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Public Works Order No: 211614

Love Our Neighborhoods Regulations

ADOPTING REGULATIONS FOR THE IMPLEMENTATION AND ENFORCEMENT OF LOVE OUR NEIGHBORHOODS PROJECTS AND PERMITS.

1) PURPOSE

San Francisco Board of Supervisors Ordinance No. 252-23, finally passed on December 12, 2023, amended Sections 2.1.1, 723, 786, 789, and 791 of the Public Works Code to streamline and authorize the approval of certain neighborhood amenities, also known as Love Our Neighborhoods Projects, in sidewalks and other public right of ways within the Department of Public Works' jurisdiction. Love Our Neighborhoods Permits are types of encroachment permits that authorize a Love Our Neighborhoods Project to remain in the public right of way for an extended duration.

This Order adopts regulations that provide technical and procedural specifications and requirements for implementation and enforcement of Love Our Neighborhoods Projects, including the submittal of applications for and the issuance, denial, or revocation of the Love Our Neighborhoods Permits. As provided herein, Love Our Neighborhoods Projects are eligible for more streamlined and permit review and processing. This Order supersedes the prior Sidewalk Landscape Container regulations in Public Works Order 179,231.

All Love Our Neighborhoods Projects must adhere to the applicable requirements pursuant to the Public Works Code and these regulations. In addition, these regulations govern permit inspection and enforcement for Love Our Neighborhoods Projects.

2) LOVE OUR NEIGHBORHOODS PERMIT TYPES

Love Our Neighborhoods projects consist of Tier 1, Tier 2, and Tier 3 Projects.

A) Tier 1 Love Our Neighborhoods Projects

Tier 1 Love Our Neighborhoods Projects include any of the following amenities that meet the specifications and requirements in the Public Works Code and set forth below. The Department does not require a permit for Tier 1 Projects. However, Tier 1 Projects must comply with the applicable requirements of the Public Works Code and this Order. Projects that are not registered are presumed to be unauthorized and may face enforcement action. Failure to comply with these requirements may result in Public Works ordering the removal of the applicable Tier 1 Project.

I) Front Yard Bench

A “Front Yard Bench” means a seat that can accommodate one or more persons that complies with the requirements set forth in the Department’s regulations. (S.F. Pub. Works Code Sec. 723.1(b).)

- a) Dimensions: The bench shall have a maximum length of eight (8) feet.
- b) For benches, an unobstructed six (6) foot path of travel is required on the front side of the bench at all times.
- c) The bench may not be placed on sidewalks with slopes greater than 8.33%. As a reference an 8.33% slope is typically found on a curb ramp.
- d) Benches must maintain a minimum clearance from street trees of three (3) inches from the tree’s trunk.
- e) Any supporting legs of the bench may not be constructed in a manner that prevents air or water from permeating the soil of any tree well.

II) Sidewalk Library

A “Sidewalk Library” means an enclosed shelf or shelves that complies with the dimensional requirements set forth below, is mounted on an individual post placed in the sidewalk, and is used for the noncommercial purpose of displaying and sharing books with the public. (Public Works Code Sec. 723.1(b).) A Sidewalk Library must meet the following requirements:

- a) Dimensions: The maximum size of a Sidewalk Library shall not exceed 2’ x 2’ x 1.5’ (excluding the mounting post). A Sidewalk Library shall be placed at a minimum height above the ground of no less than twenty-four (24) inches, and no more than forty-two (42) inches.
- b) Location: A Sidewalk Library may be placed if placed in the furnishing zone as defined in the San Francisco Better Streets Plan, must be facing the fronting property.
- c) Property owners or authorized agents may not use a utility facility or a government-owned facility for the purposes of mounting a Sidewalk Library.
- d) A Sidewalk Library may not be affixed to any street tree, nor shall its mounting post be placed within three (3) feet of the outer edge of any street tree trunk.
- e) A sidewalk Library may not cause damage or severance to any street tree roots which are greater than two (2) inches in diameter.
- f) Upon removal of a Sidewalk Library, the sidewalk shall be restored to City Standard such that any affected sidewalk flags will become flush with the surrounding sidewalk.

III) Front Yard Planter

A “Front Yard Planter” is an enclosed vessel used and maintained regularly for planting vegetation and placed in the public right of way. (Public Works Code Sec. 723.1.). Front Yard Planters must comply with the dimensional and sidewalk clearance and other requirements in Public Works Orders including, but not limited to, this Order.

- a) Dimensions: Front Yard Planters may be no greater than thirty-six (36) inches in height, and no greater than seventy-two (72) inches in either width or length.

- b) Planting Requirements: Front Yard Planters must be planted and the plants must be cared for and watered routinely, and planters must include proper drainage; standing water is unacceptable. Front Yard Planters may not include plants considered to be poisonous and/or recognized as having thorns or sharp points, or plants identified as invasive or noxious species by the state of California or the City and County of San Francisco. Plants that are nonliving or artificial are not allowed.
- c) Front Yard Planters must accommodate, and must not interfere with, an accessible path of travel of at least forty-eight (48) inches in width on sidewalks less than nine (9) feet in width, and at least seventy-two (72) inches in width on sidewalks greater than nine (9) feet in width.
- d) Multiple Front Yard Planters placed parallel to the curb in the furnishing zone must provide one unobstructed gap, four (4) feet in width, every twenty (20) feet. The gap shall ensure that pedestrians can travel from the curb to the sidewalk.
- e) Front Yard Planters placed on sidewalks with slopes must remain stable and upright. Any mechanism used to level sidewalk planters may not be affixed to the sidewalk.
- f) Front Yard Planters that are placed on top of open soil may not be placed within four (4) feet of any street tree as measured from the trunk.

IV) Tier 1 Love Our Neighborhoods Projects—Additional Requirements

In addition to the above, all Tier 1 Love Our Neighborhoods Projects must meet the following requirements:

- a) Prohibitions on Affixing Projects to Street Trees or Public Infrastructure. Tier 1 Projects may not be affixed to any street tree, nor to any vertical sidewalk structures such as utility poles, signposts, parking meters, or fire hydrants.
- b) Restrictions on Placement. Tier 1 Projects may not be placed on top of utility boxes or sewer vents. Tier 1 Projects may be placed immediately fronting, but not exceeding the frontage of, the subject property, or may be placed in the furnishing zone as defined by the San Francisco Better Streets Plan, generally, the first three (3) to six (6) feet from the curb. However, if placed in the furnishing zone, a minimum clearance of two (2) feet is required from the outside edge of the sidewalk curb when the Project is adjacent to on-street parallel parking of four (4) feet from the outside edge of the sidewalk curb where there is on-street diagonal or perpendicular parking. Front Yard Planters and Sidewalk Libraries may also be placed adjacent to properties where the sidewalk is clear of vertical street structures and a four (4) foot path of travel may be maintained for public use.
- c) Clearance From Public Infrastructure. Tier 1 Projects may not be placed within three (3) feet of any vertical sidewalk structures such as utility poles, parking meters, signposts, or garbage cans. Tier 1 Projects also may not be placed within four (4) feet of a fire escape's footprint or within five (5) feet of a fire hydrant or a fire department connection (FDC). Tier 1 Projects are ideally not placed over sub sidewalk basements and such projects may need to be removed and relocated.
- d) SFMTA Curb Zone Restrictions. Tier 1 Projects may not be placed within bus zones or other areas transit vehicles may stop to pick up passengers. These areas are denoted by red curbs with white boxes adjacent to the curb, and the words "Bus Stop" painted in white on the

- roadway. Other areas are denoted by bus stop signs, red curbs with the words “Bus Stop”, yellow bands on nearby poles, and/or yellow rectangles painted in the roadway adjacent to the curb. Tier 1 Projects may also not be placed adjacent to the curb within blue or red zones. Tier 1 Projects may be placed in a blue or red zone next to the property line if the sidewalk is greater than nine (9) feet in width, provided a minimum four (4) foot path of travel is provided for Sidewalk Libraries and Planters and a minimum six (6) foot path of travel is provided for benches.
- e) Building Permit May Be Required. If a Tier 1 Project is affixed to the fronting building in any way, a building permit may be required from the San Francisco Department of Building Inspection.

B) Tier 2 Love Our Neighborhoods Projects

Tier 2 Love Our Neighborhoods Projects may consist of any of the following amenities that meet the specifications and requirements in the Public Works Code and set forth below. As discussed in Section 5(B) below, to be eligible for a Tier 2 Permit, the permit applicant must be a nonprofit organization, a community benefits district, a merchants’ association, or an established community-based organization. (Public Works Code Sec. 723.1(b).)

I) Mural

A mural is a picture or design painted on or affixed to a sidewalk or a picture, design, or two-dimensional artwork painted on or affixed to an existing City-owned bridge, retaining wall, or stairway (only allowed on the riser portion) within the jurisdiction of the Department. (Public Works Code Sec. 723.1(b).) No mural may contain or constitute advertising of any kind. Permittees may use paint, tile, or other materials reviewed and approved by the Department of Public Works when affixing murals to the public right of way, and Permittees are required to coat the surface of the mural with a clear anti-graffiti sealer reviewed and approved by the Department, which Permittee shall reapply as needed or as specified by the Department.

II) City-Owned Stairway

When a tiled mural is added to the riser portion of a City-owned stairway as a Tier 2 Project, the Department may require the applicant to install tiles to the tread portion of the stairway as part of the same project if the City Engineer and the Americans with Disabilities Act (“ADA”) Access Coordinator determine that such tiles are necessary to ensure the safety and accessibility of the stairway with the addition of mural tiles to the riser portion of the stairway. Stairways not owned by the City and in public-right of way under Public Works’ jurisdiction are not eligible for a Tier 2 Permit.

III) Commemorative Plaque

Commemorative Plaque refers to a plaque that is being installed in commemoration of a historical site, event, and person according to the requirements of Public Works Code Section 789 et. seq. (the “Commemorative Street Plaque Ordinance”).

IV) Minor Landscape Infrastructure

Minor Landscape Infrastructure is infrastructure that serves or supports landscape improvements, such as sprinklers, irrigation, drainage, and other similar systems that do not occupy more than ten (10) percent of the area of the sidewalk fronting a property nor more than twenty-five (25) percent of the width of the sidewalk. (Public Works Code Sec. 723.2(b)(1).)

V) Permit for Routine Maintenance of Right-of-Way Amenities

Tier 2 Projects proposing routine maintenance of existing dedicated public right-of-way amenities within the Department's jurisdiction. (Public Works Code Sec. 723.1(b).)

VI) Neighborhood String Lighting

Neighborhood String Lighting is wired, decorative lighting that the Department has determined to be safe for outdoor use and capable of being suspended without a supporting span wire, that is suspended over public right of way within the Department's jurisdiction and on which motor vehicles are not permitted, that is adjacent to one or more building addresses, and that complies with the requirements below. (Public Works Code Sec. 723.1(b).) Tier 2 Neighborhood String Lighting does not include any lighting that is placed or which extends over a roadway on which motor vehicles are permitted. Neighborhood String Lighting shall satisfy the following additional requirements:

- a) Neighborhood String Lighting shall not be suspended less than twelve (12) feet above the surface of any sidewalk, and shall not be suspended more than eighteen (18) feet above the surface of any sidewalk.
- b) Neighborhood String Lighting shall be parallel to the curb.
- c) Neighborhood String Lighting cannot be installed on any street tree on which the Department has posted notice for removal, pruning, or maintenance.
- d) Permittee shall remove any Neighborhood String Lighting within seventy-two (72) hours of receiving a notice from the Department to facilitate tree removal, tree stump removal, pruning, or maintenance.
- e) Neighborhood String Lighting cannot be attached to street trees in a manner that harms any part of the tree.
- f) Neighborhood String Lighting cannot be attached to a street tree by nails, screws, wires, zip ties, or staples.
- g) Properly Affixing Neighborhood String Lighting to Street Trees. When affixing Neighborhood String Lighting to street trees, the string lighting shall be loosely draped, wrapped, or traced around branches to ensure there is no potential damage to the street tree and to allow for branch sway during normal, anticipating wind.
- h) The installer shall use soft attachment materials between 0.25 and 2 inches wide to attach the string lighting to the street tree, such as arbor ties, plant tie ribbons, nursery tape, and Prolock ½" poly chain lock, or a foam sleeve to protect against friction.
- i) Neighborhood String Lighting cannot be attached, touching, or installed upon any street name sign, traffic control sign or signal or pole, curbstone, bench, hydrant, wall, fence, transit shelter, or fire escape.
- j) Neighborhood String Lighting Technical Requirements. Neighborhood String Lighting shall conform to the San Francisco Electrical Code and Chapter 6 of the California Energy Code.
- k) To the extent possible, any cords used should match Street Tree bark or foliage.
- l) Neighborhood String Lighting shall be maintained by the permittee at their expense, even if damaged in storms or by natural forces or by the Department of Public Works during emergency or routine pruning or by any City department in the course of emergency operations.
- m) Neighborhood String Lighting shall be removed or modified within seventy-two (72) hours if directed by the Department of Public Works to abate a nuisance.

C) Tier 3 Love Our Neighborhoods Projects

Tier 3 Love Our Neighborhoods Projects include any of the amenities below. Tier 3 Projects must satisfy the permit applicant and compliance requirements in Public Works Code Section 786 and shall be eligible for the Public Works Director's administrative approval, conditional approval, or denial without action from the Board of Supervisors. Under limited circumstances, complex Tier 3 Projects may be required to obtain an excavation and/or street improvement permit from the Department. As discussed in Section 5(B) below, to be eligible for a Tier 3 Permit, the permit applicant must be a nonprofit organization, a community benefits district, a merchants' association, or an established community-based organization. (Public Works Code Sec. 723.1(b).)

I) Sculptures

Sculptures are any three-dimensional works of art that are not a commemorative plaque or a monument as defined by the San Francisco Arts Commission.

II) Stairways Encroaching Upon Right of Ways Within Public Works' Jurisdiction

- a) Tier 3 Projects include new stairways installed on a public right of way within the Department's jurisdiction.
- b) Modification of an existing stairway that is not owned by the City and is installed on right of way within the Department's jurisdiction may require a major encroachment permit.

III) Fog Catchers

A fog catcher is an object designed to collect and harvest water from fog through a condensation process.

IV) Major Landscape Infrastructure

Landscape infrastructure that does not meet the requirements of Section 2(B)(IV) of this Order is required to be reviewed as Major Landscape Infrastructure.

V) Newly Constructed Retaining Walls or Structures

A retaining wall refers to a wall that is built to keep the land behind it from sliding. A structure is considered any other item installed in the right of way.

VI) Commercial String Lighting

Stringed lighting suspended across a roadway in a commercial corridor ("Commercial String Lighting") may be permitted as a Tier 3 Project and must satisfy the "Neighborhood String Lighting Technical Requirements" in Section 2(B)(VI) above with the exception of Sections 2(B)(VI)(a)-(b), which do not apply to Commercial String Lighting. In addition, the following requirements shall apply to stringed lighting suspended across a roadway in a commercial corridor:

- a) Stringed lighting suspended across a roadway may only be placed in one or more of the following eligible commercial corridors as defined by the San Francisco Planning Code:
 - (i) Neighborhood Commercial Districts
 - (ii) Named Neighborhood Commercial Districts
 - (iii) Neighborhood Commercial Transit Districts and Named Neighborhood Commercial Transit Districts (Planning Code Sections 201 and 702)
 - (iv) Chinatown Community Business District (Planning Code Section 810)
 - (v) Chinatown Residential/Neighborhood Commercial District (Planning Code Section 812)
 - (vi) Chinatown Visitor Retail District (Planning Code Section 811)
- b) Stringed lighting suspended across a roadway in a commercial corridor is required to abide by any federal, state, or local requirements for objects placed over roadways.

- c) Stringed lighting suspended across a roadway in a commercial corridor may utilize a supporting span wire, subject to review by the Department, to suspend lights over public right of way within the Department's jurisdiction.
- d) Stringed lighting suspended across a roadway in a commercial corridor is not allowed on street segments with overhead SFMTA lines.

VII) Decorative Street Lights

Decorative Street Lights are pedestrian-scale street lights installed upon a legislated sidewalk.

VIII) Combination of Tier 1, Tier 2, and/or Tier 3 Projects

Any project comprised of a combination of Tier 1, Tier 2, and/or Tier 3 Projects shall require a Tier 3 permit.

3) MAINTENANCE REQUIREMENTS FOR ALL LOVE OUR NEIGHBORHOODS PROJECTS

Any Tier 1, Tier 2, or Tier 3 Love Our Neighborhoods Project must be regularly maintained by the permittee, private property owner, authorized agent, or (with respect to murals, Neighborhood String Lighting, and commemorative plaques) steward, as provided below:

- A) *Routine Inspection.* Projects shall be regularly inspected and well maintained.
- B) *Repairs.* Regardless of the cause, any damaged or defaced Project elements shall be repaired at the sole expense of the registrant or permittee. Upon discovery or notification, any repairs shall be made within thirty (30) days.
- C) *No Advertising.* Projects shall not contain advertising. However, the logo of the applicant is allowed and may cover the lesser of either 10% of the surface area or a seven (7)-inch-by-seven (7)-inch area of any proposed amenity.
- D) *Routine Cleaning.* Graffiti, litter, weeds, and dead plants shall be removed from the Project or Project area as applicable within thirty (30) days of discovery or Departmental notification.
- E) *Planting and Landscaping.* Planting or landscaping shall be regularly maintained, trimmed, and watered. Dead plants shall be removed immediately and replaced with live plants within thirty (30) days of discovery or Departmental notification.
- F) *Anti-Graffiti Coating.* Murals must have an anti-graffiti coating reapplied as necessary to ensure regular and easy removal of any graffiti from the mural.
- G) *String Lights.* Neighborhood String Lights and Commercial String Lighting must be inspected at least once every three months. Any worn materials or components or broken bulbs must be replaced, and any draped cords must be adjusted within thirty (30) days of the inspection or Departmental notification.
- H) *Maintenance and Liability Agreements.* Permittees of Tier 2 and Tier 3 Projects shall enter into an additional maintenance and liability agreement with the City and shall agree to indemnify the City and hold the City harmless.
- I) *Maintaining Current Contact Information.* The Department shall be notified within thirty (30) days if there is a change to a registrant or permittee's contact information or a change to a Project's primary contact.

Failure to maintain a Love Our Neighborhoods Project as required under the Public Works Code or these regulations may result in the Department's issuance of a corrective notice or an order to remove to the owner/permittee of a Love Our Neighborhoods Project as discussed in greater detail in Section 10 below.

4) PERMIT APPLICATION SUBMITTAL PROCESS

A) Tier 1 Projects

To obtain authorization for a Tier 1 Project to be placed on the sidewalk, the owner of the real property adjacent to the sidewalk on which the project is to be placed, or the owner's authorized agent, must register the project through the Department of Public Works' online portal. The registration shall require the registrant to provide:

- I) Name of owner of the property adjacent to the Tier 1 Project ("Adjacent Owner")
- II) If the registrant is the Adjacent Owner's authorized agent rather than the Adjacent Owner, the registrant shall provide evidence of authorization to act on behalf of the Adjacent Owner's behalf.
- III) Registrant's email address
- IV) Registrant's Phone Number
- V) Address of property adjacent to Love Our Neighborhoods Project
- VI) Project description
- VII) Photographs of installed Project element(s), including any item physically installed upon or attached to the sidewalk.
- VIII) Registrant's consent to all terms of encroachment, including acknowledgement that registrant shall:

"hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents, and employees, from and against all losses, liabilities, expenses, actions, claims, demands, injuries, damages, fines, penalties, suits, costs, or judgements, including, without limitation, attorneys' fees and costs (collectively, "Claims"), caused by reason of the installation or maintenance of the encroachment in the public right of way, and the owner or owners or subsequent owner or owners of the respective real property shall be solely liable for any Claims occasioned by any act or neglect in respect to the installation or maintenance of the encroachments in the sidewalk."
- IX) Any other information as may be required by the Department of Public Works.

B) Establishing Eligibility To Apply for a Permit for a Tier 2 or Tier 3 Project

To be eligible for a Tier 2 Permit or a Tier 3 Permit, the permit applicant must submit evidence that it is a nonprofit organization, a community benefits district, a merchants' association, or an established community-based organization. (Public Works Code Sec. 723.1(b).) To establish eligibility, the applicant shall provide the following:

- I) Documentation from the Internal Revenue Service (IRS) or other evidence demonstrating status as a nonprofit organization, community benefits district, merchants' association, or established community-based organization.
- II) Documents that can be used to prove an organization's existence and active status include, but are not limited to, articles of incorporation, notes from past meetings, and other evidence of past projects, events, and financial statements.

To be “established” for purposes of this program, community-based organizations applying must have been formed at least two (2) years prior to the date of the application. Organizations that have been established for less than two (2) years must submit a written request for a letter of authorization from the Director of Public Works. The written request should contain evidence that the organization has regular meetings and is active in the community.

C) Tier 2 Projects

In addition to the application form prescribed by the Department of Public Works, the applicant is required to submit:

- I) Proof of any other City, state, or federal agency’s approval if required for the installation of the proposed Tier 2 Project.
- II) One (1) copy of the project site plan in PDF, TIF, or JPEG format that shows encroachment and sidewalk dimensions. Some projects may be required to provide detailed civil engineering drawings with a wet-stamp and signature. Project site plans will not be required for Tier 2 Projects that involve solely the maintenance of dedicated public right-of-way amenities within the Department’s jurisdiction.
- III) Construction plan and budget.
- IV) Application fee, which will be invoiced to the applicant following submission of application materials.
- V) For murals only, the applicant is required to perform these additional tasks:
 - a) Applicant must notify by mail the owner(s) of record of all units of real property within 250 feet of the proposed location of the mural. Notice materials and all associated costs shall be borne by the applicant. Notice materials are not required to be submitted until the notification phase of the permit application process.
 - b) Steward of the project shall acknowledge the steward’s agreement to maintain, repair, and assume liability for the project.
 - c) A mural steward shall be responsible for a mural for a period of five (5) years (subject to possible extension) and the steward shall remove the mural following the applicable time period.
- VI) Following review and at the discretion of the Director, the Department may require applicants to provide a co-permittee.
- VII) Following review by the Department in consultation with the City Risk Management Division, the Department may require applicants for encroachments with construction costs equal to or greater than \$50,000 to furnish evidence of insurance that covers liability for the encroachment. Construction costs shall not include design, project management, or other soft costs.
- VIII) The Director may require the recipient of a Tier 2 Permit to furnish a bond, or other form of security that is acceptable to the Director, in an amount required to complete the installation of the encroachment, remove the encroachments, and restore the public right-of way to a condition satisfactory to the Director based on a cost that the City Engineer determines.
- IX) Applicant’s consent to all terms of encroachment, including Applicant’s agreement to indemnify and defend the City and hold it harmless as set forth in Public Works Code Section 723.2(e)(1):

“For minor encroachment permits issued and Tier 1 Projects registered pursuant to Section 723.2, the owner of the real property or the owner's authorized agent applying for a permit or registering a Tier 1 Project under the provisions of Section 723.2 shall agree 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, from and against all losses, liabilities, expenses, actions, claims, demands, injuries, damages, fines, penalties, suits, costs, or judgements, including, without limitation, attorneys' fees and costs (collectively, "Claims"), caused by reason of the installation or maintenance of the encroachment in the public right of way, and the owner or owners or subsequent owner or owners of the respective real property shall be solely liable for any Claims occasioned by any act or neglect in respect to the installation or maintenance of the encroachments in the sidewalk."

D) Tier 3 Projects

In addition to submitting all application materials required for a major encroachment permit, the applicant is required to submit:

- I) Proof of any other City, state, or federal agency's approval if required for the installation of the proposed Tier 3 Project.
- II) One (1) copy of the project site plan in PDF format that shows the encroachment and sidewalk dimensions. Some projects may be required to provide detailed civil engineering drawings with a wet-stamp and signature of a licensed engineer.
- III) Construction plan and budget.
- IV) Application fee in the amount that will be invoiced to the applicant following submission of application materials.
- V) Following review and at the discretion of the Director, the Department may require applicants to provide a co-permittee.
- VI) Following review by the Department in consultation with the Risk Management Division, the Department may require applicants for encroachments with construction costs equal to or greater than \$50,000 to furnish evidence of insurance that is satisfactory to the Risk Management Division. For purposes of this requirement, construction costs shall not include design, project management, or other soft costs.
- VII) If a Tier 3 Project has a construction cost of \$1 million or greater, excluding design, project management, and other soft costs, the Permittee shall furnish a bond, or other form of security that is acceptable to the Director, in an amount required to remove the encroachments and restore the public right-of way to a condition satisfactory to the Director based on a cost that the City Engineer determines. On an annual basis, the permittee shall be required to provide evidence to the Department that the bond or other security is operative.

Applicant shall comply with all terms of the Major Encroachment Permit Agreement for Tier III Projects.

5) PROJECT REVIEW

Love Our Neighborhoods Projects will be reviewed in the following manner:

A) Tier 1 Projects—Specific Requirements

Tier 1 Projects are authorized to be placed on a sidewalk within the Department's jurisdiction if the owner of real property adjacent to the Tier 1 Project registers the project with the Department and acknowledges liability for any injury or Claims (as defined in this Order) caused by the Tier 1 Project, and the Tier 1 Project satisfies requirements as applicable in Section II of this Order.

- I) Tier 1 Projects are registered using an online portal. Upon receiving registration materials, the Department sends an automated email to the registrant indicating the Department's receipt of registration materials.
- II) The Department reviews registration and required materials to determine whether:
 - a) Registration is adequate or
 - b) Registrant is required to make corrections to the project and/or the registration materials.

Registrants that are required to make corrections to a project and/or the applicable registration materials may submit these materials to the Department with proof of the correction or registration materials required by the Department.

- III) Once registrant has made all required corrections and has submitted all required registration materials, the Department will email the registrant indicating that registration is adequate.

B) Tier 2 Projects—Specific Requirements.

Tier 2 Projects shall comply with the requirements in Section 2(B) of this Order, as may be applicable. Tier 2 Projects shall also generally follow the review procedures as outlined in Public Works Code Section 723.2 and Public Works Procedures Manual 13-03-06.

C) Tier 3 Projects—Specific Requirements.

- I) Tier 3 Projects shall comply with the requirements in Section 2(C) of this Order, as may be applicable.
- II) In addition, Tier 3 Projects generally follow the review procedures outlined in Public Works Code Sections 786 through 786.9 and Public Works Procedures Manual 13-03-12, with some exemptions and other differences.
- III) Notably, Tier 3 Projects differ from other major encroachment permit projects in at least the following ways:
 - a) Tier 3 Projects may be approved the Department without separate approval of the Board of Supervisors.
 - b) Tier 3 Projects are not required to pay an public right-of-way occupancy assessment fee.
- IV) Applicant will be required to execute a Major Encroachment Permit Agreement for Tier 3 Projects; the Department shall provide a draft agreement.

D) Tier 2 and Tier 3 Projects—Joint Requirements

Where a project is adjacent to the property of the Permittee (or the property of the principal for whom the Permittee is the authorized agent), the issued permit shall be recorded against the title records of the property adjacent to the Project.

In reviewing Tier 2 or Tier 3 Project applications, Public Works may require compliance with the requirements in Section 5(A)—(C). of this Order as may be applicable, as well as the following supplemental terms and conditions:

- I) Slip Resistance Requirements. Project elements placed on a sidewalk on which pedestrians may walk or otherwise travel, such as murals or commemorative plaques, are required to meet the slip resistance standards listed in Public Works Order 176,112, as may be amended.
- II) Arts Commission. Project elements may require approval by the Arts Commission. Project elements that have been approved by the Arts Commission may not be altered without further approval by the Arts Commission.
- III) Murals.
 - a) Mural permittees must apply a clear anti-graffiti sealer to the surface of the mural, reapplying as needed according to the manufacturer's recommendation.
 - b) For mural applications, the Department of Public Works will provide applicant with neighborhood notification instructions to enable the applicant to complete a mailed notice of the application to the owner or owners of record of all units of real property within 250 feet of the proposed location of the mural. The notice shall provide contact information for the Department of Public Works for members of the public to obtain additional information about the proposed project or learn more about appeal rights under Section 9 of this Order.

6) FEES

A) Tier 1 Projects

Registrants of Tier 1 Projects are not subject to registration fees.

B) Tier 2 Projects

Tier 2 Project applicants are required to pay a non-refundable permit application fee according to Public Works Code Article 2.1.1; the application fee may be subject to annual increases based on the Consumer Price Index. Applicants are not required to pay annual assessment fees that would otherwise be collected under Section 723.2 of the Public Works Code.

C) Tier 3 Projects

Tier 3 Project applicants are required to pay a non-refundable permit application fee according to Public Works Code Article 2.1.1; the application fee may be subject to annual increases based on the Consumer Price Index. Applicants are not required to pay annual assessment fees that would otherwise be collected under Section 786.7 of the Public Works Code.

7) PERMIT RENEWAL AND TERMINATION

A) Tier 1 Projects

When a Tier 1 Project is removed, the registrant (or applicable property owner or their authorized agent) is required to inform the Department within thirty (30) days to update the Department's records. At the registrant's sole and absolute expense, the registrant shall restore, or shall cause to be restored, the public right-of-way according to [City Standards](#) or to a condition otherwise satisfactory to the Director of Public Works.

B) Tier 2 Projects

The duration of a Tier 2 Permit varies based on the type of encroachment. Tier 2 Projects consisting of any of the following elements will expire five (5) years after the permit approval date, subject to the Department's sole discretion to renew the permit for an additional five (5) years:

- I) Murals
- II) Neighborhood String Lighting

Permits for all other Tier 2 Projects that remain in place do not expire automatically; however, when a Tier 2 Project is removed, the permittee is required to contact the Department of Public Works within thirty (30) days to have their corresponding permit closed. Permittees for all Tier 2 Projects shall, at their sole and absolute expense, restore the public right-of-way according to [City Standards](#) or to a condition otherwise satisfactory to the Director of Public Works.

C) Tier 3 Projects

Permits for a Tier 3 Project are valid for a duration that is based on the type of encroachment proposed. Tier 3 Projects consisting of the following elements will expire five (5) years after the permit approval date:

- I) Commercial String Lighting
- II) Murals

All other Tier 3 Love Our Neighborhood Projects that remain in place do not expire automatically; however, when a Tier 3 Project is removed, the permittee shall contact the Department within thirty (30) days to have their corresponding permit closed. Permittees for all Tier 3 Projects shall, at their sole and absolute expense, restore the public right-of-way according to [City Standards](#) or to a condition otherwise satisfactory to the Director of Public Works.

8) PERMIT REVOCATION

Permits or authorizations for Love Our Neighborhoods Projects are revocable at the discretion of the Director of Public Works, according to Public Works Code Section 723.2(g) (for Tier 1 and Tier 2 Projects) and Public Works Code Section 786(e) (for Tier 3 Projects). Tier 2 Permits may be revoked based on findings including but not limited to the following:

1. The owner of real property, the owner's authorized agent, or permittee has failed to comply with any of the conditions of approval for the Love Our Neighborhoods Project.
2. The project poses a threat to public safety, health, or welfare.
3. That all or a portion of the public right-of-way on which a project is located is required for a different public purpose.

A) Tier 1 and Tier 2 Projects

In the event that the Director of Public Works seeks to revoke a permit, or an authorization of a Tier 1 Project, the Department will proceed as follows:

- I) The Department will provide the permittee, or Tier 1 Project registrant or property owner adjacent to a Tier 1 Project, and the steward, if applicable, with written notification of the time and date of a public hearing to consider grounds for revoking, modifying, or suspending the permit or, as may be applicable, the Tier 1 Project authorization.
- II) Following the public hearing, the Director may issue an order revoking or modifying the permit or authorization of a Love Our Neighborhoods Project for good cause.
- III) Within the thirty (30) days following the revocation of a permit or Tier 1 Project authorization, the former permittee, the Tier 1 Project registrant or owner of real property adjacent to the Tier 1 Project, or the steward, as may be applicable and at their sole and absolute expense, shall restore the public right-of-way according to City Standards or to a condition satisfactory to the Director.

B) Tier 3 Projects

Revocation of a Tier 3 Project shall proceed according to Public Works Code Section 786.

9) APPEALS OF TIER 2 AND TIER 3 PROJECTS

Within 15 days following the Director's approval, denial, or revocation of a permit or authorization for a Love Our Neighborhoods Project, any person may file a notice of appeal with the San Francisco Board of Appeals as set forth in Public Works Code Section 723.2(h)(2) for Tier 2 Projects.

Public Works Code Section 786(d-e) governs appeals of the Department's decision to deny or revoke a Tier 3 Project application. The denial of a Tier 3 Project application is not appealable if the Department's decision relates solely to engineering design considerations. However, if the Department's decision to deny a Tier 3 Project application is solely for reasons unrelated to engineering design considerations, the applicant may appeal the Director's denial decision to the Board of Appeals within 15 days of the date of the Director's written decision. (See Public Works Code Section 786(d).)

While a proper appeal is pending, the Director of Public Works' decision to approve, deny, or revoke a permit or authorization of a Love Our Neighborhoods Project shall be suspended.


10) PERMIT VIOLATIONS AND ENFORCEMENT ACTIONS

The Department of Public Works retains jurisdiction over the sidewalk and public right-of-way and may require removal or relocation of a project if access is insufficient, or if the public right-of-way is needed for a different or conflicting public purpose, even if these guidelines are met. Property owners or permittees with authorized Love Our Neighborhoods projects may be required to move projects upon the City's request.

Any violation of any Love Our Neighborhoods permit, or of any terms authorizing a Tier 1 Project, shall be deemed a public nuisance and shall be subject to enforcement actions pursuant to Administrative Code Chapter 100, Administrative Code Chapter 80 and Police Code Section 39-1, and/or any other applicable Public Works regulations, procedures, and actions adopted by order.

If any element of an authorized Love Our Neighborhoods project is deemed to be an imminent hazard to public safety, health, or welfare, Public Works will issue to the owner or permittee a notice specifying the period within which any deficiency must be corrected. Should the owner or permittee fail to abate any such deficiency, or if Public Works deems it necessary, Public Works shall exercise the right to remedy the deficiency as necessary, at permittee or owner's expense, to ensure the public safety in the public right-of-way.

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Deputy Director, Support Services


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Ko, Albert J
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Short, Carla
Director, Public Works