoke the certificate of a street artist who has obstructed the duty or performance of the Art Inspector or any other staff member of the Art Commission?

Yes. Part III, Section 24, of the San Francisco Municipal Code (cited above) further provides as follows:

Any department authorized to issue, revoke or transfer permits or to act on applications for any of said purposes, may detail such members or employees of said department as are required for the investigation and inspection of applications for permits subject to issuance by said department, and for the inspection or regulation of the conduct of any business or occupation, under said permit . . .

Thus, the Art Commission, as a permit-issuing department, may authorize its Art Inspector or other members of its staff to perform those duties necessary to insure that the street artists it certifies comply with all applicable regulations. Where a street artist so obstructs the Art Inspector or other members of the Commission's staff in the performance of his or her duties that enforcement of the street artist regulations may not properly be carried out, the Commission is empowered to suspend or revoke the street artist's certificate, after public hearing, both pursuant to its express power to revoke for good cause under the street artist regulations and pursuant to its broad discretionary powers under Section 26 of Part III, supra.

(4) Is it within the Art Commission's jurisdiction to suspend or revoke the certificate of a street artist who has assaulted (a) the Art Inspector or any other staff person of the Art Commission, (b) another street artist, or (c) a customer or any person at the artist's sales location?

Yes. The Art Commission is expressly empowered to suspend or revoke the certificate of any street artist after a public hearing for good cause shown. In addition, the Commission is specifically empowered to suspend or revoke a street artist's certificate when, after public hearing, it appears that the street artist is conducting his or her business in a "disorderly, improper or hazardous manner." Part III, Section 24, supra.

## HEARING PROCEDURES

Mr. Howard Lazar

4

February 1, 1983

(5) Should the Art Commission require submittal of a Police report before suspending or revoking the certificate of a street artist who has assaulted the persons set forth in (4) above?

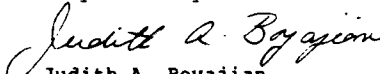
The Commission may, but need not, require submittal of a Police report before proceeding with the suspension or revocation of a street artist's certificate. The procedures followed by the Art Commission or other permit-issuing bodies for the suspension or revocation of permits is a civil proceeding separate and apart from any criminal sanctions that may be applicable.

\* \* \*

As we have previously discussed, certain of the matters discussed above will be clarified in the forthcoming modification of the Art Commission's rules and regulations. If you have any further questions in the meantime, please do not hesitate to contact the undersigned.

Very truly yours,

GEORGE AGNOST  
City Attorney

  
Judith A. Boyajian  
Deputy City Attorney

0428C

## HEARING PROCEDURES

City and County of San Francisco:

Office of City Attorney



Louise H. Renne,  
City Attorney



Burk E. Deiventhal  
Deputy City Attorney  
(415) 554-4233

2 February 1990

Claire N. Isaacs  
Director of Cultural Affairs  
Arts Commission  
45 Hyde Street, Suite 319  
San Francisco, California 94102

Dear Ms. Isaacs:

You have asked this office a number of questions: (1) May the Arts Commission deny, suspend or revoke the certificate of an applicant or street artist who independently conceives a work the same as or essentially similar to the work of someone in the San Francisco street artists' program? (2) May the Arts Commission deny, suspend or revoke the certificate of an applicant or street artist who unconsciously or consciously copies the work of someone else? (3) May the Arts Commission deny, suspend or revoke the certificate of an applicant or street artist who violates a copyright?

We have reached the following conclusions: (1) The Commission has no authority to deny, suspend or revoke the certificate of a person who independently conceives a work the same as or essentially similar to the work of someone in the San Francisco street artists' program. (2) The Commission must deny, suspend or revoke the certificate of a person who unconsciously or consciously copies the work of another. (3) The Commission must deny or revoke the certificate of a person who violates a copyright. Our analysis follows.

### The Street Artists' Ordinance

The street artists' ordinance (San Francisco Police Code Sections 2400 et seq.) requires that every person desiring to sell an art or craft item upon the city streets acquire a certificate from the Arts Commission. The certificate identifies both the street artist and the specific art or craft item or items (e.g., crochet, mylar kites, cast metal jewelry) which he or she is allowed to sell. (§2400, subd. 5.) A street artist may sell only a handcrafted item, i.e., one that is "predominantly created or significantly altered by the street artist." (§2401, subd. (b).) Violation of the ordinance or of any rules or regulations issued pursuant to this ordinance are grounds for denial, suspension or revocation of the certificate, after public hearing and for good cause shown. (§2408, subd. (a).)

(415) 554-4283

Room 206 City Hall

San Francisco 94102-4682

## HEARING PROCEDURES

Claire N. Isaacs (2)

February 2, 1990

### Independently Conceived Work

The voters by initiative ordinance sought to ensure that San Francisco street artists sell only work which is uniquely their own. However, the ordinance nowhere expressly or impliedly gives the Commission the right to preclude an applicant or another certified artist from marketing an independently conceived work which is the same as or essentially similar to work already marketed. An independently conceived work which is the same as or essentially similar to work already marketed in the program meets the definition of a handcrafted item: such a work is "predominantly created or significantly altered" by the artist. Thus, the Commission cannot deny, suspend or revoke a certificate on the ground that a design is already being marketed, without finding that the applicant or artist has consciously or unconsciously copied the work.<sup>1/</sup>

### Copied Work

A copied item is not "predominantly created or significantly altered" by the artist, and the Commission is authorized to deny, suspend or revoke certification on that ground. The Commission has full discretion to develop criteria by which it may determine whether copying has occurred.

A copy consists of the exact or substantial reproduction of an original, as distinguished from an independent production of the same thing. (*Turner v. Century House Publishing Co.* (1968) 56 Misc.2d 1071 [290 N.Y.S.2d 637, 642].) A prima facie case of copying may be shown by evidence of access to the original and substantial similarity between the original and the alleged copy. (*Spectravest, Inc. v. Mervyn's, Inc.* (N.D.Cal. 1987) 673 F.Supp. 1486, 1490.) Once access and substantial similarity have been demonstrated, the artist in question has the burden of proving that his or her work was independently created. (*Transgo, Inc. v. Ajac Transmission Parts Corp.* (9th Cir. 1985) 768 F.2d 1001, 1018, cert. den. (1986) 474 U.S. 1059.) If the artist cannot meet that burden and the Commission concludes that he or she has copied an item rather than predominantly creating or significantly altering it, the Commission must deny, suspend or revoke certification.

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<sup>1/</sup> Even a copyright cannot protect an artist from an independent creation rather than a conscious or unconscious copy. (*Franklin Mint Corp. v. National Wildlife Art Exchange* (3d Cir. 1978) 575 F.2d 62, 64.)

## HEARING PROCEDURES

Claire N. Isaacs (3)

February 2, 1990

### Copyright

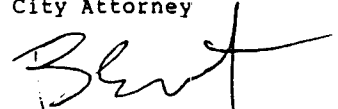
The subject of copyright is very closely related to that of copying. The essence of copyright infringement is the conscious or unconscious copying by one artist of the work of another. (ABKCO Music, Inc. v. Harrisongs Music. Ltd. (2d Cir. 1983) 722 F.2d 988.) A copyright is achieved by formal application to the U. S. Copyright Office (17 U.S.C. §408). A charge of copyright infringement is within the exclusive jurisdiction of the federal courts (28 U.S.C. §1338). The subject of copyright is fully occupied by the federal laws (17 U.S.C. §301). Therefore, the Arts Commission has no authority to grant a copyright or to judge whether a copyright has been violated.

Upon notice of a final determination by a federal court, the Commission must deny or revoke the certificate of any applicant or street artist who infringes upon another's copyright. Suspension is not an option; failure to deny or revoke the certificate might expose the Commission to liability as a contributory infringer. See Johnson v. Salomon (D.C. Minn. 1977) 197 U.S.P.Q. 801 (contributing to sales of infringing chess sets with knowledge of infringement creates joint and several liability with direct infringer).

However, the Commission must afford the applicant or street artist due process. The Commission should notify the person that a final federal court determination has been received, set forth the action the Commission proposes to take, and give the person time to respond. The process assures the Commission and the individual that the Commission has correctly identified the one who violated the copyright.

Very truly yours,

LOUISE H. RENNE  
City Attorney



Burk E. Delventhal  
Deputy City Attorney

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## HEARING PROCEDURES

City and County of San Francisco:

Office of City Attorney



Louise H. Renne,  
City Attorney

David A. Greenburg  
Deputy City Attorney  
(415) 554-4258

June 12, 1995

Mr. Howard Lazar, Director  
STREET ARTIST PROGRAM  
25 Van Ness Avenue, Suite 70  
San Francisco, CA 94102

Re: STATUS OF STREET ARTIST SPACES IN VIOLATION OF ORDINANCE

Dear Mr. Lazar:

You have posed several questions concerning the status of certain spaces for street artists. The spaces at issue are in locations which were originally lawful, but now conflict with Police Code Section 2405 because of changes such as the addition of a doorway, or a change in the status of curb markings. You have asked whether the Street Artist Program may continue to assign these spaces to street artists and whether the Board of Supervisors is required to take action before such spaces become unavailable to street artists. You have also asked whether the same conclusions would apply if the spaces in question are located on property under the jurisdiction of the Port Commission ("Port").

By way of background, designation of sales areas for the Street Artist Program is governed by Section 8 of Proposition "L," passed by the voters in November, 1975, and codified at section 2400 of the Police Code. Under Section 8, the Board of Supervisors is empowered to designate areas in or on any street or public place where street artists may sell or offer for sale items in accordance with the Street Artist Ordinance (Police Code sections 2400 et seq.). The Board designates such areas by resolution following a public hearing. In addition, Section 8 provides that the designation of sales areas "in a public place under the jurisdiction of an officer, board or commission of the City and County shall be subject to the approval of such officer, board or commission." Thus, the designation of sales areas located on Port property is also subject to approval by the Port.

The initiative in very general terms empowers the Board to "designate areas in or on any public street or place where any street artist or craftsperson certified pursuant to the provisions of [the Street Artist Ordinance] may sell, offer for sale, expose for sale, or solicit offers to purchase any art or craft item of his or her own creation . . . ." Under longstanding practice, the Board designates areas and the total number of spaces in an area in which street artists are authorized to sell their work.

(415) 554-3800

Fox Plaza, 1390 Market Street, Sixth Floor

San Francisco 94102-5408

## HEARING PROCEDURES

Mr. Howard Lazar

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June 12, 1995

However, the Board does not determine the specific location of spaces within a designated area. Rather, the location of the allocated number of spaces in a given area is determined by the Director of the Street Artist Program ("Program Director"). In locating the street artist spaces in the areas designated by the Board, the Program Director must comply with the relevant regulations set forth in the Police Code. For example, space for a street artist may not be located on a sidewalk immediately opposite a fire standpipe or a crosswalk.

With this background, we turn to your questions.

Question 1. Does the appearance of a new doorway, standpipe, crosswalk, or curb marking (white, yellow, blue, or bus zone) opposite an existing street artist space have the effect of nullifying a previously lawful designation of that space?

Answer. Under Police Code section 2405(c), such spaces (except those adjoining blue zones, which are not addressed by the Street Artist Ordinance) become immediately unqualified for designation as artist spaces in areas which are not under the jurisdiction of an officer, board or commission of the City. The availability of such spaces in areas which are under the jurisdiction of an officer, board or commission of the City depends upon how the officer, board or commission has chosen to regulate street artists.

Police Code section 2405(c) effectively limits the location of street artist sales spaces in areas designated by the Board of Supervisors. Among other requirements, Section 2405(c) prohibits the sale, offer for sale, or solicitation of offers to purchase by street artists (1) within twelve feet of any building entrance, (2) within seven and one-half feet of a standpipe, or (3) within five feet of any crosswalk or on any sidewalk adjacent to a curb designated as a white zone, yellow zone or bus zone. The restrictions established by section 2405(c) are absolute in their terms. The ordinance does not provide that its restrictions would not apply once a space is designated regardless of later changes that are inconsistent with the ordinance.

The obvious intent behind the restrictions in subsection (c) is to promote public safety, in part by ensuring that street artist activities not impede access to entrances, loading zones, bus zones, and similar facilities. This purpose would be frustrated by allowing street artists to continue to sell in spaces once the location conflicts with the limitations in subsection (c). The Street Artist Ordinance contemplates that there may be circumstances where continued use of such spaces is not inconsistent with the purposes of subsection (c). Section 2405(d) authorizes the Board by resolution to approve a sales area not in compliance with subsection (c) upon a finding by the Board that the exemption will be consistent with the purposes of the regulation. The authority under subsection (d) to exempt a sales area from the requirements of subsection (c) necessarily includes the ability to exempt a portion of that sales area (e.g., one or more spaces) from the requirements of subsection (c).



## HEARING PROCEDURES

Mr. Howard Lazar

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June 12, 1995

Accordingly, we conclude that in the absence of a resolution by the Board exempting an area or space otherwise subject to the requirements of subsection (c), the occurrence of conditions specified in subsection (c), such as the appearance of a doorway or addition of a yellow, zone will render a previously lawfully designated space in conflict with subsection (c).

The restrictions in section 2405(c) apply in those areas of the City designated by the Board of Supervisors where the areas are not under the jurisdiction of an officer, board or commission of the City. In those areas of the City that are under the jurisdiction of such an officer, board or commission, the Board of Supervisors' designation of sales areas is subject to approval by the officer, board or commission with jurisdiction over the area. Under section 2405 (c) and (d), sales areas under the jurisdiction of an officer, board or commission of the City are subject to the rules and regulations of that office, board, or commission. Thus, for example, spaces located on property under the jurisdiction of the Port are subject to rules and regulations imposed by the Port.

The Port has not formally established any separate rules or regulations governing street artists on Port property. However, until this point, the Port has recognized the Board of Supervisors' designation of sales spaces on Port property, and has likewise consented to enforcement of the Street Artist Ordinance on property under the jurisdiction of the Port.

While the Port has concurred in the administration of the street artist program by the Program Director until now, the Port is free to change these procedures and develop its own requirements for street artists on Port property at any time. However, under the present circumstances, we conclude that administration of street artist spaces on Port property is properly within the discretion of the Program Director, subject to disapproval by the Port. Accordingly, in the absence of an expression to the contrary by the Port, it is within the Program Director's discretion to locate and if necessary, relocate street artist spaces under the jurisdiction of the Port so that the spaces comply with the requirements of section 2405(c).

Question 2. Is the Board of Supervisors required to hold a hearing and take action either to rescind formally the location of a space or to exempt a space from the regulation?

Answer. The Board of Supervisors is not required to hold a hearing to rescind the location of a space. Under section 2405(d), in order to exempt a space from the requirements of section 2405(c), the Board must act by resolution following a public hearing.

As noted above, designation of sales areas is governed by Section 8 of Proposition "L." That provision authorizes the Board of Supervisors, by resolution after public hearing, to designate areas for street artists. The language of Section 8 makes clear the voters' intent in passing Proposition "L" that there be public participation in the process for designating street artist sales areas.

## HEARING PROCEDURES

Mr. Howard Lazar

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June 12, 1995

In exercising its authority to designate sales areas, the Board determines the number of spaces in a designated area. However, the Board does not determine the specific location of individual spaces in a designated area. It would be impractical for the Board to do so, as the availability of individual spaces can fluctuate as a result of activities such as parades, construction or street repair. With the exception of Police Code section 2407, which authorizes the Department of Public Works to place identifying marks in sales areas designated by the Board, the Street Artist Ordinance is silent as to how specific spaces are to be established.

As a matter of longstanding administrative practice, the Program Director has determined the physical location of individual spaces in a designated sales area. The Program Director has made these determinations without a hearing. The Street Artist Ordinance does not require a hearing for this purpose.

While Proposition "L" makes clear the need for public participation in designating sales areas, we conclude that Proposition L was not intended to subject each movement or relocation of spaces within a designated sales area to a public hearing and approval by the Board. Police Code Section 2405(d) states that redesignation of sales areas is to be accomplished by resolution. Because the Board does not designate specific spaces within a designated sales area, we conclude that the relocation or elimination of individual spaces due to noncompliance with the Street Artist Ordinance does not require that the Board hold a public hearing each time a street artist space must be eliminated or relocated because it is in violation of section 2405(c). Instead, the authority to relocate or eliminate spaces in such cases rests with the Program Director.

Likewise, in the absence of any expression to the contrary by the Port, no hearing before the Board or the Port is required where the Program Director moves or eliminates spaces on Port property because of inconsistencies with section 2405(c).

While the Port is free to establish its own requirements addressing the elimination or relocation of spaces on Port property, the Port has not done so. Instead, the Port has deferred to the Program Director's administration of the street artist spaces located on Port property. It is our understanding that the Program Director consults with, and seeks guidance from, the Port's staff prior to taking action on property under the jurisdiction of the Port. Accordingly, we conclude that in the absence of action by the Port, a decision by the Program Director to remove or relocate a space on Port property due to public access or safety considerations, such as those set forth in section 2405(c), does not require action by, or a hearing before, the Board of Supervisors or the Port Commission.

Question 3. If a hearing to de-designate or re-designate the spaces is required, may the Street Artist Program continue to allocate the space for use by street artists until the Board de-designates it?

## HEARING PROCEDURES

Mr. Howard Lazar

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June 12, 1995

Answer. As explained above, no hearing is required to eliminate or relocate spaces for street artists due to noncompliance with the requirements of section 2405(c). The only instance in which a hearing is required is where a space in violation of section 2405(c) is being exempted from the requirements of that subsection in accordance with section 2405(d). Such an exemption requires a resolution by the Board of Supervisors following a public hearing.

Please do not hesitate to contact this office if you have any questions concerning this matter.

Very truly yours,

LOUISE H. RENNE  
City Attorney

  
DAVID A. GREENBURG  
Deputy City Attorney

cc: Julie Van Nostern, Port General Counsel

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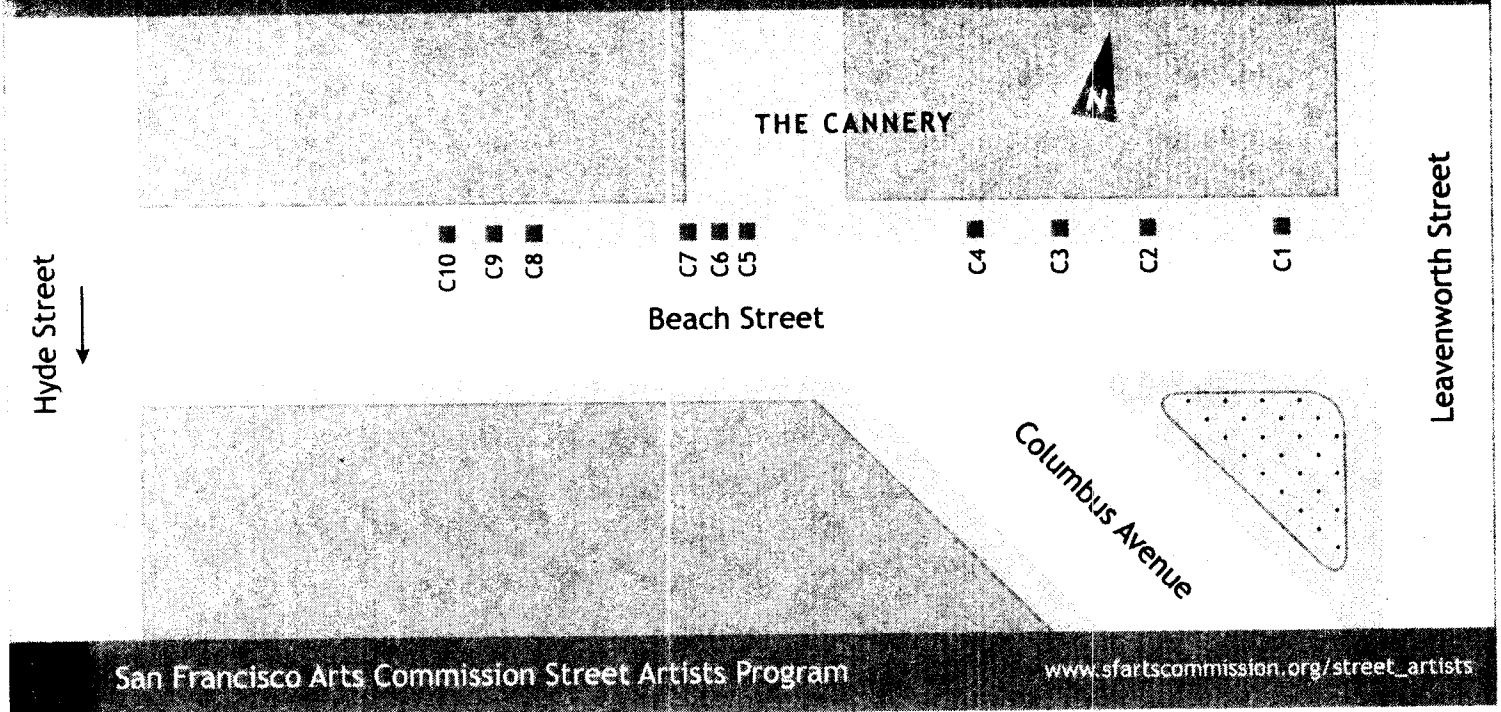
Map 1: SF Street Artists Program Selling Area Spaces: Beach St. between Polk and Larkin



Map 2: SF Street Artists Program Selling Area Spaces: Beach between Larkin and Hyde



Map 3: SF Street Artists Program Selling Area Spaces: Beach & Columbus



**Map 4: SF Street Artists Program Selling Area Spaces: Hyde Street**

Jefferson Street

ARGONAUT HOTEL

Hyde Street

Beach Street

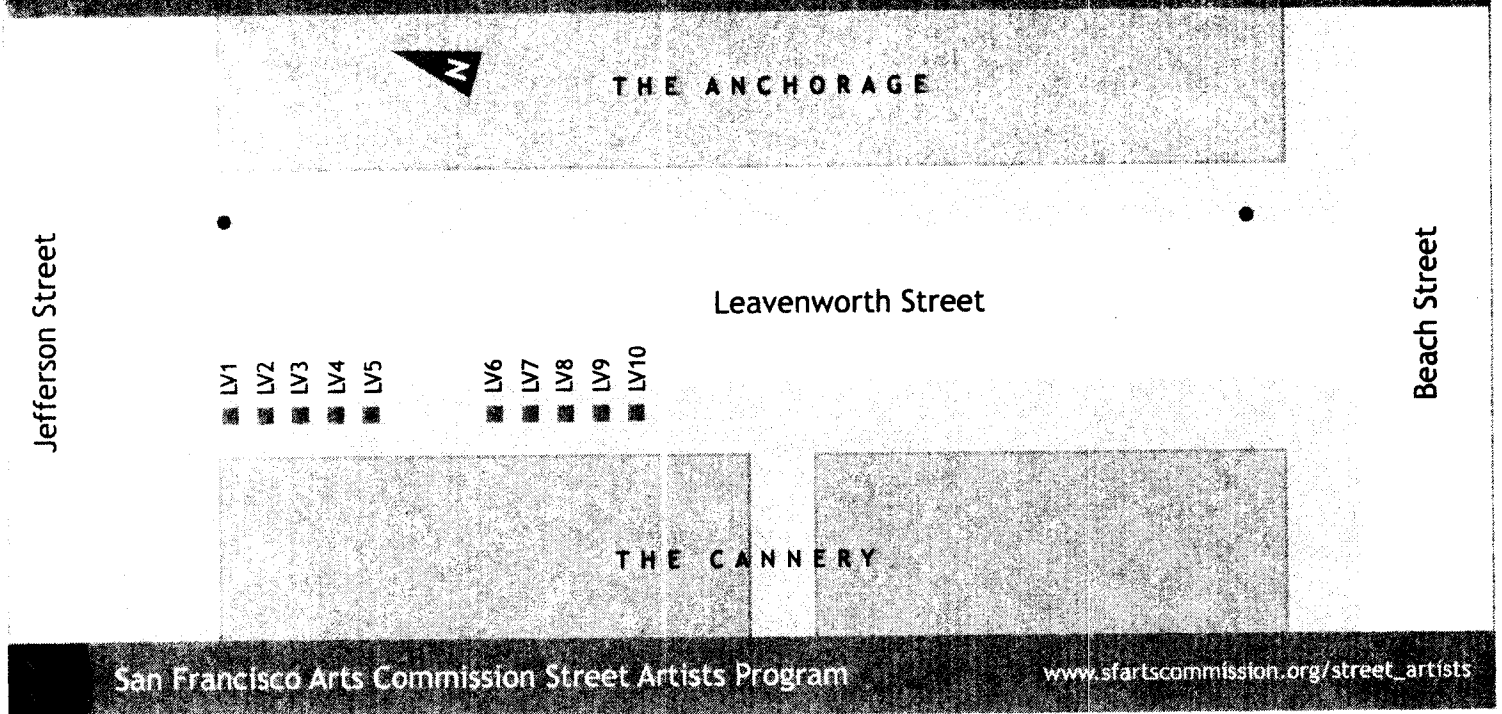
VICTORIAN PARK

Caplecar Turnaround

San Francisco Arts Commission Street Artists Program

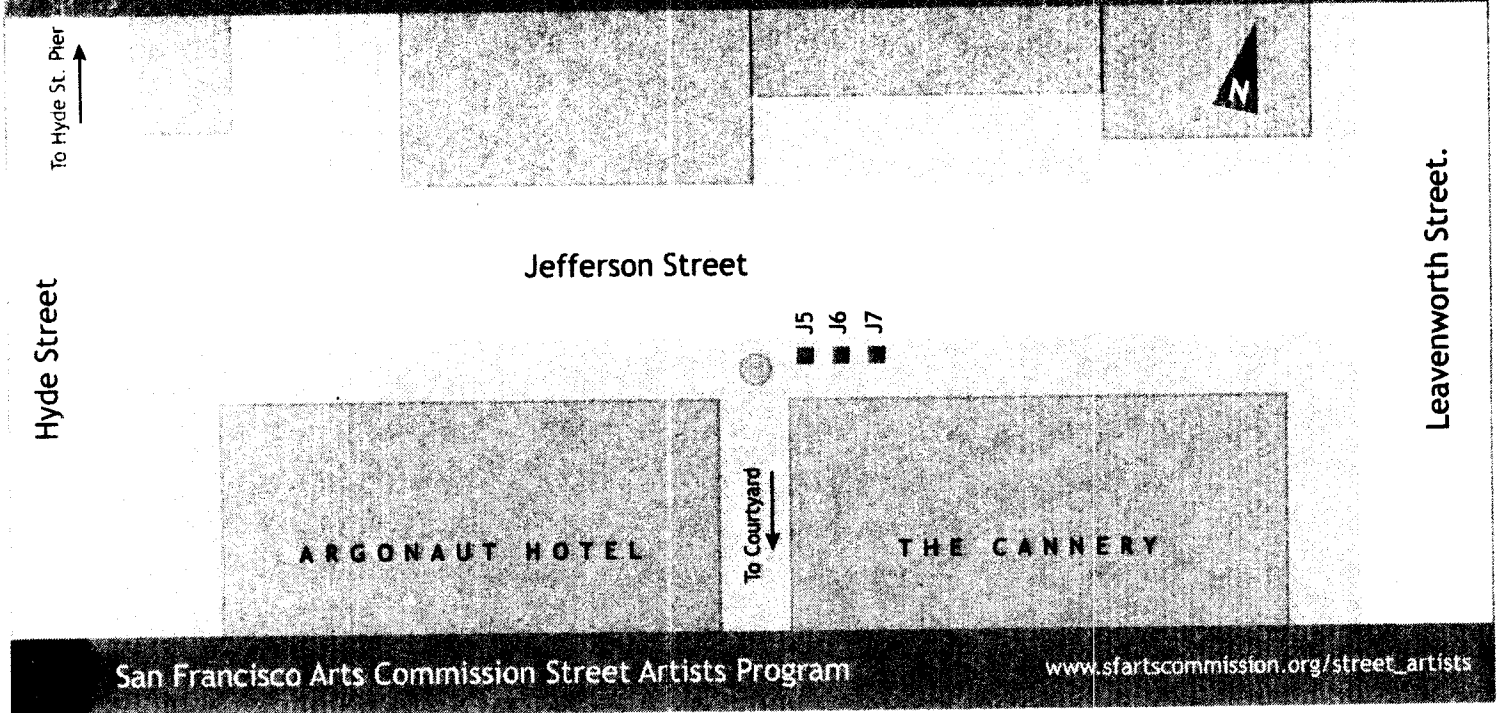
[www.sfartscommission.org/street\\_artists](http://www.sfartscommission.org/street_artists)

Map 5: SF Street Artists Program Selling Area Spaces: Leavenworth between Jefferson and Beach





Map 6: SF Street Artists Program Selling Area Spaces: Jefferson between Hyde and Leavenworth



Map 7: SF Street Artists Program Selling Area Spaces: Jefferson & Leavenworth

Leavenworth Street

J10  
J11  
J12  
J13  
J14  
J15

Jefferson Street



THE ANCHORAGE

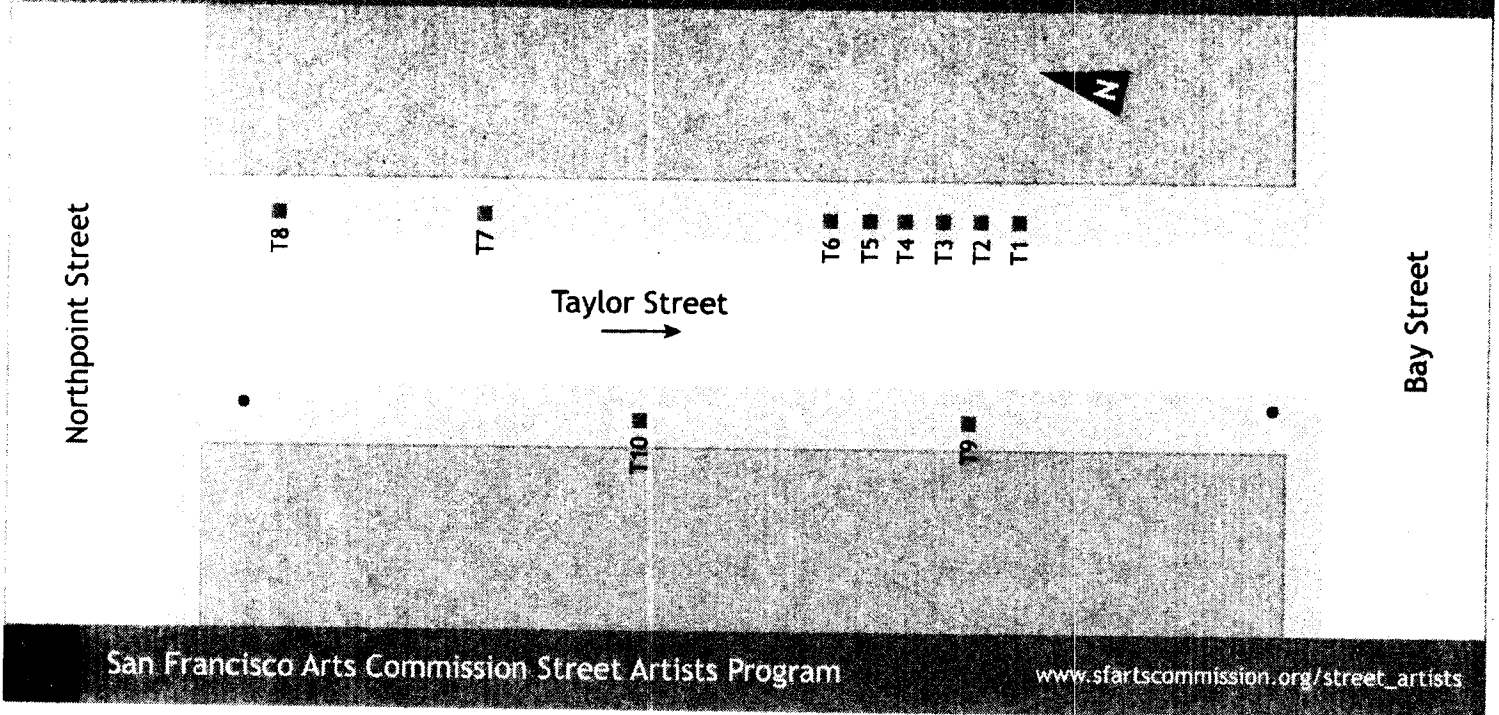
Al Scoma Way

Jones Street

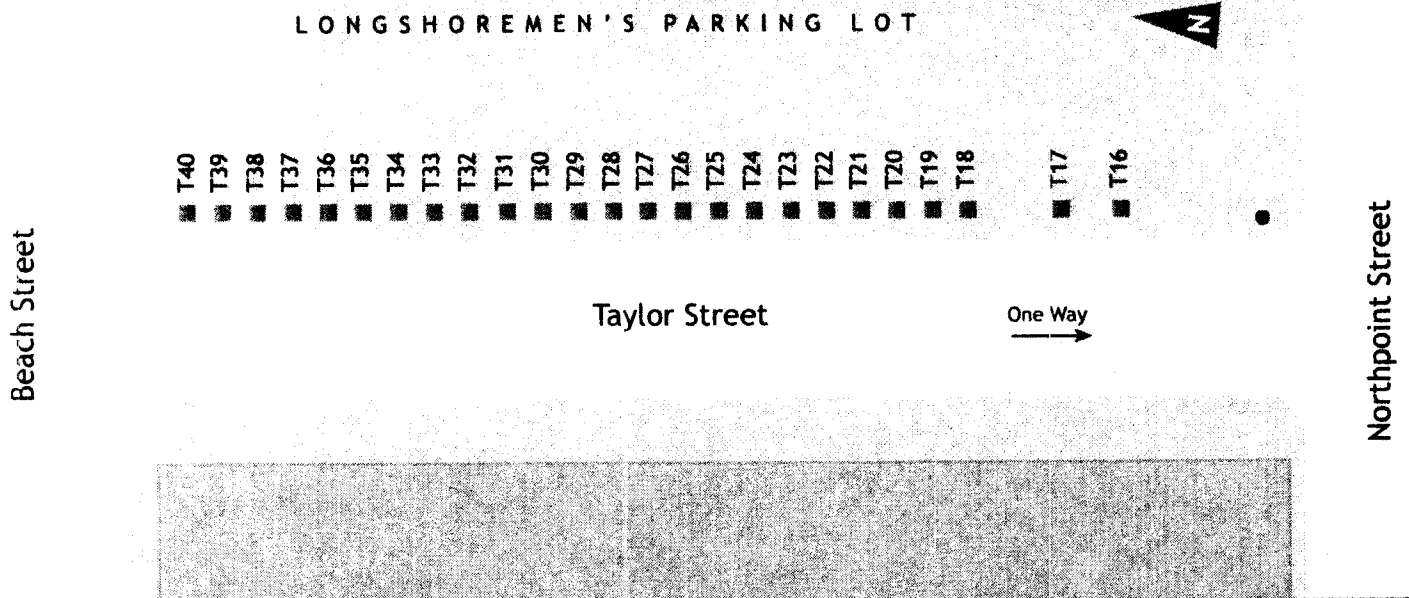
San Francisco Arts Commission Street Artists Program

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Map 8: SF Street Artists Program Selling Area Spaces: Taylor between Northpoint and Bay



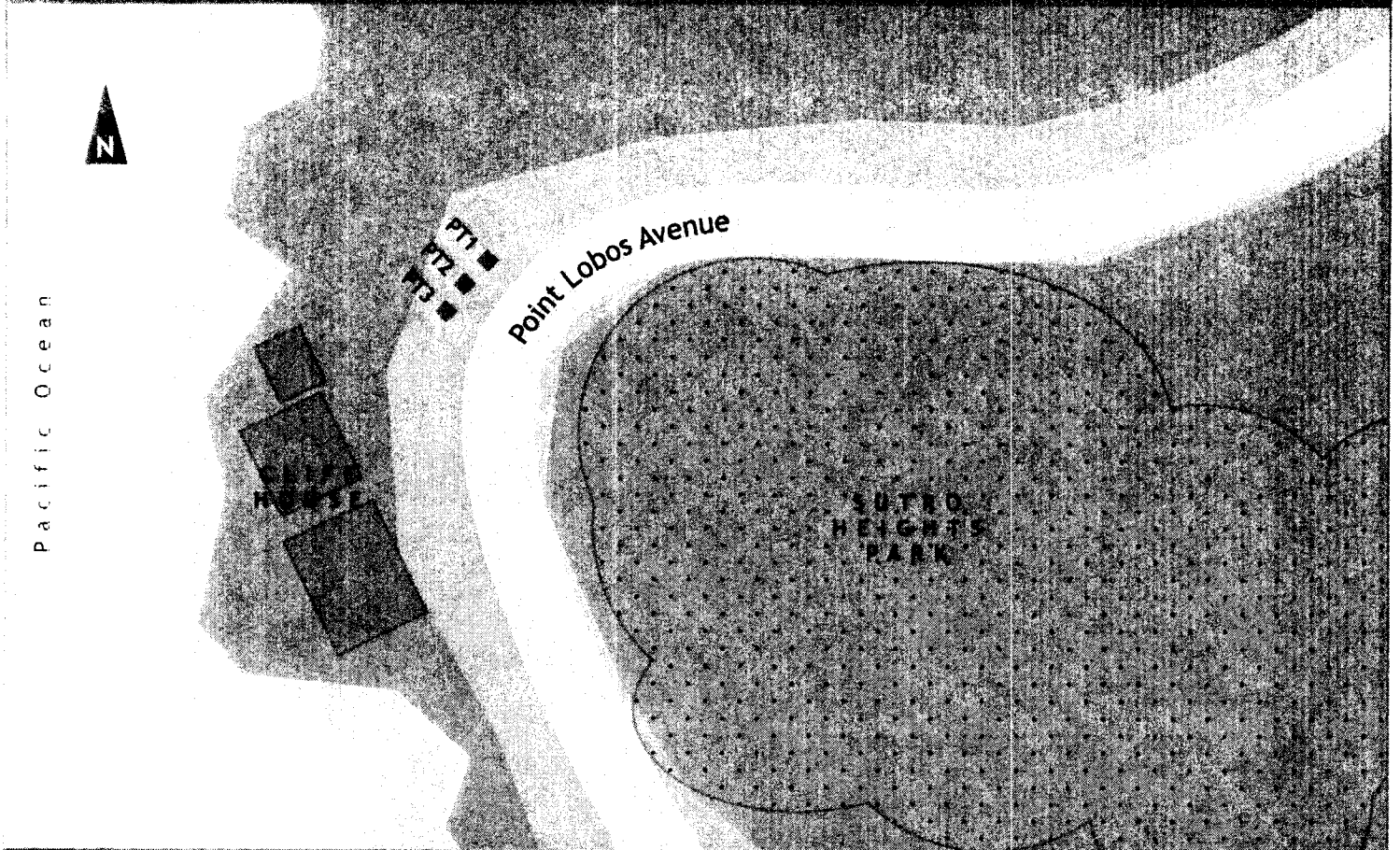
Map 9: SF Street Artists Program Selling Area Spaces: Taylor between Beach and Northpoint



San Francisco Arts Commission Street Artists Program

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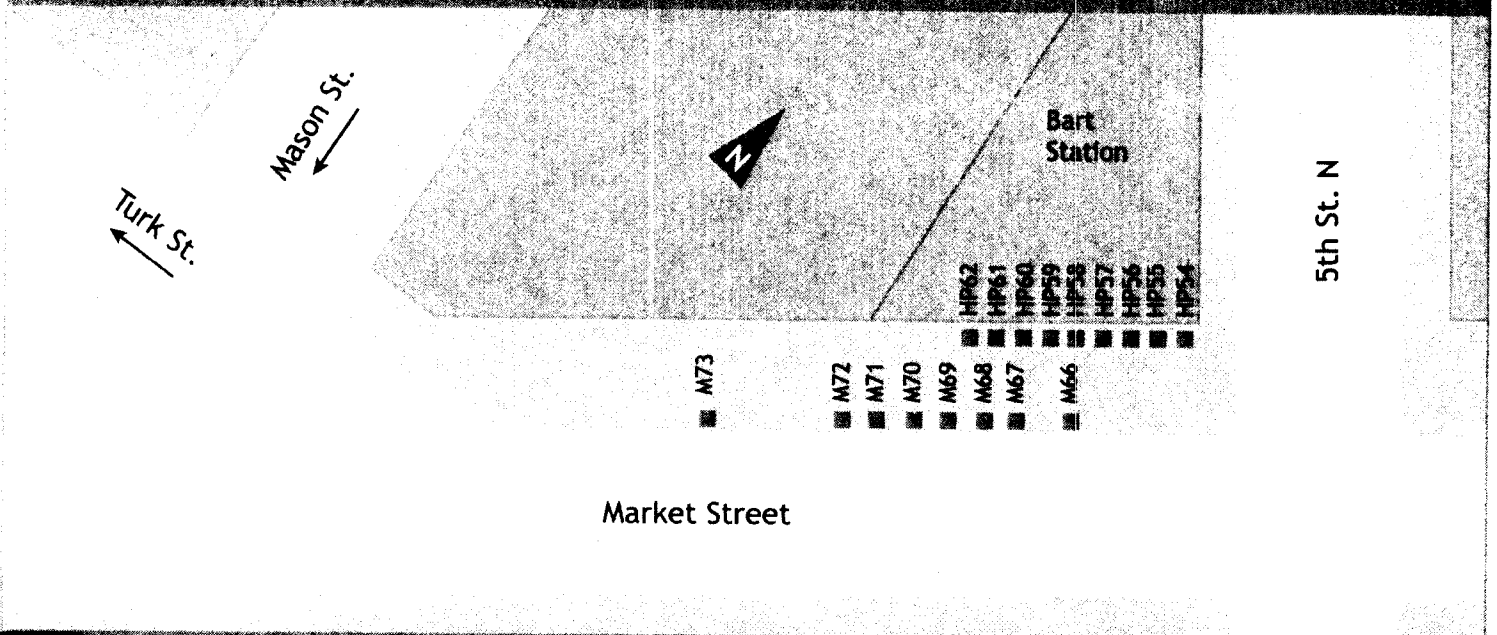
Map 10: SF Street Artists Program Selling Area Spaces: Point Lobos



San Francisco Arts Commission Street Artists Program

[www.sfartscommission.org/street\\_artists](http://www.sfartscommission.org/street_artists)

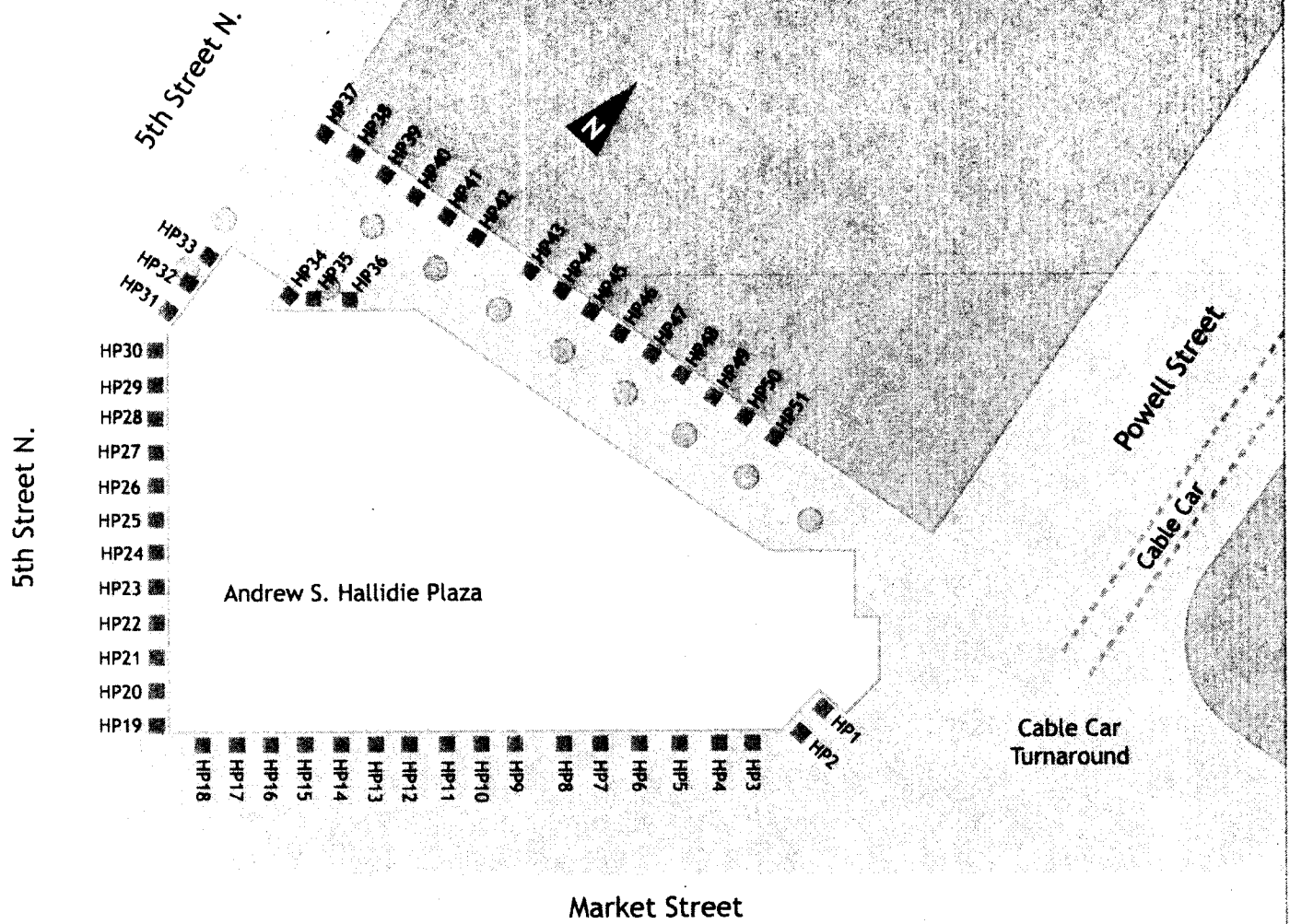
Map 11: SF Street Artists Program Selling Area Spaces: Market & 5th



San Francisco Arts Commission Street Artists Program

[www.sfartscommission.org/street\\_artists](http://www.sfartscommission.org/street_artists)

# Map 12: SF Street Artists Program Selling Area Spaces: Hallidie Plaza



San Francisco Arts Commission Street Artists Program

[www.sfartscommission.org/street\\_artists](http://www.sfartscommission.org/street_artists)

Map 13: SF Street Artists Program Selling Area Spaces: Market & 4th St.

Market Street

Ellis St.

Stockton St.

4th St.

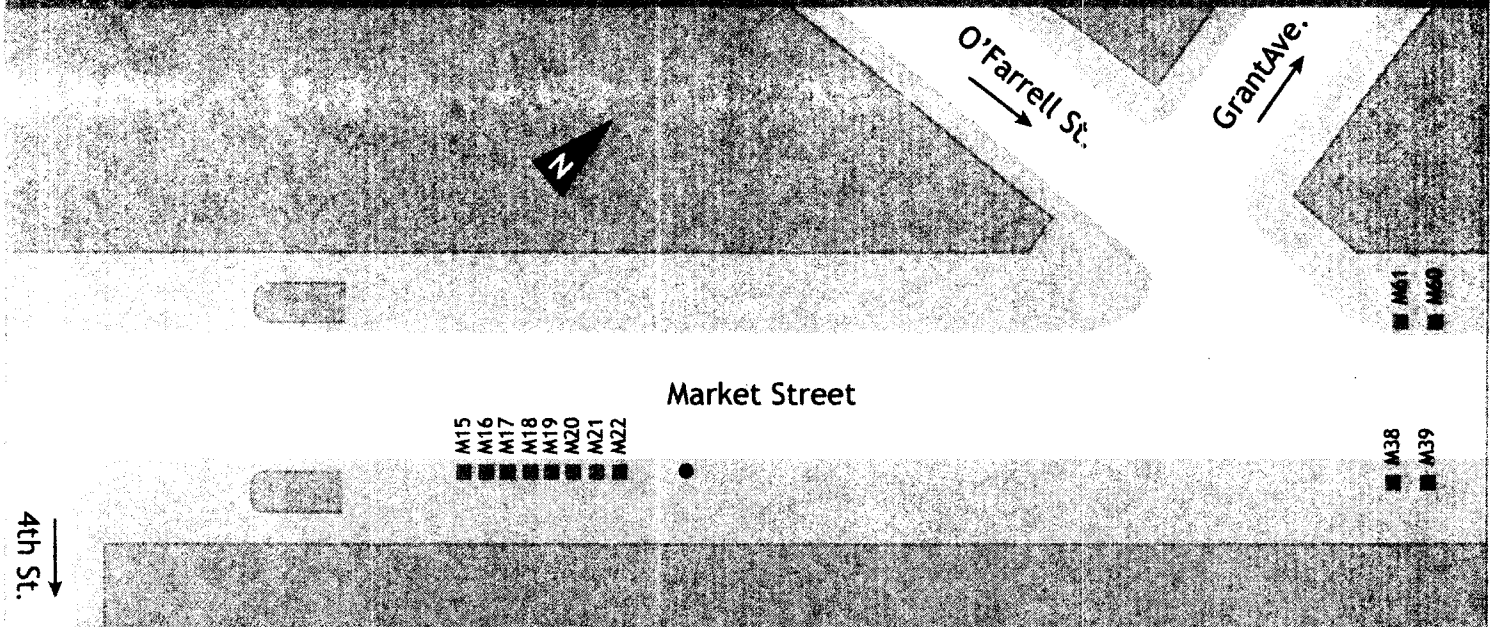
M9, M10, M11, M14, M4, M3

San Francisco Arts Commission Street Artists Program

[www.sfartscommission.org/street\\_artists](http://www.sfartscommission.org/street_artists)



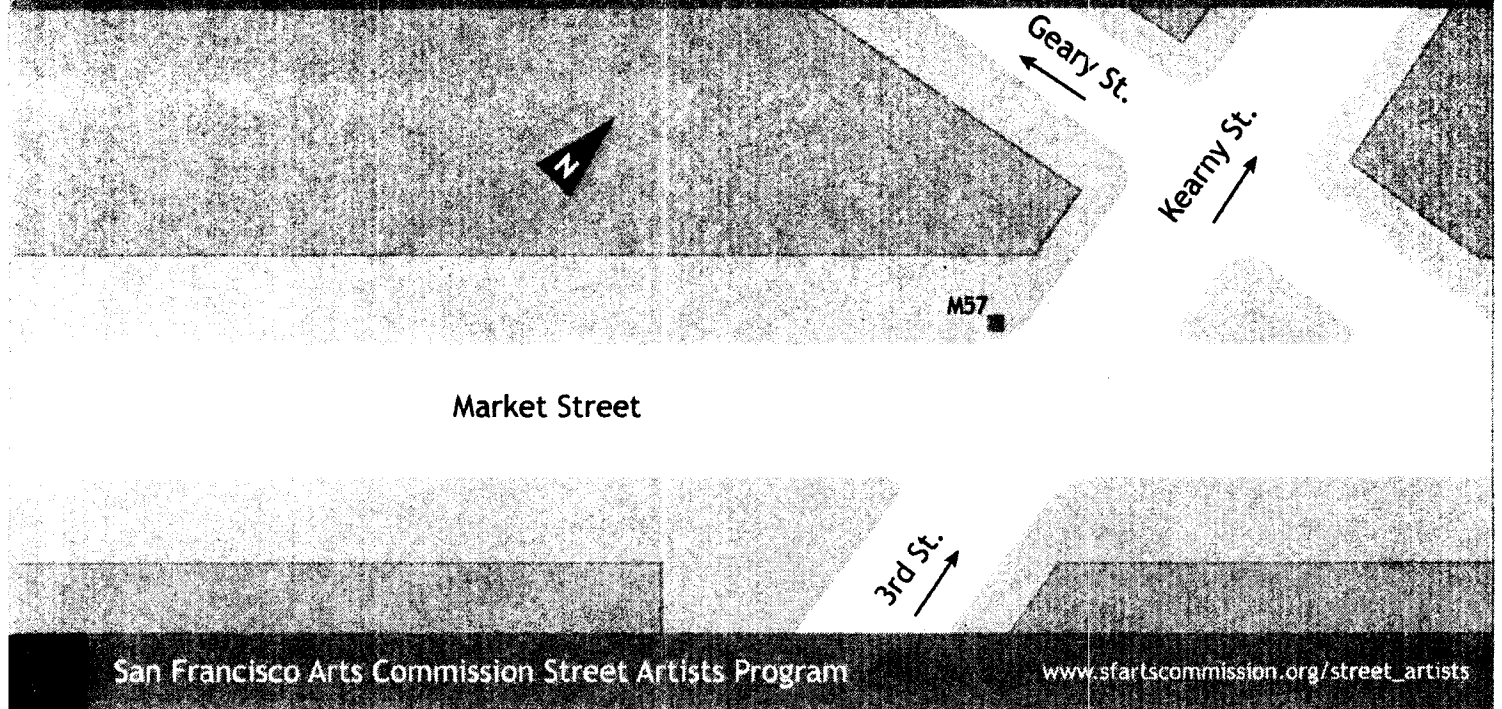
Map 14: SF Street Artists Program Selling Area Spaces: Market & O'Farrell



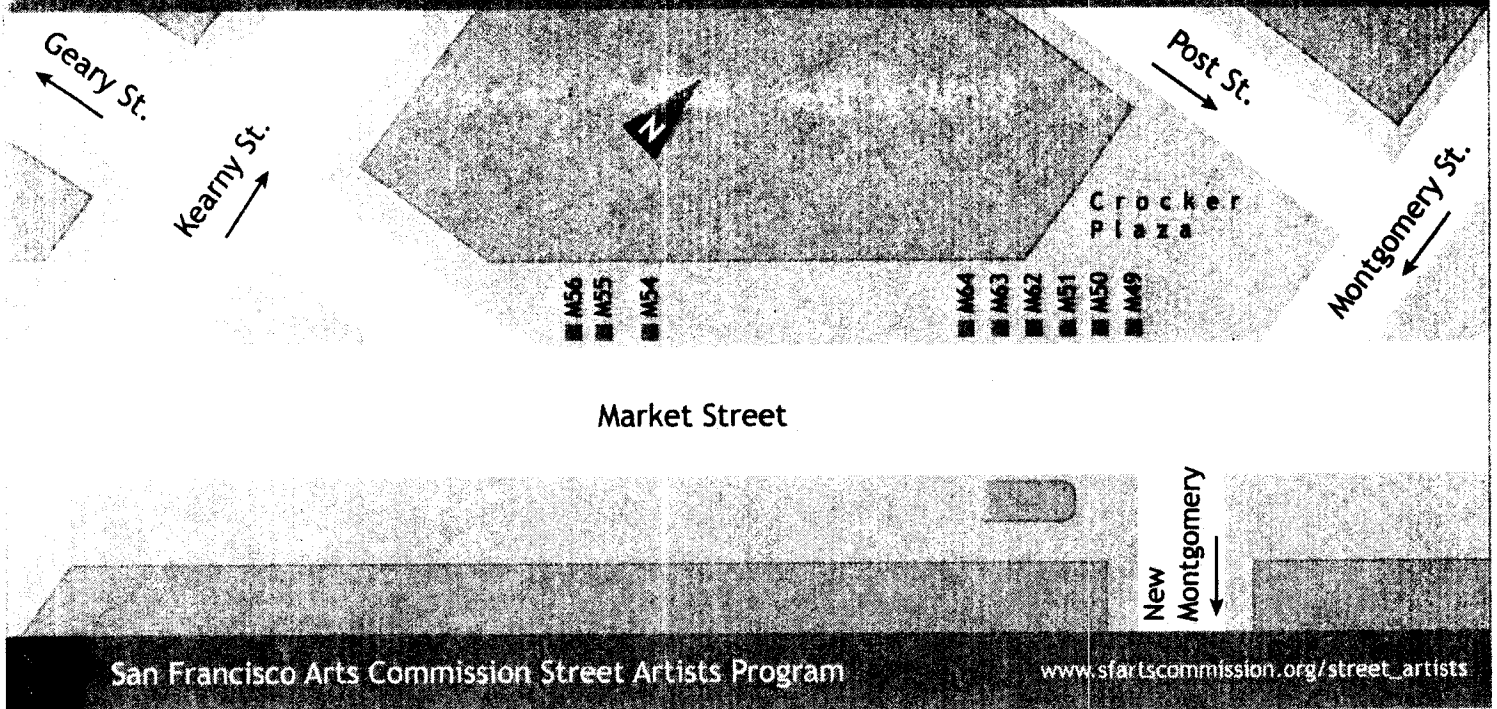
San Francisco Arts Commission Street Artists Program

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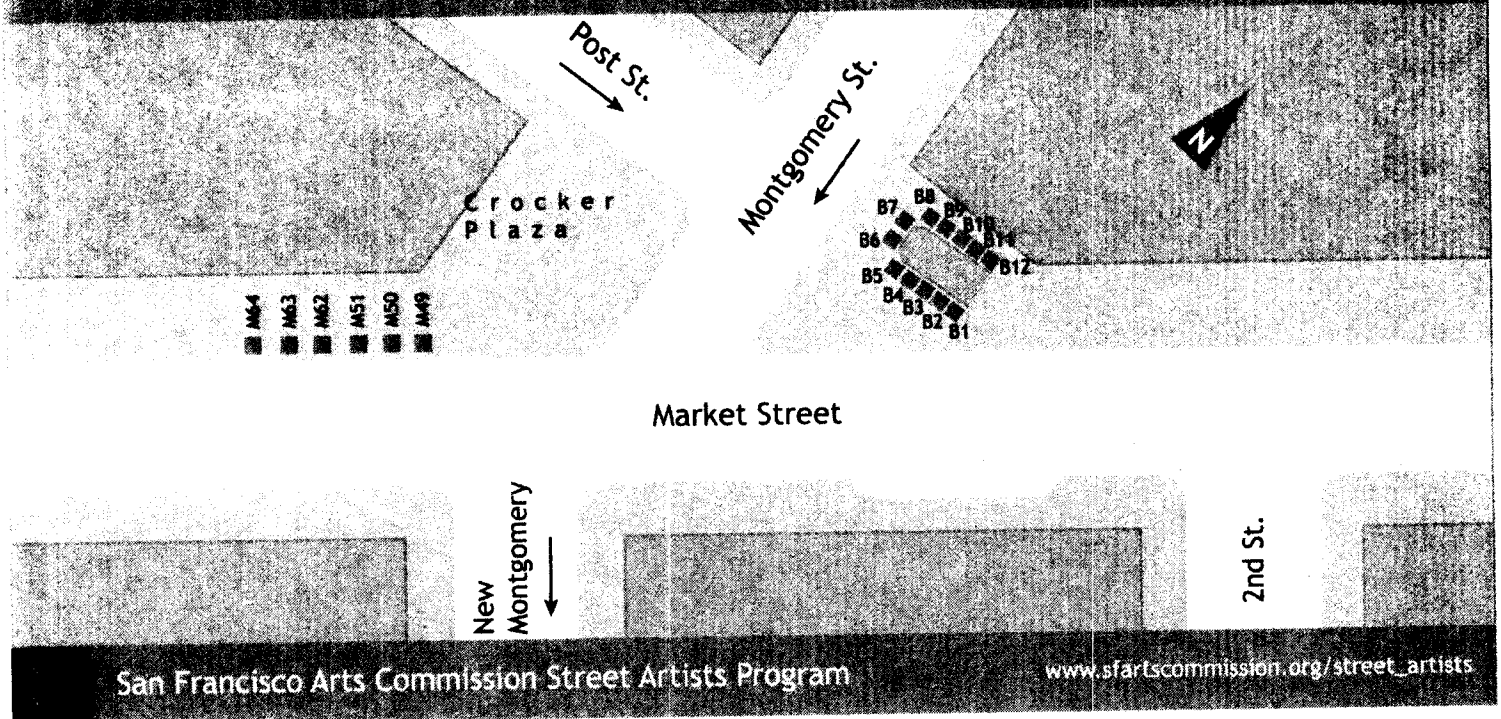
Map 15: SF Street Artists Program Selling Area Spaces: Market & Kearny



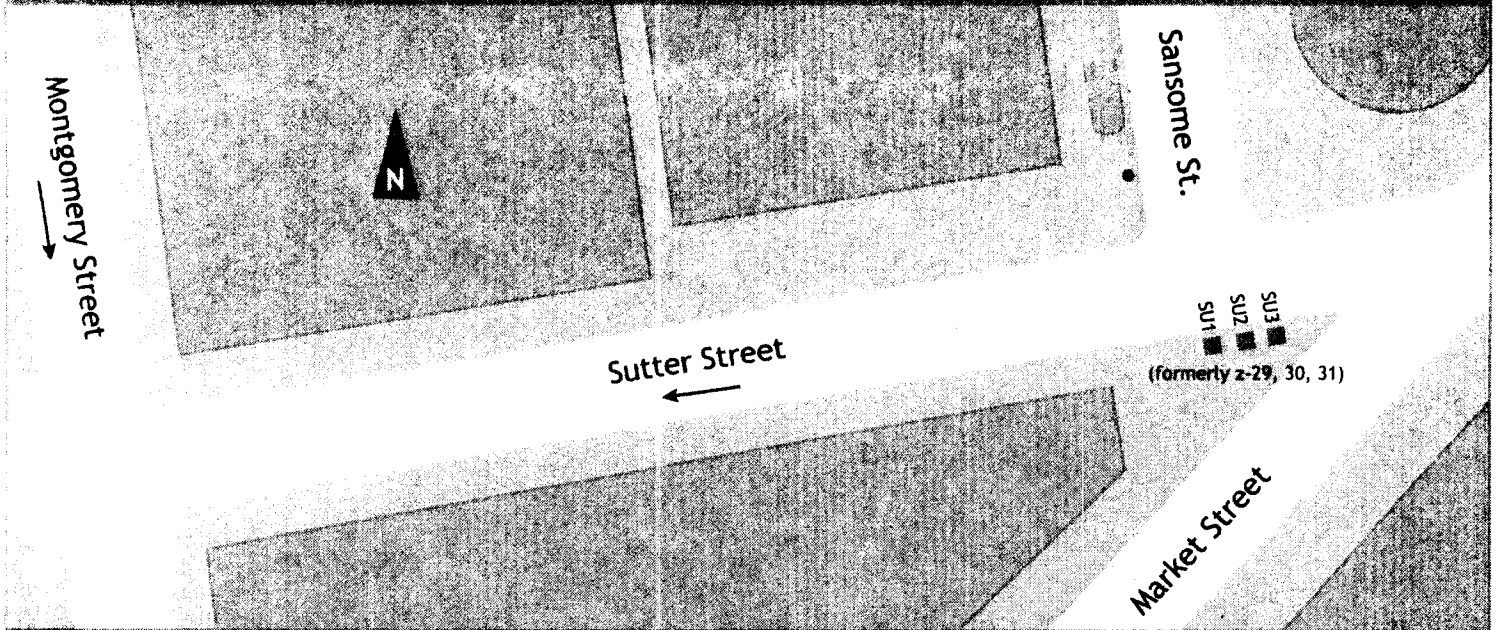
Map 16: SF Street Artists Program Selling Area Spaces: Market between Geary and Montgomery



Map 17: SF Street Artists Program Selling Area Spaces: Market & Montgomery



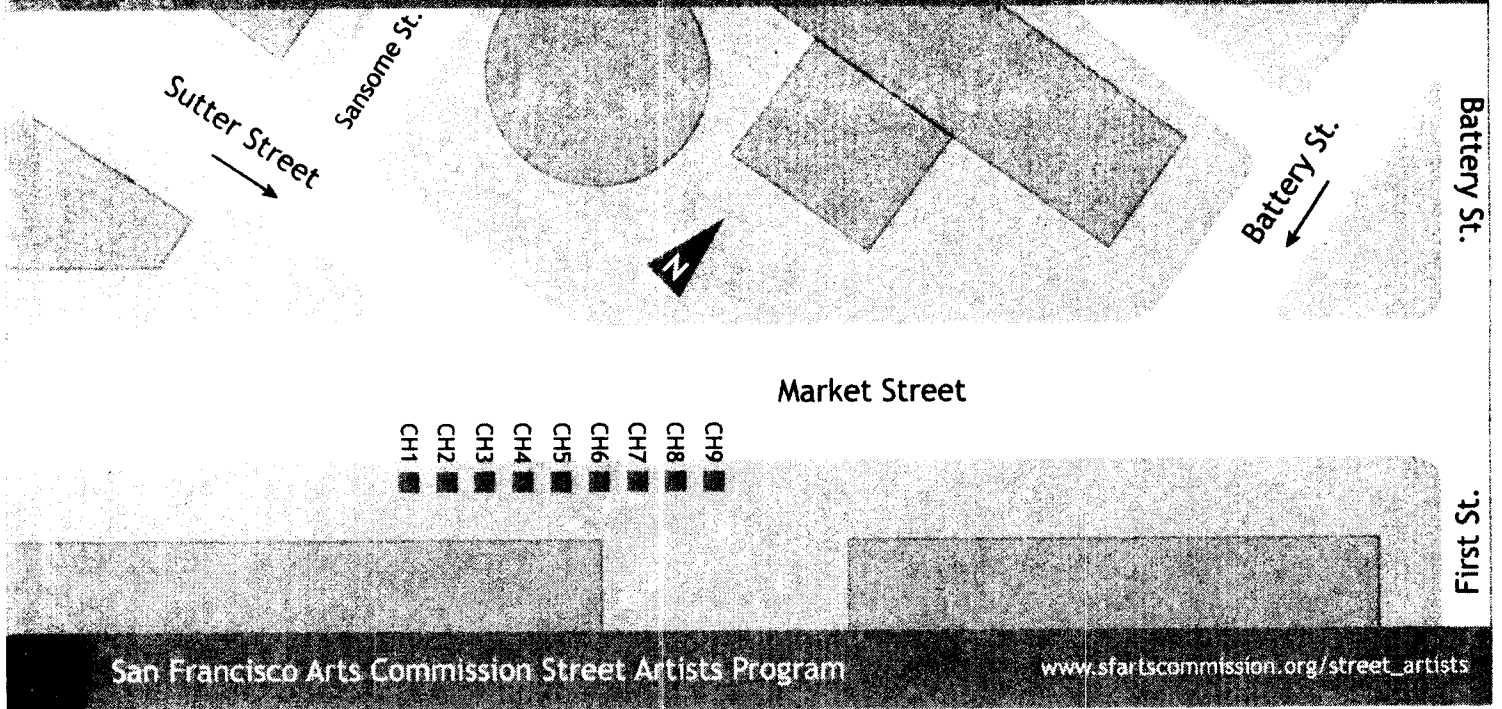
Map 18: SF Street Artists Program Selling Area Spaces: Sutter and Sansome



San Francisco Arts Commission Street Artists Program

[www.sfartscommission.org/street\\_artists](http://www.sfartscommission.org/street_artists)

Map 19: SF Street Artists Program Selling Area Spaces: Market & Sutter

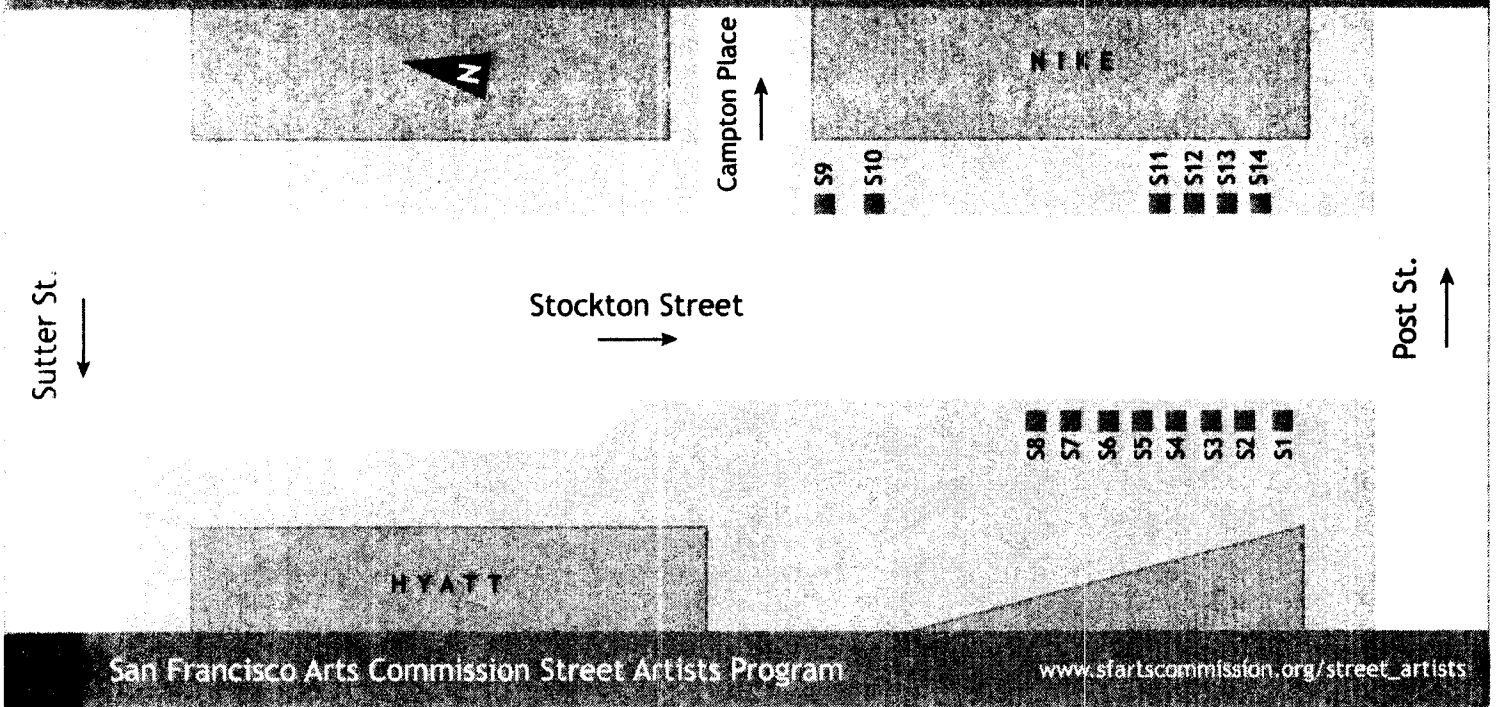


Map 20: SF Street Artists Program Selling Area Spaces: Market & Drumm



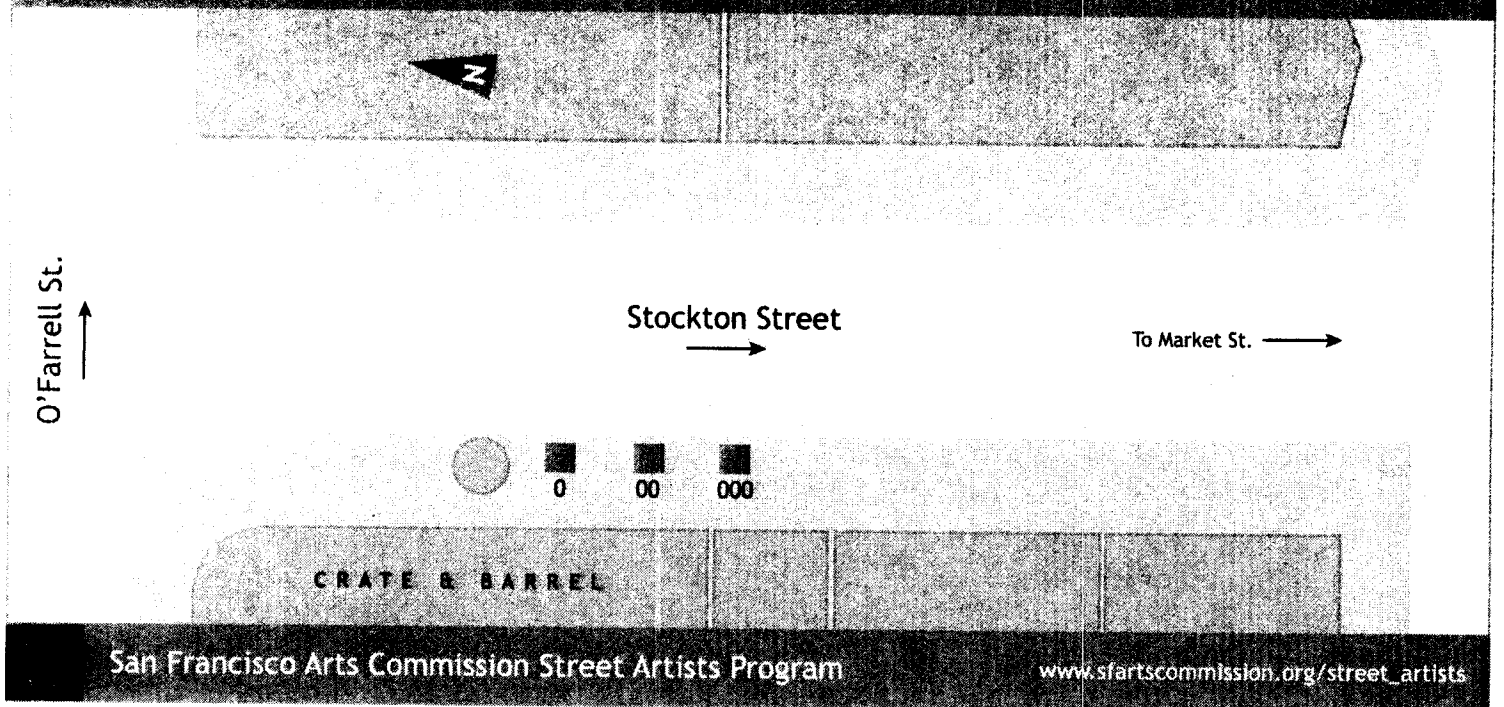


# Map 21: SF Street Artists Program Selling Area Spaces: Stockton between Sutter and Post

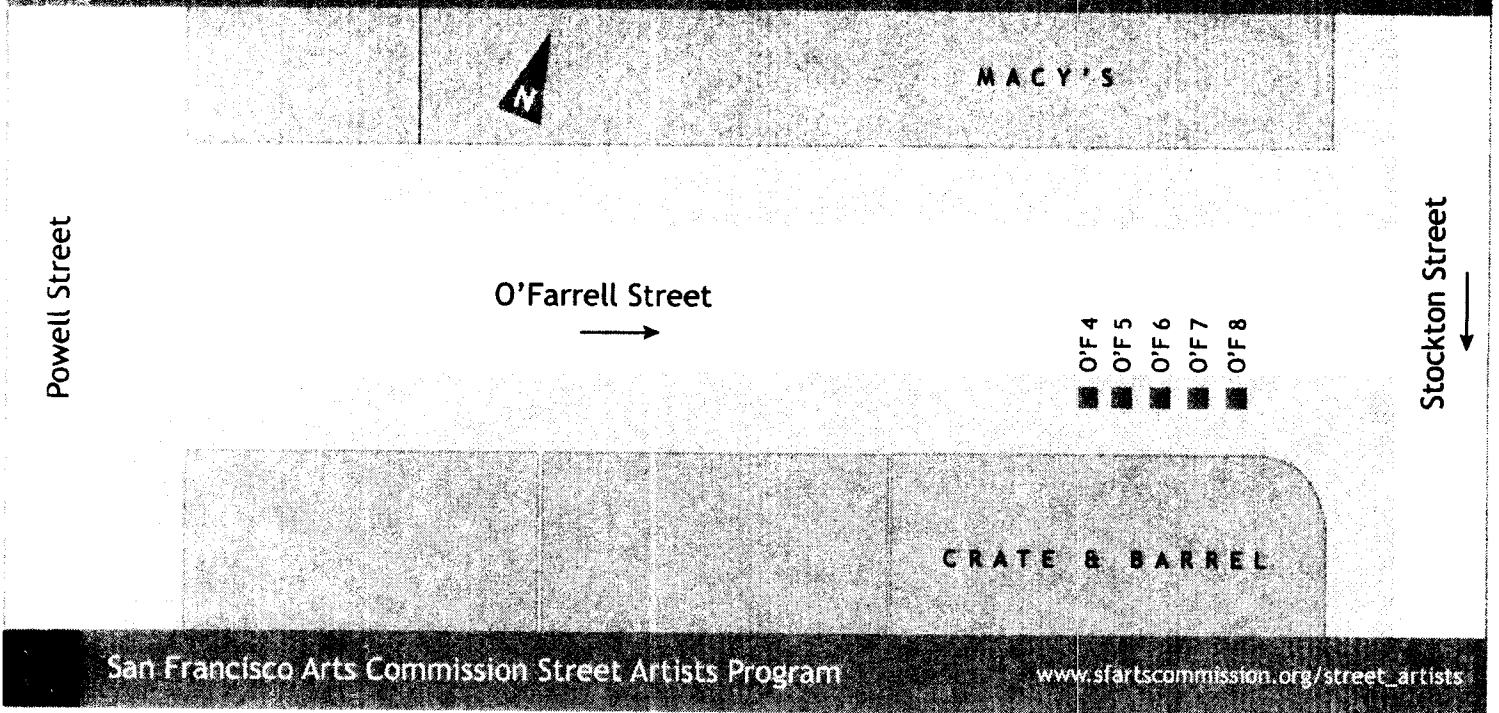




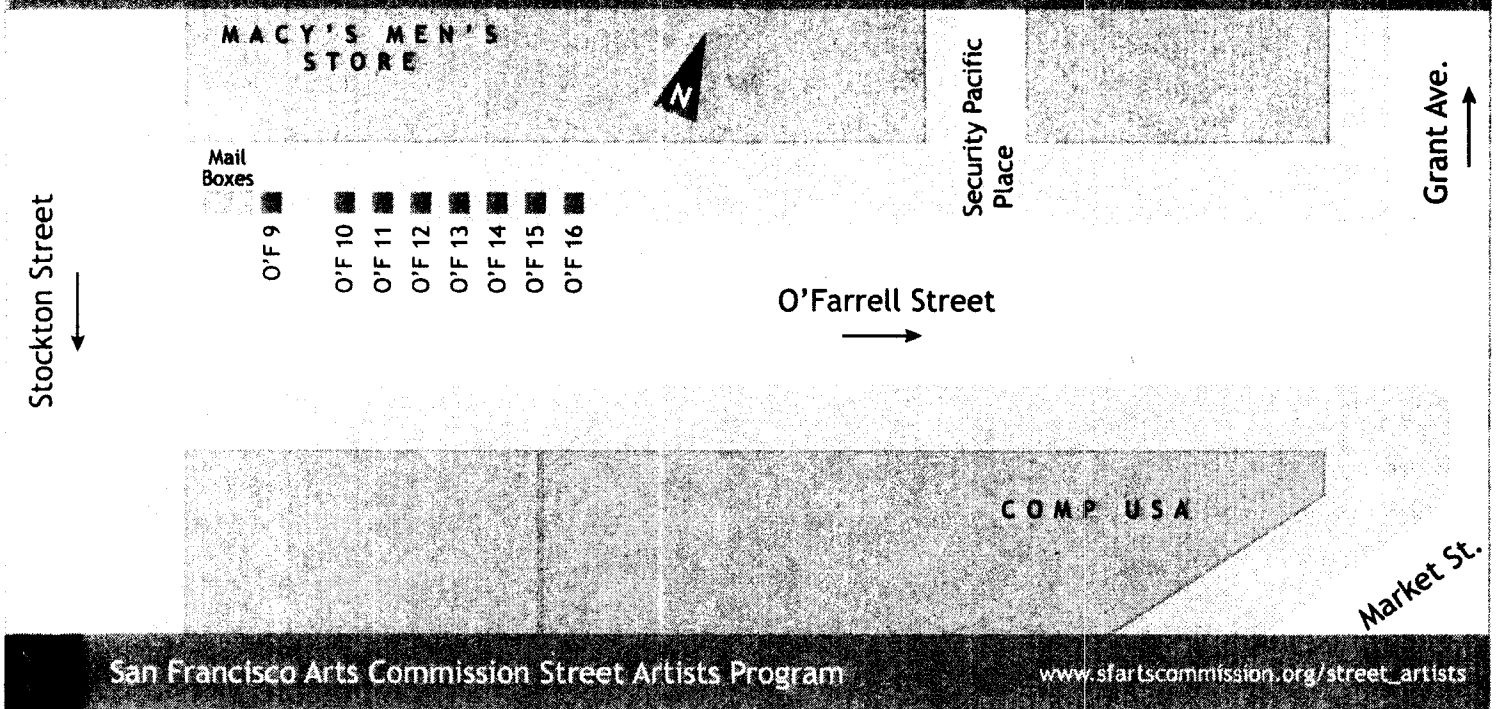
Map 22: SF Street Artists Program Selling Area Spaces: Stockton and O'Farrell



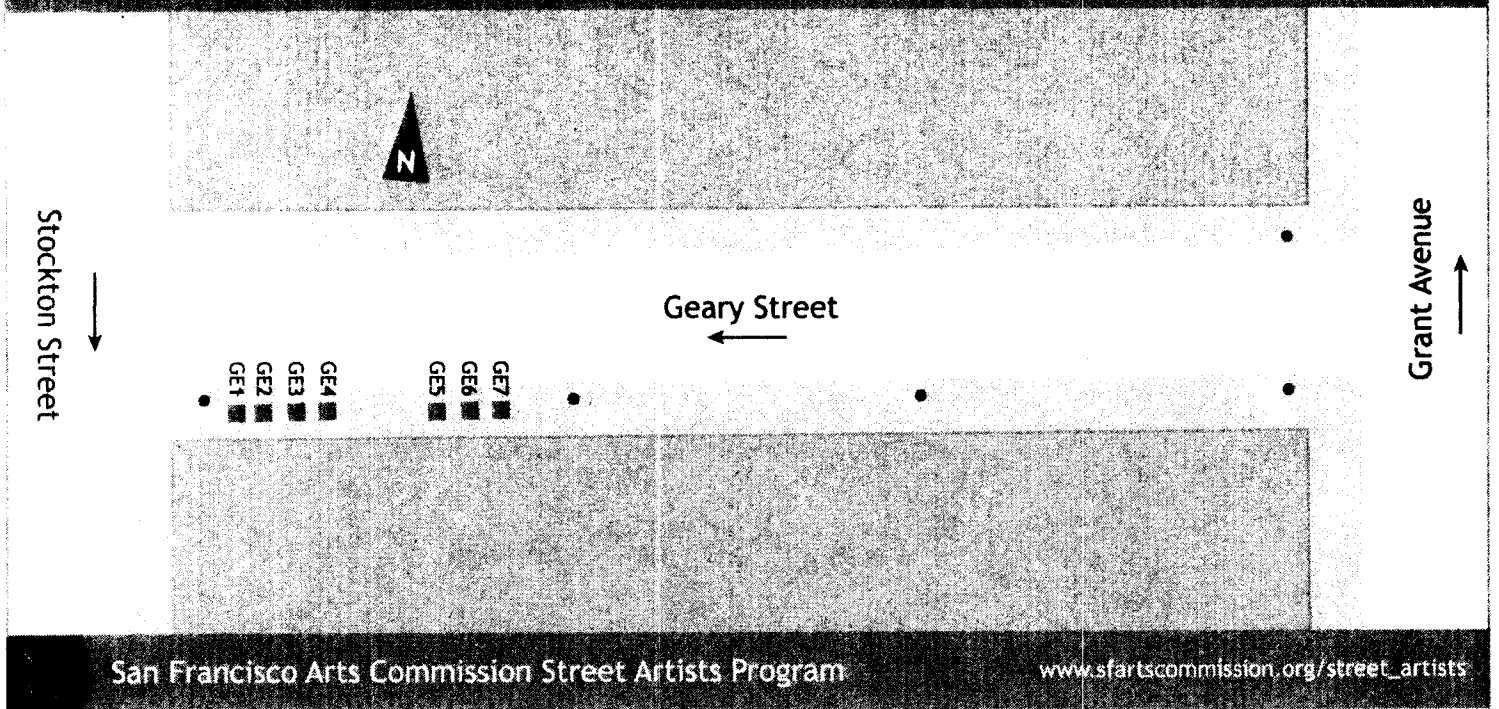
Map 23: SF Street Artists Program Selling Area Spaces: O'Farrell between Powell and Stockton



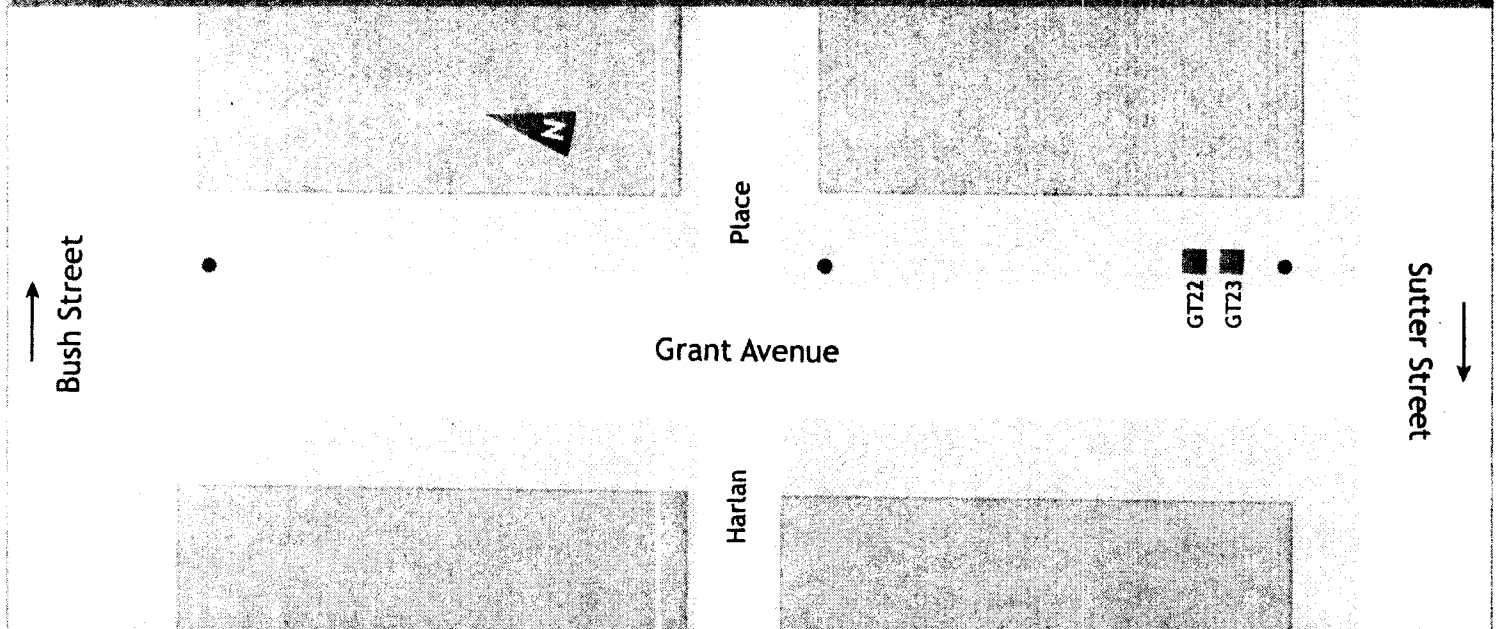
Map 24: SF Street Artists Program Selling Area Spaces: O'Farrell between Stockton and Grant



Map 25: SF Street Artists Program Selling Area Spaces: Geary between Stockton and Grant



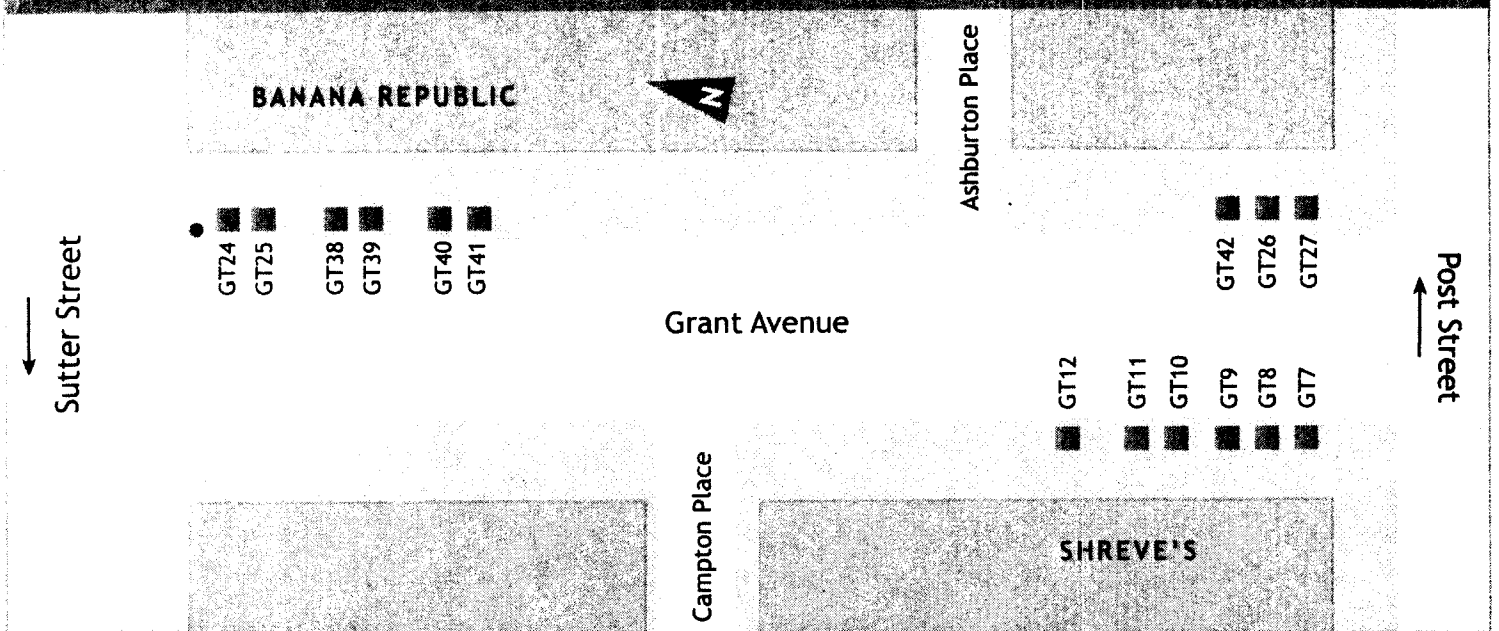
Map 26: SF Street Artists Program Selling Area Spaces: Grant between Bush and Sutter



San Francisco Arts Commission Street Artists Program

[www.sfartscommission.org/street\\_artists](http://www.sfartscommission.org/street_artists)

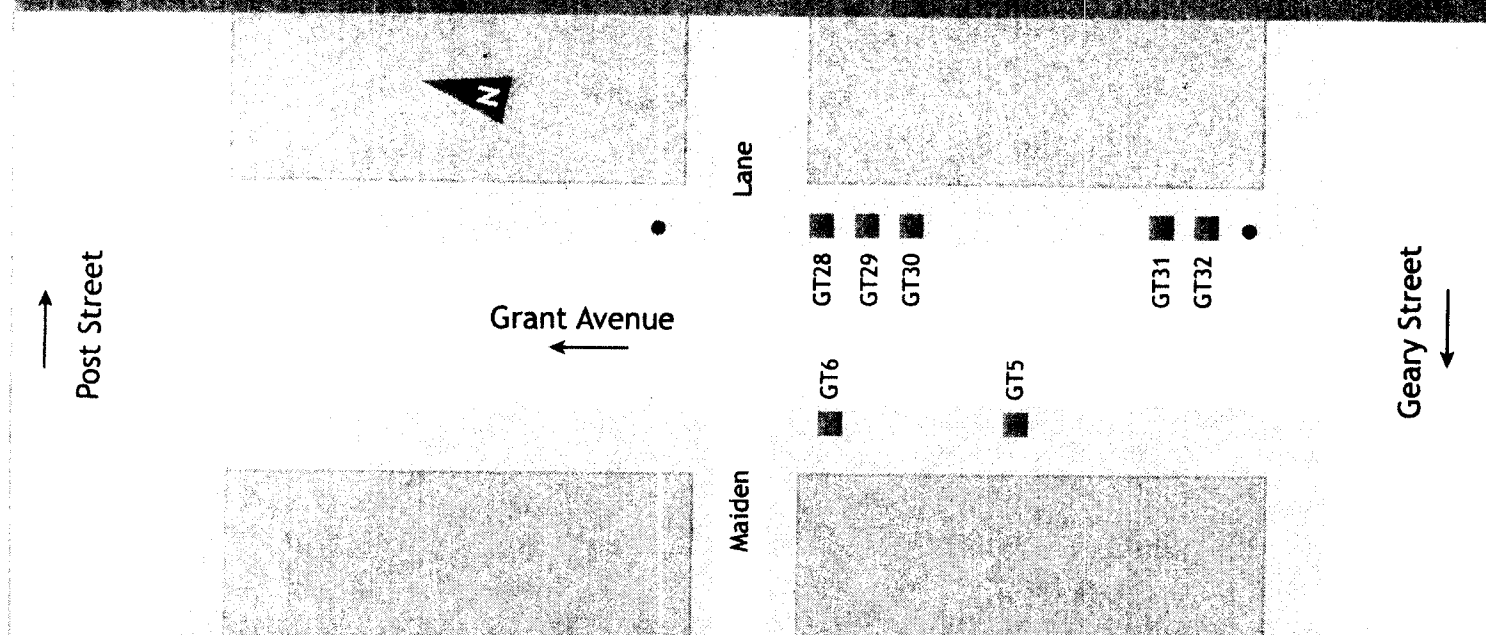
Map 27: SF Street Artists Program Selling Area Spaces: Grant between Sutter and Post



San Francisco Arts Commission Street Artists Program

[www.sfartscommission.org/street\\_artists](http://www.sfartscommission.org/street_artists)

Map 28: SF Street Artists Program Selling Area Spaces: Grant between Post and Geary



San Francisco Arts Commission Street Artists Program

[www.sfartscommission.org/street\\_artists](http://www.sfartscommission.org/street_artists)

Map 29: SF Street Artists Program Selling Area Spaces: Grant between Geary and O'Farrell

Geary St.  
↓

Grant Ave.  
←

WELLS FARGO

■ GT34  
■ GT35  
■ GT36  
■ GT37

■ GT3  
■ GT2

■ GT1

These spaces available  
only after 1PM

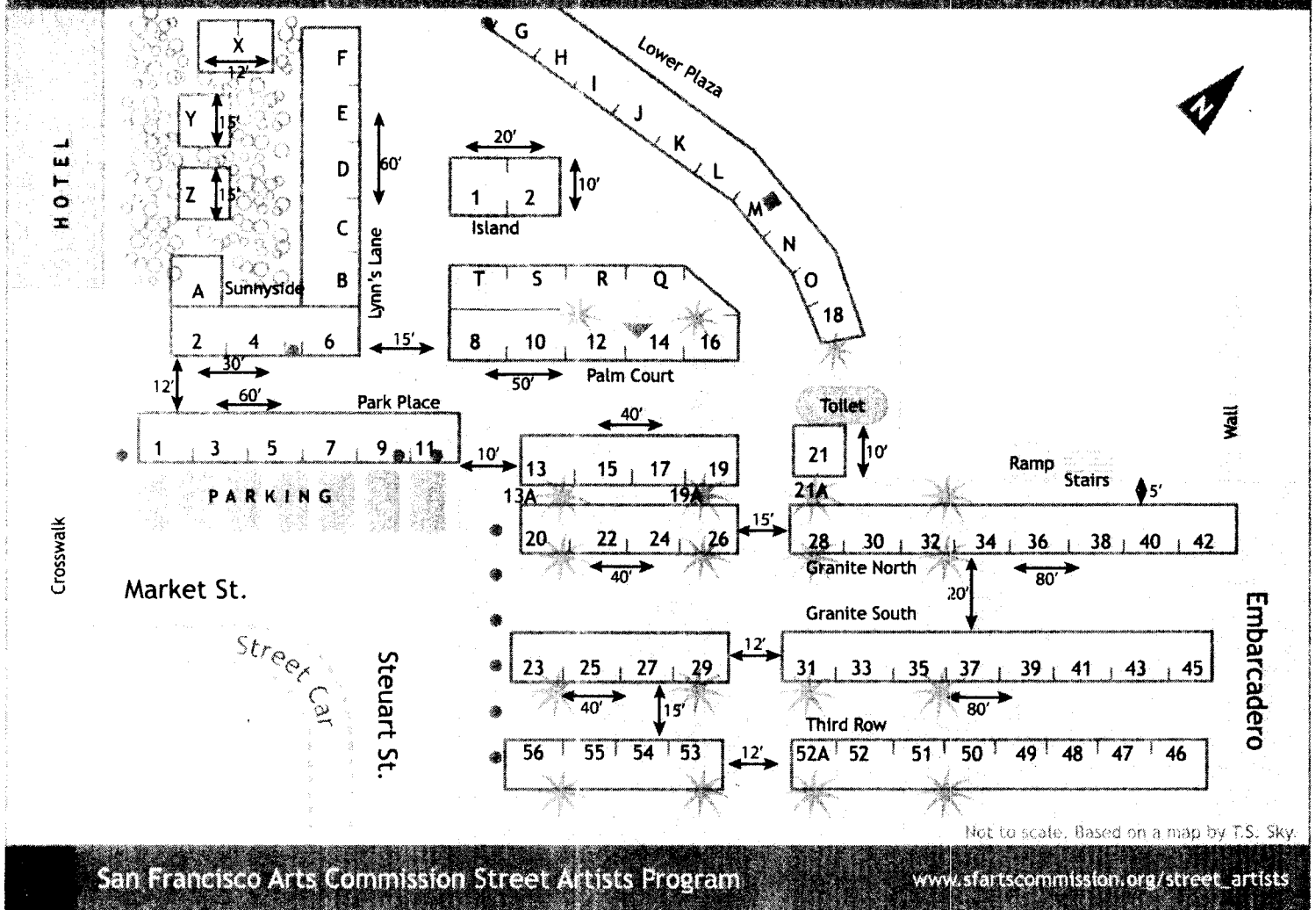
O'Farrell St.  
↑

San Francisco Arts Commission Street Artists Program

[www.sfartscommission.org/street\\_artists](http://www.sfartscommission.org/street_artists)



# Map 30: SF Street Artists Program Selling Area Spaces: Justin Herman Plaza



## Basic SF city regulations governing the size of street artists' displays

