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**Public Works Order No: 203498**

**UPDATING SIDEWALK AND PARKING LANE OCCUPANCY GUIDELINES FOR THE SAN FRANCISCO  
COVID-19 ECONOMIC RECOVERY TASK FORCE’S “SHARED SPACES” PROGRAM**

I. **PURPOSE:** In response to the COVID-19 crisis, the City has taken numerous steps to reduce the impact of the virus. To mitigate the harm from the pandemic, the City issued a shelter-in-place order on March 16, 2020. The collective efforts of the City and surrounding counties in the State have had a positive impact on limiting the spread of the virus. As the City enters the next phase of recovery, consistent with the Public Health Orders and Directives, this Public Works Order provides guidelines for businesses to conditionally utilize sidewalk and parking lane space within the public right-of-way as part of the San Francisco COVID-19 Economic Recovery Task Force’s “Shared Spaces” Program.

II. **PROVISIONAL PERMIT APPLICATION SUBMITTAL PROCESS**

- a. To apply to use sidewalk and/or parking lane space under the “Shared Spaces” program, applicants shall use an online portal created by Digital Services and provide all required application information to obtain a conditional or temporary permit. This information shall include the following:
- i. Applicant contact information
  - ii. Name of the business using the sidewalk or parking lane space
  - iii. The location of the business and general information about the business
  - iv. The proposed use of the sidewalk or parking lane space
  - v. Permit holder must maintain general liability insurance throughout the term of the permit in the amount of at least \$1,000,000 per occurrence/\$2,000,000 in the aggregate to respond to claims made against the City and County of San Francisco (e.g. an additional insured endorsement in favor of the City).
  - vi. Photographs of the site location may be required if so directed by City staff
  - vii. Consent to all terms and conditions of the permit, including indemnification

III. **PROVISIONAL PERMIT APPLICATION REVIEW PROCESS – SIDEWALK SPACE**

- a. During the course of the application process for sidewalk space, the business will be required to self-certify that they meet the requirements outlined in this Order and the requirements listed on the Digital Services online portal. If the business provides this self-certification, a permit will be temporarily granted to the business pending review by Department of Public Works or Department-designated staff. Businesses may begin to use sidewalk space 2 days after receiving a temporary permit.

- b. After the application is submitted for sidewalk space, a Department of Public Works or a Department-designated staff member will review the application to verify compliance with the requirements set forth in this Order.
  - i. If the requirements are fully met, Public Works will notify the applicant of final temporary approval to utilize sidewalk space.
  - ii. If the requirements are not fully met, Public Works will notify the applicant and the applicant will be required to cease sidewalk occupancy under their temporary permit. The applicant will be required to resubmit their application meeting requirements or utilize a different means of legal occupancy for their business operations.

**IV. PROVISIONAL PERMIT APPLICATION REVIEW PROCESS – PARKING LANE SPACE**

- a. After the application is submitted for parking lane space, a San Francisco Municipal Transportation Agency (SFMTA) or a SFMTA-designated staff member will review the application to verify compliance with the requirements set forth in this Order and respond within three (3) business days. The application will also be forwarded to Public Works to ensure compliance with Departmental requirements.
  - i. If the requirements are fully met, staff will aim to post signs to prevent vehicle parking within the following four (4) business days. The applicant will be required to create or purchase traffic barriers subject to the requirements outlined in this Order in advance of using their parking lane space. The applicant may not use the parking lane until they have been emailed a permit and have traffic barriers installed as required.
  - ii. If the requirements are not fully met, SFMTA will notify the applicant and the applicant will be required to resubmit their application meeting requirements or utilize a different means of legal occupancy for their business operations.

**V. GUIDELINES FOR OCCUPATION OF THE SIDEWALK:**

- a. Businesses may utilize sidewalk space in front of their business, subject to the restrictions outlined in this Order, for operational purposes while the business is open, such as outdoor seating or social distancing space for customers. The business shall display a copy of the permit during business hours.
  - i. Businesses may also use the sidewalk space fronting an adjacent business, subject to obtaining written permission from the adjacent property owner or tenant and otherwise meeting all requirements set forth within this Order.

- b. Businesses' sidewalk occupancy must abide by the following guidelines:
- i. Businesses must maintain a continuous 6-foot minimum width pedestrian path of travel to remain clear of obstructions at all times along the entire property frontage, including adjacent properties if applicable to their permit. Sidewalk occupancy shall not encroach into curb returns or mid-block crossings, nor obstruct curb ramps, driveways, building entrances, or entrance access control systems, with a 6-foot clearance maintained at all times.
    - The 6-foot wide pedestrian path of travel accounts for the mandatory 6-foot social distancing, as stipulated in San Francisco's Public Health Order, and is in accordance with the San Francisco Better Streets Plan.
  - ii. At no time can sidewalk occupancy obstruct emergency facilities (including, but not limited to: fire hydrants, red zones, alarms, fire escapes, etc.)
    - Written permission must be obtained from the San Francisco Fire Department for sidewalk occupancy within 4 feet of fire safety structures. For fire escapes, the 4-foot clearance must be maintained from the extension of the fire safety structure as if it were to be deployed in the case of an emergency.
  - iii. Businesses must comply with all existing applicable parking and curb regulations as approved by SFMTA, and shall not obstruct sidewalk area adjacent to bus stops, blue curbs (accessible parking), and/or white curbs (passenger loading zones).
  - iv. Hanging or overhead objects, including umbrellas or canopies, must have a clearance of at least 7 feet (or 84 inches) from the ground.
  - v. Food trays or carts, receptacles for dirty dishes, trays or carts for linen and utensils, and cooking appliances shall not be placed or stored on any portion of the sidewalk area.
  - vi. Any use of a portable heater, portable generator, candles, open flame or any activity regulated by Fire Code must be approved by the San Francisco Fire Department separately from this provisional permit.
  - vii. No permanent fixtures may be placed within the sidewalk space. Any furniture or other objects must be removed from the sidewalk at close of business.
    - At no time may fixtures be bolted or affixed in any way to the sidewalk or any structure (including but not limited to: buildings, fire hydrants, street trees, streetlight or traffic poles, etc.)

c. Businesses occupying the sidewalk for the purposes of *sidewalk seating* must abide by the following *supplemental* guidelines:

- i. The business must utilize pedestrian diverters on each side of the outdoor dining area to guide pedestrians around the business operations. The diverters must be:
  - At least 30 inches high, 12 inches wide, and 24 inches long
  - Solid within at least 24 inches off the ground
  - Sturdy, stable, and heavy enough so they cannot tip over or be blown away by the wind
  - Distinctly visible to the visually impaired with contrasting colors
  - Removable after business closure every day
  - Flush with the building at approximately 90 degrees
  - Free of advertising

The objects within the sidewalk space may not extend beyond the diverter depths at any time.

- ii. The business must provide at least one (1) accessible table available for wheelchair users, meeting the following requirements:
  - Be between 28 to 34 inches high
  - Have at least 27 inches of space from the floor to the bottom of the table
  - Provide knee clearance that extends at least 19 inches under the table
  - Have a total clear floor space of 30 inches by 48 inches per seat
  - Be located a minimum distance of 4 feet to the nearest obstruction
  - Have a label displaying the International Symbol of Accessibility
  - Maintain [an accessible route to the table](#)
- iii. Trash, recycling, and compost bins should be provided within the approved area, if space allows. These bins can be kept inside the restaurant.
- iv. Tables and chairs on sidewalks with a greater than 5% slope may be subject to additional staff review or operational requirements.

d. No alterations may be made to the public sidewalk, including stickers or spray paint, other than social distancing markings. Any markings must be in accordance with Public Works regulations.

e. Businesses must maintain the quiet, safety, and cleanliness of the sidewalk space and its adjacent area, in accordance with standards set forth in the [Public Works Good Neighbor Policy](#).

**VI. GUIDELINES FOR OCCUPATION OF THE PARKING LANE:**

- a. Businesses may utilize parking lane space in front of their business for operational purposes while the business is open, such as curbside pickup area for cars, social distancing space for customers to stand in line, seating, dining, or retail use. The business shall display a copy of the permit during business hours.
  - i. Businesses may also use the parking lane space fronting an adjacent business, subject to obtaining written permission from the adjacent property owner or tenant and otherwise meeting all requirements set forth within this Order.
- b. Businesses' parking lane occupancy must abide by the following guidelines:
  - i. Businesses must comply with all existing color curb restrictions as approved by SFMTA, and shall not occupy parking lane areas in active traffic or bike lanes, bus stops, blue curbs (accessible parking), and/or red curbs.
  - ii. At no time can parking lane occupancy obstruct emergency facilities (including, but not limited to: fire hydrants, red zones, alarms, fire escapes, etc.)
    - Written permission must be obtained from the San Francisco Fire Department for parking lane occupancy within 4 feet of fire safety structures. For fire escapes, the 4-foot clearance must be maintained from the extension of the fire safety structure as if it were to be deployed in the case of an emergency.
  - iii. Hanging or overhead objects, including umbrellas or canopies, must have a clearance of at least 7 feet (or 84 inches) from the ground.
  - iv. Food trays or carts, receptacles for dirty dishes, trays or carts for linen and utensils, and cooking appliances shall not be placed or stored on any portion of the parking lane area.
  - v. Any use of a portable heater, portable generator, candles, open flame or any activity regulated by Fire Code must be approved by the San Francisco Fire Department separately from this provisional permit.
  - vi. No permanent fixtures may be placed within the public right-of-way; however, approved traffic barriers may stay out continuously until permit expiration. All other furniture must be brought inside at the close of business.
    - At no time may fixtures be bolted or affixed in any way to the roadway or any structure (including but not limited to: buildings, fire hydrants, street trees, streetlight or traffic poles, etc.)

- c. Businesses occupying the parking lane for the purposes of *parking lane seating* must abide by the following *supplemental* guidelines:
- i. The business must utilize traffic barriers surrounding the outdoor dining area to protect those seated from vehicle traffic. The traffic barriers must meet the following requirements:
    - Have a railing 36 to 42 inches high with openings of no more than 4 inches
    - Have cable or flexible rail with a solid rail at the top and a solid rail at the bottom. The bottom rail has to be at least 5 inches high from the floor.
    - Be able to withstand 250 lb force in any direction.
    - Not block a curb ramp, blue or red zone, or bus stop.
    - If the barrier has raised planters or built-in furniture, they must be at least 17 inches high and 12 inches wide.
    - A water-filled “Jersey Barrier” may be used. White is recommended.
    - The barriers must include a 3-foot gap at least every 20 feet for emergency access.
  - ii. The business must provide at least one (1) accessible table available for wheelchair users, meeting the following requirements:
    - Be between 28 to 34 inches high
    - Have at least 27 inches of space from the floor to the bottom of the table
    - Provide knee clearance that extends at least 19 inches under the table
    - Have a total clear floor space of 30 inches by 48 inches per seat
    - Be located a minimum distance of 4 feet to the nearest obstruction
    - Have a label displaying the International Symbol of Accessibility
    - Maintain [an accessible route to the table](#)
  - iii. Temporary ramps in the Public Right-of-Way, if required to maintain accessibility to the parking lane space, shall comply with the slope requirements in the Curb Ramp Standard Plans, Sheet RX-4 and the California Building Code, Chapter B which are summarized as follows:
    - 4’ minimum clear ramp width
    - 8.3% (1:12) maximum ramp running slope (slope parallel to direction of travel)
    - Clear level landing at top and bottom of the ramp (4’x4’ minimum)
    - Unobstructed accessible route from the pedestrian throughway path of travel of the sidewalk to the ramp
    - Edge protection is required on each side of the ramp. A curb or barrier shall be provided that prevents the passage of a 4-inch diameter sphere. To prevent wheel entrapment, the curb or barrier shall provide a continuous and uninterrupted barrier along the length of the ramp.

- Ramp material shall be *firm, stable and slip resistant*. The ramp must be securely attached so it does not move or shift during use.
- iv. Trash, recycling, and compost bins should be provided within the approved area, if space allows. These bins can be kept inside the restaurant.
- v. Tables and chairs on parking lanes with a greater than 5% slope may be subject to additional staff review or operational requirements.
- d. No alterations may be made to the public roadway, including stickers or spray paint, other than social distancing markings. Any markings must be in accordance with Public Works regulations.
- e. Businesses must maintain the quiet, safety, and cleanliness of the parking lane space and its adjacent area, in accordance with standards set forth in the [Public Works Good Neighbor Policy](#).

**VII. Permit Expiration and Revocability**

- a. The temporary permits for both sidewalk and parking lane space shall expire on December 31<sup>st</sup>, 2020 unless extended by the City & County of San Francisco.
- b. The temporary permit shall be revocable at the discretion of the Director of Public Works.
- c. A business may appeal a permit decision to the Director of the Department of Public Works within 15 calendar days of the decision. A Public Works Director's Hearing will be held for appeals of permit revocation.

**VIII. Hold Harmless Clause:**

- a. In consideration of the business taking advantage of sidewalk or parking lane space, the business owner promises and agrees to comply with all applicable regulations.
- b. In addition, the business operator agrees on its behalf and that of any successor or assignee to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (collectively referred to as the "City") from and against and all losses, liabilities, expenses, actions, claims, demands, injuries, damages, fines, penalties, suits, costs or judgements including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of,

Assignee or its subcontractors, or the officers, agents or employees of either, while engaged in the practices authorized by this Order, (ii) any accident, damage, death, or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the practices authorized by this Order, (iii) any accident, injuries or damages to any person(s) or accident, damage or injury to any real or personal property, good will, in, upon or in any way allegedly connected with the practices authorized by this Order from any cause or claims arising at any time, and potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligations arises at the time such claim is tendered to business operator by the City and continues at all times thereafter. The business operator agrees that the indemnification obligations assumed under this Order shall survive expiration of the Order or completion of practices authorized by this order. The business operator shall assume all maintenance and liability associated with the items allowed to be placed in the public right-of-way under this Order.

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*Yee, Ed*

Yee, Ed

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Acting Bureau Manager

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*Suzanne Suskind*

Suskind, Suzanne

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Acting Deputy Director & City Engineer

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*Alaric Degrafinried*

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Acting Director