

# Revitalizing an Urban Arts Market

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## *An Evaluation of the San Francisco Arts Commission's Street Artists Licensing Program*



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Cover photos by Alyssa Ventre and J. Astra Brinkman. Courtesy of The San Francisco Arts Commission

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## Executive Summary

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This evaluation is motivated by the San Francisco Arts Commission's (SFAC) desire to capture the impact of the Street Artists Program (SAP) and identify strategies to improve program alignment with the agency's 2014-2019 Strategic Plan. As such, it is guided by four key questions.

1. Who is being served by the Street Artists Program?
2. How effectively/efficiently is the program being administered?
3. What aspects of the program do not align with SFAC priorities?
4. How will program realignment impact stakeholders (financially, professionally, personally)?

The evaluation identified three critical issues that should be addressed to align the Program with the Arts Commission's 2014-2019 Strategic Plan. The quality of products sold through the Program is inconsistent, monitoring and enforcement mechanisms are inefficient and ineffective, and Program outcomes do not align with the Agency's mandate to promote the employment of artists and those skilled in crafts.

The following recommendations aim to address these issues and allow the program to be more responsive to the changing demographic of the artists it seeks to serve:

- ❖ **Improve quality control mechanisms** with the institution of a juried selection process for Program artists, and a partnership with the Office of Small Business to serve Program vendors who do not meet juried selection criteria.
- ❖ **Implement contemporary art market structure to improve public awareness of the program** with the establishment of three Open Air Markets; promotion of a reinvigorated art & craft market with clearly branded marketplaces, a program name that reflects the program purpose, and launching a platform for Program artists to display their work in SFAC galleries.
- ❖ **Enhance Program services to support professional artists** by creating capacity building and technical assistance program components.

## Introduction

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The San Francisco Arts Commission (SFAC) has recently started a five year Strategic Plan that establishes the agency’s commitment to data-driven decision-making and consistent program evaluation, a pathway that ensures the SFAC portfolio of programs remains relevant, useful, and meaningful for the diverse and ever-changing San Francisco population. The Plan identifies agency priorities and goals as well as a strategy to guide the agency’s stewardship of the San Francisco arts ecosystem and ensure that the city continues to be “a vibrant place where the arts and culture flourish.”<sup>1</sup>

This assessment of the Street Artists Program (SAP) is a reflection of the SFAC’s investment in improving program administration to continually meet the shifting needs of professional artists. The key questions aim to measure program impacts, and identify gaps between program outcomes and agency priorities.

The recommendations that follow are intended to revitalize and align SAP with the Agency’s mission to administer programs that invest in our communities, enliven the urban environment and develop innovative policy.

Thanks to the many program stakeholders who took the time to share their valuable insights, this report captures the unique contributions this program provides to the San Francisco arts ecosystem, and identifies a path to maintaining the Program’s strengths while pursuing programmatic improvements that will better serve the San Francisco arts community.

## The Arts & Crafts Sector in the 21<sup>st</sup> Century

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Under the direction of the SFAC, the SAP provides licenses to local artists to sell their work in designated areas throughout the city. In 1972, the Street Artist Program was established under Proposition L, legislation that addressed the demands of activists who sought a legal avenue to sell their art and craftwork on city sidewalks. During that tumultuous period, the Street Artists Ordinance (Police Code Article 24, Section 2400, see Appendix C) legitimized art and craft vendors, establishing their right to make a living by selling their work to the public. Since the program’s inception over 40 years ago, the art and craft movement has leapt into

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<sup>1</sup> MIG, Inc., Museum Management Consultants, Inc., SFAC Commissioners and Staff (February 2014). *San Francisco Arts Commission Strategic Plan 2014-2019*. Page 2

the 21<sup>st</sup> century, pushing political, social, and economic boundaries and shaping physical and virtual communities of artists and makers.<sup>2</sup>

The 21<sup>st</sup> century craft movement has grown virtually, through websites like Etsy.com, blogs, and online stores, as well as through physical space with a growing number of boutiques, pop-up shops, galleries, fairs, and outdoor markets. Art & craft markets have flourished across the nation, catering to the desires of DIY enthusiasts and millennial consumers. From Seattle to Brooklyn, juried selection and strategic promotion build vibrant market destinations bustling with diverse communities of makers and patrons. Often, both producers and consumers of local art and craftwork are motivated by a political cause. Desires to support their local economy, take a stand against sweatshop labor practices, or fight the environmental impacts of mass production fuel the arts and crafts sector. Alongside political impacts, the economic impact of this movement is considerable, with the arts and crafts sector constituting a \$30 billion market.<sup>3</sup>

Although generations of Bay Area residents have created, shared, and cherished the work sold through SAP, the law and licensing criteria that govern the Program have remained relatively unchanged over the decades while the city – both in terms of physical space and demographics – is changing rapidly. Unable to reinvent itself and establish programmatic relevance in this dynamic urban community, the Program has become siloed within the agency as the SFAC works to become more effective and responsive to community needs through its strategic plan.

As “the City agency that champions the arts as essential to daily life,” SFAC values artists as “integral to making San Francisco a city where people want to live, work and play,”<sup>4</sup> and promotes the public understanding of “arts as critical to a healthy democracy and innovative government.”<sup>5</sup> As a program born from artists’ vision, SAP is poised to enliven our city, make high quality art experiences equitable and easily accessible, and create fertile ground for building socially diverse and politically engaged communities of artists and neighbors. By addressing the key program issues outlined in this report, and closing the gaps between program impacts and the SFAC’s priority goals, SAP can play a central role in furthering the SFAC’s mission and vision for the City and County of San Francisco. In addition, by

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<sup>2</sup> Levine, F., & Heimerl, C. (2008). *Handmade nation: The rise of DIY, art, craft, and design*. New York: Princeton Architectural Press.

<sup>3</sup> Leanord, K. (2012, November 17). \$30 billion crafts industry enjoys resurgence. Retrieved March 4, 2015, Trib Live Media, Inc

<sup>4</sup> MIG, Inc., Museum Management Consultants, Inc., SFAC Commissioners and Staff (February 2014). *San Francisco Arts Commission Strategic Plan 2014-2019*. Page 11

<sup>5</sup> Ibid



tapping into the contemporary arts market model and promoting the political and social relevance of this artisan market, the SFAC can revitalize SAP and establish a modern urban arts market that reflects the passion of the program's founders and the city's need for diverse, high-quality art.

## Key Findings

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### Methodology

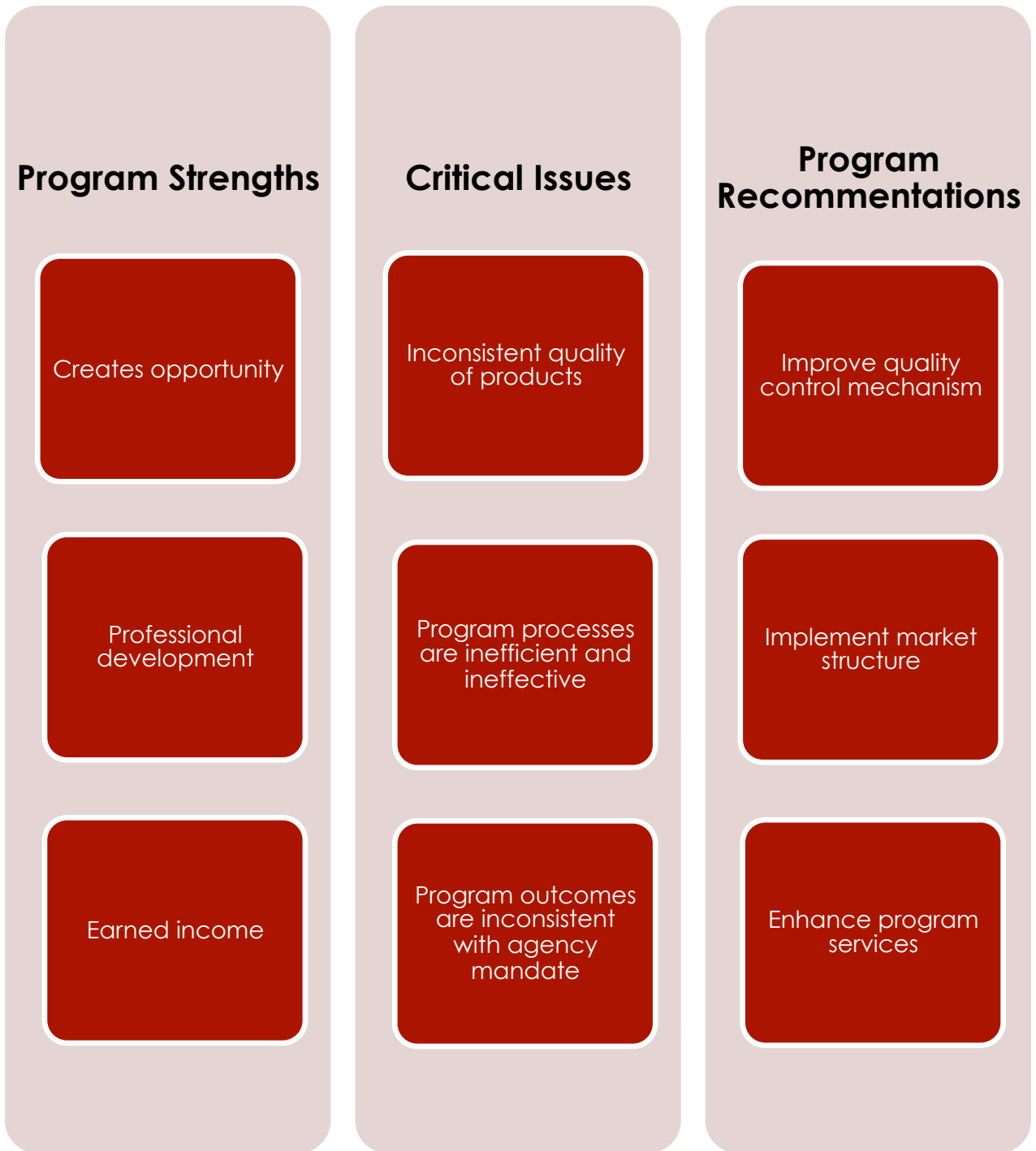
This evaluation is guided by four key questions, which aim to measure the impact of the Program as well as identify the gaps between the Program outcomes and the Agency's vision.

1. Who is being served by the Street Artists Program?
2. How effectively/efficiently is the program being administered?
3. Which aspects of the program do not align with SFAC priorities?
4. How will program realignment impact stakeholders (financially, professionally, personally)?

This report relies on (1) qualitative data collected from interviews with key stakeholder groups, including program participants, program staff, commissioners, and screening panelists; (2) quantitative data analyzed from program budgets and reports, and participant survey responses; (3) publicly available literature on relevant research and program models. Topics discussed with interviewees and survey participants included the strengths of SAP, critical issues facing the Program, and gaps between Program outcomes and SFAC agency goals. A detailed description of the evaluation methodology is available in Appendix D.

### Findings

The specific themes that arose from the study are presented in the table below:



## Strengths

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SAP creates opportunity and provides participants with a singular and unique avenue to access and participate in the arts economy. Stakeholders identified various program components that set this program apart from similar art & craft markets, municipal vendor programs, and the gallery system. These include the low barriers to entry in the program, very affordable program fees and a minimally bureaucratic process to obtain a license. Program participants are given access to desirable selling locations throughout the city, with heavy pedestrian traffic. This is one of the key reasons the Street Artists license is preferred to the peddler permit program run through the San Francisco Police Department. Vendors in the peddler permit program are restricted by regulations that isolate them from commercial establishments and make it difficult for vendors to access customers.

Stakeholders consistently reference the informal education and training networks that they access through program participation.

Participants have built a professional network of artists through the Program. Artists learn about new opportunities to show their work, better places to source their material, and improved methods to execute their craft. The Street Artists market has become a training ground for emerging artist entrepreneurs to learn

*“Competition, networking with other Artists about craft fairs, material sources, [and] craft techniques is an excellent free education which I have been happy to be a part of.” –  
Program Artist*

how to build their brand, market and display their work, how to price their work, and how to identify their consumer audience.

The artists in these professional networks create work across 38 categories of craftwork. Participants are exposed to a wide variety of techniques, expertise, and capacities. Although there is increasing replication throughout the program as vendors learn they can be particularly lucrative producing low-cost beaded jewelry, nameplate necklaces, and crochet animal hats, the Program continues to host a diversity of artistic perspectives and tastes. By improving the selection process and simplifying monitoring processes, the SFAC can maintain the diversity of work within the program and mitigate replication within the artists’ markets (see further discussion on page 14).

The majority of program artists earn relatively substantial income from sales. With an annual payment of the \$696 fee (less if paying for three quarters of the year or less), the majority of participants sell more than \$10,000 of their work. This is in spite of what many participants described as “dwindling sales” at the Street Artists markets. These self-reported sales figures illustrate that the Street Artists Market



has the potential to be a significant source of income to the city’s increasingly vulnerable artist community. With the cost of living and real estate steadily on the rise, artists and craftspeople are facing difficult choices about long-term sustainability in this city.<sup>6</sup> The SFAC has the opportunity to strategically strengthen and promote the Street Artists markets to increase artists’ sales and stem the loss of Program participants escaping the declining market quality (see further discussion on page 16).

## Critical Issues

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Although the program was born from the demand of artists, the number of program participants has been steadily in decline for the past five years.<sup>7</sup> Participants reasoned that it has become increasingly difficult to make a living through the program. Increasing competition from vendors selling inexpensive goods has pushed many artists to opt out of the program.

Despite this trend, no changes have been implemented to address the current needs of potential participants due to the rigid structure of the Street Artists Ordinance, which prescribes nearly every facet of the Program. Every programmatic process, from licensing and monitoring, to budgeting and marketing, is regulated, in detail, by the over-forty year old ordinance.<sup>8</sup> Programmatic stagnation yields inefficient and ineffective program administration. These issues have compounded over the last forty years and manifested in several ways: the quality of work sold through the program is inconsistent, monitoring and enforcement mechanisms are ineffective, and Program resources are increasingly spent to serve non-artist vendor populations.

*The quality of work sold through the program is inconsistent.*

Every stakeholder group mentioned the influx of “buy and sell” vendors in the program. The observation that vendors are in fact buying bulk items like crocheted Hello Kitty™ hats and beaded jewelry has not been substantiated. However, there is a

*“Overall the quality of work from new artists is sub-standard. It is dubbed Street Art, handmade, etc...but, we are inundated with knockoffs and cheap imitations and resale merchandise. It brings the quality of the entire event down.”*

**– Program Artist**

<sup>6</sup>MIG, Inc., Museum Management Consultants, Inc., SFAC Commissioners and Staff (February 2014). *San Francisco Arts Commission Strategic Plan 2014-2019*. Page 2

<sup>7</sup> See Appendix F for participant data

<sup>8</sup> . The annual deficit has ballooned over the last 5 years from -\$2,607.83 in FY 2011 to -\$93,690.81 in FY2015. See Appendix E for budget snapshot

large number of vendors selling items that are also sold in chain stores and tourist shops throughout the city. In many cases, these items are indeed being made by the vendors and therefore must be allowed in the program based on the existing licensing criteria. However, the large number of copyrighted material being sold at every designated market creates a legal and ethical gray area and compromises the artistic integrity of the Program.

*Monitoring and enforcement mechanisms are inefficient and ineffective*

The cumbersome screening criteria and process is the city's best effort to support the artistic integrity of the

program without over-stepping the very limiting language of the Street Artists Ordinance. The long list of criteria used to screen participants creates a circuitous path that does not result in high-quality artisan crafts being consistently presented to community-patrons. Instead, the screening panel spends hours confirming whether each participant is hand-making their wares or deciphering if the

alterations made to a candle, or hat, or sock are *significant* (i.e. the item is 51% changed – a quantitative measure assigned to a very subjective decision). A jeweler who places a single bead on an earring will not be granted a license, but two beads may suffice. On the other hand, a skilled crocheter making Hello Kitty™ hats from an online pattern will receive a license despite the fact that their work is in violation of copyright law.

“The Program is a wonderful opportunity for Artists/Craftspeople and I have benefitted greatly from it. However, it could be so much better if the "rules" we're more strictly enforced...the "follow-up" on the street is a complete failure because there is no inspection to see that what was passed in the jury is now on display! This allows cheap imports to proliferate, scares away honest craftspeople who can't compete and damages the credibility of a "hand-made" only program in the eyes of the public who really do want to support Artists.”

– Program Artist

Staff reported that at least 40% of their time is spent on monitoring and enforcement efforts. This includes the weekly time spent walking through the city's designated selling areas to inspect that artists are only selling the wares they have been approved to sell, that artist's displays do not violate the Program's size criteria, and that only approved artists (and their family unit) are selling in the designated areas. In addition, staff spends large amounts of time writing violations and gathering evidence to present at violation hearings. Despite the colossal staff effort to enforce the ordinance, few violators are successfully held accountable for violations and serial offenders are rarely removed from the program. Unlike any

other program in the Commission's portfolio, the Street Artist Ordinance gives the final word on enforcement to The Board of Permit Appeals.

#### Program outcomes are inconsistent with agency mandate

The SFAC's Charter imbues the agency with the responsibility to "promote the employment of artists and those skilled in craft." Artists and the work they produce are essential to the city's identity and economy,<sup>9</sup> and the SFAC is the singular municipal agency mandated to address the needs of professional artists and craftspeople. The critical issues discussed above are symptoms of the overall shift in the participant population served through SAP, a shift that results in SFAC resources being diverted away from artists.

Over the last 40 years, the SFAC has started to serve two divergent groups through the licensing program: Professional Artists and Vendor Entrepreneurs. These groups are different in some key ways. Some are visual: professional artists are selling unique goods that they make on their own and can only be found at their kiosk. Vendor entrepreneurs sell goods that are commonly found in stores, tourist shops, or jewelry chains like Claire's®. Vendor entrepreneurs often sell copyrighted goods like Hello Kitty™ hats, or SF Giants™ t-shirts. Another clear difference is the price of their goods: Professional Artists price their goods to reflect the cost of their labor, as well as their materials. Vendor entrepreneurs price their goods with the same calculation, but they are often able to buy their goods in bulk, ready-made, and as a result, are able to set their prices quite low.

The differences between these two groups are meaningful because they drastically shift the character of the markets. Vendors' kiosks are often piled high with imported goods, a signal to the public who mistake the Street Artist Markets for flea markets. As a result, patrons expect flea market prices and are unwilling to purchase quality art at the requisite price. Consequently, it has become more difficult for artists to make a living through the markets. In this way, the Program is increasingly failing to fulfill the agency's mandate to promote the employment of artists. (Further discussion on page 16)

### **Program Recommendations**

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As an avenue for local artists and craftspeople to make a living from their work – SAP acts as an investment in a vibrant arts community. The energetic markets and

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<sup>9</sup> MIG, Inc., Museum Management Consultants, Inc., SFAC Commissioners and Staff (February 2014). *San Francisco Arts Commission Strategic Plan 2014-2019*. Page 23

artful displays created by program participants enliven the urban environment and build public awareness about the value and benefits of the arts.

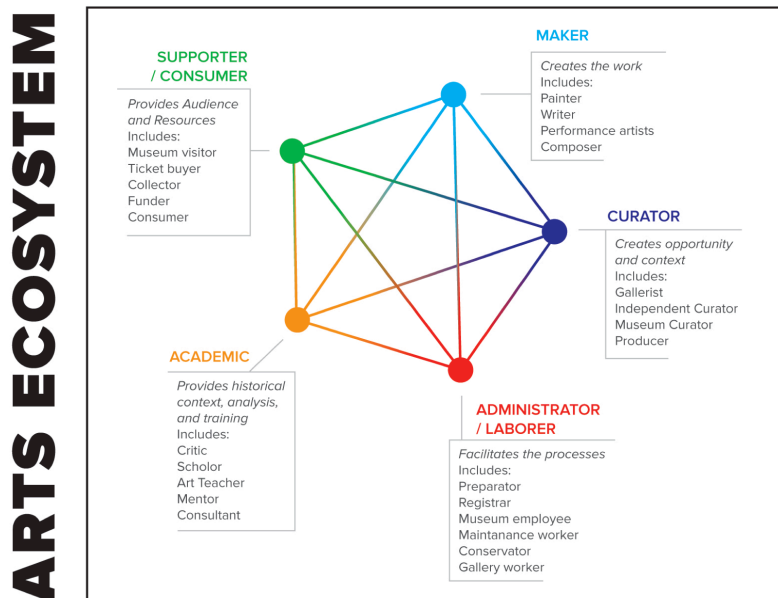
However, as detailed previously, stakeholders identified several key areas that need to be addressed in order to improve program alignment with agency goals:

<b>General Topics</b>	<b>Specific stakeholder concerns &amp; insights</b>
<b>Improve quality control mechanisms</b>	<ul style="list-style-type: none"> <li>• Selling quality, handmade work is difficult while competing with low-priced, manufactured goods;</li> <li>• Patrons have lowered expectations of the artistic quality and authenticity of all market goods;</li> <li>• Monitoring and enforcement takes a disproportionate amount of staff time;</li> <li>• Participants feel responsibility to police each other.</li> </ul>
<b>Implement contemporary art market structure to improve public awareness of the program</b>	<ul style="list-style-type: none"> <li>• Community is unaware that program is administered by the SFAC;</li> <li>• Public overlooks vendors in many downtown selling spaces;</li> <li>• Many artists and craftspeople are unaware of the program</li> </ul>
<b>Enhance Program services to support professional artists</b>	<ul style="list-style-type: none"> <li>• Agency's capacity to provide technical assistance to artist entrepreneurs is not utilized;</li> <li>• Missed opportunity to support a network of skill-sharing;</li> <li>• Agency's capacity to provide platform for artists to build their brand and business is not utilized.</li> </ul>

## Recommendations to Create a 21<sup>st</sup> Century Urban Art Market

The recommendations that follow rely on the concept of the arts ecosystem and the SFAC's capacity to leverage the various roles it plays in the city's art ecosystem. The recommendations detailed in this report focus on utilizing SFAC's capacities as an administrator, and the curatorial capacity of the Screening Committee.

The public panel is a key part of the agency's two biggest programs, Public Art and grantmaking. Utilizing experts in the field, the public panel selection process establishes minimum qualifications for consideration, while maintaining the flexibility to make decisions based on the quality and originality of submitted works. As a result, public panels serve the agency mandate to provide a vibrant, diverse, and high-quality art experience to the San Francisco community.



**Figure 1: Arts Ecosystem. Created by Rhiannon Evans MacFadyen and Jason Wyman of Arts Advocacy Coalition**

The Bay Area's Arts Advocacy Coalition defines the curator as **“providing a platform to share the work, they are the tastemakers and promoters of the industry, and they are the meeting point between artist and viewer.”**<sup>10</sup>

The screening process currently employed in SAP relies on the expertise of a Mayoral appointed Advisory Committee of Street Artists and Crafts Examiners. As discussed earlier, however, the selection criteria focuses less on the quality of the work and more on the percentage of labor. By elevating

The screening process currently employed in SAP

<sup>10</sup> MacFadyen, R., & Wyman, J. (2015, January 27). Arts Ecosystem. Retrieved March 10, 2015, from <https://artistadvocacy.wordpress.com/arts-ecosystem/>

quality as a key selection criteria and maintaining the public panel process, the screening committee can showcase the diverse perspectives, training, and expression of Street Artists vendors. The SFAC has the opportunity to elevate SAP as a platform for local artists to build professional success, and promote the Street Artist Markets as *the meeting point* for a diverse community of local artists to share their work with the people of San Francisco.

### ❖ Improve quality control mechanisms

1.1 Revising the selection criteria  
Implementing a public panel selection process will align SAP with the SFAC portfolio of programs – most notably grantmaking and public art. When selecting artists to participate, particular consideration should be given to:

- Quality
- Originality
- Diversity of Market Goods

Quotas should be established for each category of craft (painting, photography, mixed-media, jewelry, pottery, metal-work, wood-work, leather-work, etc.) to establish an attractive mix of goods at market and ensure representation of a wide-variety of artistic practices.

Currently, program participants practice a diverse array of craftwork that fits broadly into four categories:

Visual Art, Jewelry, Clothing & Accessories, and Miscellaneous Designed Objects

## Santa Barbara Arts & Craft Show

**Administrator:** Public Sector - City of Santa Barbara

**Frequency of Market Days:** 1x a week  
**Number of Vendors:** Approximately 200

**Description of Promising Practice:** Monitoring and enforcement of show procedures and regulations is provided by Market Monitors employed by the city. Monitors are on duty from 9am-5pm on show days and are responsible for verifying that all work shown has been approved by the Advisory Committee and is consistent with current show regulations. In addition, Monitors record vendor attendance and disseminate information to ensure compliance with all show procedures and regulations.

Selling spaces are assigned quarterly and attendance recorded every show. Space eligibility is determined by attendance during the previous quarter as well as seniority.

The craft show is not juried based on quality but rather on workmanship based on the understanding that “poor workmanship reflects badly on the show” (Section A - Procedures and Regulations Booklet).

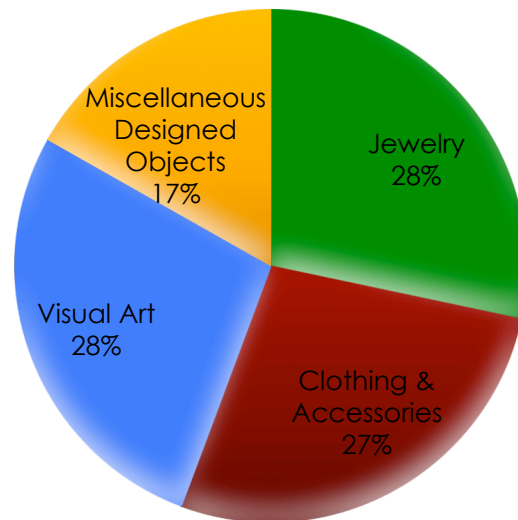


**Santa Barbara Art and Craft Show (2015).**



including everything from kites and dishware, to dog collars and candleholders. These four broad categories of creative products each account for roughly a quarter of the work sold through the program. This mix of goods reflects supply and demand market forces as artists create according to both their desire and their experience of what patrons are likely to purchase. Juried-selection should seek to maintain this current mix of market goods while striving to increase the diversity and quality of specific products within each category.

**Figure 2: Percentage Breakdown of Market Goods**



1.2 Vendor entrepreneurs are given an expanded avenue to access peddler permits through the SF Office of Small Business

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The Street Artist Program is currently serving two disparate populations – Professional Artists and Vendor Entrepreneurs. The SFAC is the municipal agency responsible for serving the needs of professional artists and the broader arts ecosystem. There are other city agencies that are mandated to serve the needs of the broader community of entrepreneurs and small business owners. The San Francisco Office of Small Business is positioned to serve the needs of the community of vendors often referred to as “Buy and Sell” merchants by Program artists. These Vendor Entrepreneurs sell items through the program that technically meet the “handmade” criteria, but fall short of the originality and quality standards that the SFAC values.

The Office of Small Business was recommended as a preferable agency to administer the Street Artist Program in the 2011-2012 Civil Grand Jury report, “Where there is Smoke....”. At that time, some program participants did not support the program transfer. However, if the program successfully implements a process of juried

selection for program artists, some individuals would no longer be qualified to sell their work through the program. Juried-selection will have financial and professional impacts on vendors who do not meet the improved selection criteria. However, these impacts can be mitigated by allowing continued use of designated selling areas located outside of the market sites. The agency should work with the Office of Small Business to ensure that these vendors continue to sell goods in San Francisco. The approximately 50 designated selling areas that are not located in the three recommended “Open Air Markets” (discussed on page 16) could be used by the Office of Small Business for use by this community of small businesspersons.

❖ **Implement contemporary art market structure to improve public awareness of the program**  
Stakeholders at every level of the program voiced concerns that the public is unaware or misinformed about the program. The SFAC needs to establish a coherent narrative to build public awareness of the program purpose. This narrative must be reinforced at all levels of the program, clearly articulating to the public the value and benefit of patronizing a local artisan market and supporting this San Francisco community of artists and craftspeople.

### 2.1 Establish Three central “Open Air Markets”

Establishing three open-air markets will concentrate traffic to artists’ kiosks. Currently, the most competitive selling areas for Program artists are located at Fisherman’s Wharf and Justin Herman

## Urban Air Market

**Administrator: Private Sector – Urban Air Market©**

**Frequency of Market Days: 1-day, irregular events through the year**

**Number of Vendors: Approximately 100**

**Description of Promising Practice:** The UAM promotional strategy reflects the values of the contemporary DIY movement. They market to individuals who “appreciate the value of unique, sustainable, local products. They go against the mainstream and choose quality over quantity. They are design connoisseurs and trendsetters who prefer shopping amidst the bustle of a vibrant community festival rather than online, at the mall, or from throwaway fashion retailers.” The Urban Art Market defines the act of shopping as socially relevant, community-oriented, activism.

UAM appeals to vendors with the promise that they will be participating in a community of creative and makers with artistic integrity, a network of like-minded artisans. On their online application page, they write to interested artists, “You can be reminded that you are part of a supportive, creative crew which feels pretty darn good.”

UAM curates their markets’ on the production and consumption sides, strategically promoting their urban fair and targeting vendors that meet specific standards of originality and quality. In addition, the Urban Air Market does targeted promotion with their seasonal gift guides that profile specific vendors. They invest in professional development opportunities for their vendors by publishing guides through their online blog like “Digital Marketing 101”.



Urban Art Market (2014). Photo by Benjamin Chun

Plaza. Artists selling at these markets benefit from their proximity to other vendors – the market model breeds competition and cooperation, and creates a destination that attracts large numbers of patrons.

Program Markets should be located in the areas where current designated selling spaces are clustered. These are 1) Fisherman’s Wharf, 2) Justin Herman Plaza (with an expansion to include nearby spaces at Market to Spear Street, Market, Drumm to Steuart, and the Café Spaces on Market Street) 3) Hallidie Plaza (including spaces at Market and 5<sup>th</sup>). Currently, these Markets areas include 361 selling spaces.

Implementing a simplified market model has the potential to improve staff’s quality control efforts, simplify Program promotion, and increase artistic productivity and efficiency. Program staff will be able to focus their monitoring efforts on three clearly demarcated markets rather than spot-checking the various clusters of selling areas that are currently dispersed across the city. Moving to a juried-selection model will compound these efficiency gains in the monitoring process (see page 14 for more detail). In addition, having three, distinct, open-air markets simplifies the promotional strategy for the SFAC. Each market can be promoted as a defined place that caters to a distinct customer – quirky & unique, politically aware & fashionable, and quintessentially San Francisco. The SFAC can promote these markets as a meeting place for artists, patrons, and the community at large to learn about the diverse array of artistic production happening in their city.

Lastly, creating space for artists to locate together supports healthy competition and cooperation among these professional artists. Many artists working at Justin Herman Plaza and Fisherman’s Wharf described their “free education” experience in their survey responses. Artists learn about new opportunities to show their work, better places to source their material, and improved methods to execute their craft. The Street Artists market is a training ground for emerging professional artist to learn how to build their brand, market and display their work, how to price their work, and how to identify their consumers. This positive impact can be encouraged and strengthened by creating a third market and focusing future expansion efforts on these three areas.

There are additional considerations to be made when developing this market model. Firstly, the SFAC must formalize an agreement with the San Francisco Recreation & Parks Agency before increasing investment to improve the market at Justin Herman Plaza. The current agreement between the agencies is tenuous and will not allow the SFAC to promote this market with on-site branding. If the SFAC is not able to clearly

brand and demarcate the market space as an Urban Art Market, the value of the market model will be compromised. Secondly, this market model will decrease the available number of selling areas by fifty and consequently increase competition for spaces. On one hand, if juried-selection is implemented, this competition will improve the overall quality of the markets, allowing the SFAC to select participants based on specific standards of originality, creativity, and quality. On the other hand, increasing competition for fewer selling spaces will curb the level of access that participants currently enjoy. The public panel will have to make considerations to ensure that this competition equitably impacts artists across disciplines and demographics.

**Figure 2: Open Air Market Map**



Lastly, the SFAC should strongly consider limiting market days to three days per week (Friday – Sunday). Currently, less than 25% of Program participants utilize the designated selling spaces more often than three days a week.<sup>11</sup> The vast majority of Program participants (over 75%)<sup>12</sup> come to market for three days a week or less. Participants explained that if vendors are hand-making everything that they sell, they must spend time each week on their craft in order to replenish their inventory. As a result, they are only able to come to market a few days a week. Limiting market days to the weekend will meet the needs of professional artists; liberate monitoring and enforcement resources, and help concentrate pedestrian traffic by differentiating market-days from the everyday.

As previously discussed, the juried-selection process will streamline the Program's monitoring and enforcement process. In addition, part-time market managers,

<sup>11</sup> The Street Artists Program Participant Survey (2015)

<sup>12</sup> Ibid

employed by the city,<sup>13</sup> should be responsible for monitoring, enforcement during each market day. The combined efforts of the panel and market managers will increase the efficacy of monitoring and enforcement mechanisms and the improve quality of the arts markets. The overall improvement in market quality will attract artists and patrons alike, and professional artists will benefit as their sales, networks, and businesses grow. These artists will be able and willing to invest back into the Program through fees, to ensure that the Program continues to promote the employment of professional artists and craftspeople.

#### 2.2 Supply program participants with SFAC branded kiosks to display and sell their work in designated areas.

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The Program can catalyze the SFAC's brand to promote the markets and Program artists by supplying participants with branded kiosks and clearly demarcating selling areas with SFAC branded signage. Branded kiosks will have the threefold impact of promoting and legitimizing the program to the uninformed public, improving the display of art and crafts, and differentiating between market artists and sellers without licenses.

Branding the program can happen in various ways by shaping the physical market space. These options have widely different price implications and visual impacts. Purchasing branded kiosks and requiring participants to rent SFAC branded kiosks for market use would be the more expensive and require the most administrative support. A second option would be to firmly enforce the stall criteria that currently exist and place SFAC branded signs and banners to demarcate the Street Artists markets. This is considerably less expensive, requires an improved monitoring system with requisite staff support, and will allow for more flexibility in artists displays. However, more flexibility leaves room for display violations and poor-quality displays which will negatively impact the integrity of the market.<sup>14</sup>

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<sup>13</sup> Stakeholders identified the market manager and lottery systems as problematic in several ways: 1) Market managers are volunteers who donate large amounts of time to running the lotteries and acting as liaisons between the artists, program staff, and commissioners. Although artists applaud the efforts of these volunteer managers, many voiced concern that the system has led to corrupt practices. It is clear that having a working Street Artist manage other Street Artists creates a conflict of interest. Creating a part-time Market Manager position will address these concerns and liberate the artists to focus on their business. The current lottery system creates inequitable outcomes as family unit members are permitted to enter the lottery as individuals. As a result, family units are able to secure multiple spaces in the market. The lottery system can be replaced with a quarterly assignment system based on a one-license, one-space model.

<sup>14</sup> Approximate fiscal implications of each branding option are:

- Branded Kiosks: \$63,175 - \$108,300 (Based on research, kiosks range from \$175-\$300 each. Multiplied the individual price by 361 to reflect the number of spaces currently in Market areas.)



2.3 Participating artists are given a platform to show their work in the SFAC Galleries

The SFAC currently manages three art exhibition sites in the city's Civic Center District. The SFAC Galleries make contemporary art accessible to broad audiences by commissioning new works, collaborating with arts and community organizations, and supporting artist's projects. A permanent gallery platform promoting Street Artist work aligns with the mission and vision of both the Galleries Program and SAP. Street Artists should be given the opportunity to submit their work for consideration to a public panel. A specific display should be reserved for the presentation of Program artists' work.

### Emeryville Art Exhibition

**Administrator: Public Sector – The city of Emeryville**

**Frequency of Market Days: 3 week event held annually**

**Number of Vendors: Approximately 117**

**Description of Promising Practice:**

For the past nine years, the Emeryville City Council has approved a Purchase Award Program in connection with the Annual Emeryville Art Exhibition. A selection panel reviews the works in the exhibition and makes a recommendation for the Purchase Award. With the approval of the City Council, the artwork selected becomes part of the City's permanent collection displayed at City Hall.

This coordination of municipal resources increases positive outcomes across programs – diversifying the Emeryville's collection and promoting local artists to a broad community.

2.4 Clarify program purpose with accurate name, SFAC Urban Arts Market

The term "Street Artist" is generally understood as a vernacular term referring to artists that make public art – murals and graffiti. A simple method of building public awareness of this arts program is to establish a name that clearly communicates the program purpose. There are many potential program names that encapsulate program purpose and outcome: SFAC Urban Arts Market; SFAC Art & Craft Market; SFAC Art & Craft Vendor Program are a few.

- Market Canopies: \$36,100 - \$90, 250 (Based on research, canopies range from \$100-\$250 each. Multiplied the individual price by 361 to reflect the number of spaces currently in Market areas.)
- Branded boards and signs at market entrances and exits: \$630 - \$1260 (Based on research, branded signs range from \$35-\$70 each. Multiplied the individual price by 18 to reflect an average of six entrances/exits in three Market areas.)



## ❖ Enhance Program services to support professional artists

3.1 Establish Capacity Building and Technical Assistance opportunities for artists to share their practice and learn new skills

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Program participants should be offered capacity building and technical assistance opportunities that focus on the specific needs of professional artists. Topics could span from marketing and promotion issues - for example website development, or social media strategy - and skills building courses - for example metallurgy, pattern-making, or color theory.

SAP should coordinate the capacity building workshops with the technical assistance components of other SFAC programs. Additionally, skill sharing could be extended to the broader community through the Arts Education Program.

## Next Steps: Implementation Feasibility and Timeline

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The next step in improving Program alignment with the Agency's goals for the future is to embark on a feasibility study that analyzes the administrative, political, legal, and fiscal implications of the recommendations detailed in this report. In addition, this analytical stage should focus on identifying a step-by-step process and timeline to implement these recommendations.

Juried-selection, market promotion, and establishing the Commission as the final arbiter of appeals are currently restricted by the Program ordinance. Juried selection, and the market model defined in this report have staffing implications that will impact the Program budget. Branding the art markets and implementing a promotional strategy will carry fiscal implications and impact administrative roles and responsibilities. A thorough analysis of the various implications and consequent feasibility of these recommendations is necessary to define a reasonable implementation timeline.

## Conclusion

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The SFAC has the opportunity to craft an innovative Program that promotes the employment of hundreds of local artists, supporting independent artists to build sustainable businesses in San Francisco. As a continued effort to assess participant needs and program impacts, the SFAC should begin this transition with a feasibility study followed by a convening of program artists to gather their insights on implementing the recommendations outlined in this report. These artists have extensive experience working in art & craft markets across the nation. Their insights

and expertise will prove invaluable in ensuring a successful transition to a contemporary market model.

With the implementation of the simplified market model, juried-selection, and gallery promotion, the SFAC needs to remain vigilant about maintaining equity as the program becomes more competitive. SAP is an equitable training ground for artists of diverse training, experience, and resources. Improving quality-control mechanisms does not need to curb this artistic diversity. Careful and transparent selection criteria will mitigate potential equity impacts.

As a vibrant and diverse arts market – SAP is poised to enliven our city, make high-quality art experiences equitable and easily accessible, and create fertile ground for building socially-diverse and politically engaged communities of artists and neighbors. By addressing the key program issues outlined in this report, and closing the gaps between program impacts and the SFAC’s priority goals, SAP can play a central role in furthering the SFAC’s mission and vision for the city and county of San Francisco. In addition, by utilizing a contemporary market model and promoting the political and social relevance of this artisan market, the SFAC can reinvigorate the Street Artist Program and establish a modern urban arts market that reflects the passion of the program’s founders and the city’s need for diverse, high-quality art.

## Acknowledgements

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### SFAC Staff

- Anh Thang Dao-Shah, ACLS Public Fellow, Policy and Evaluation
- Rebekah Krell, Deputy Director & CFO
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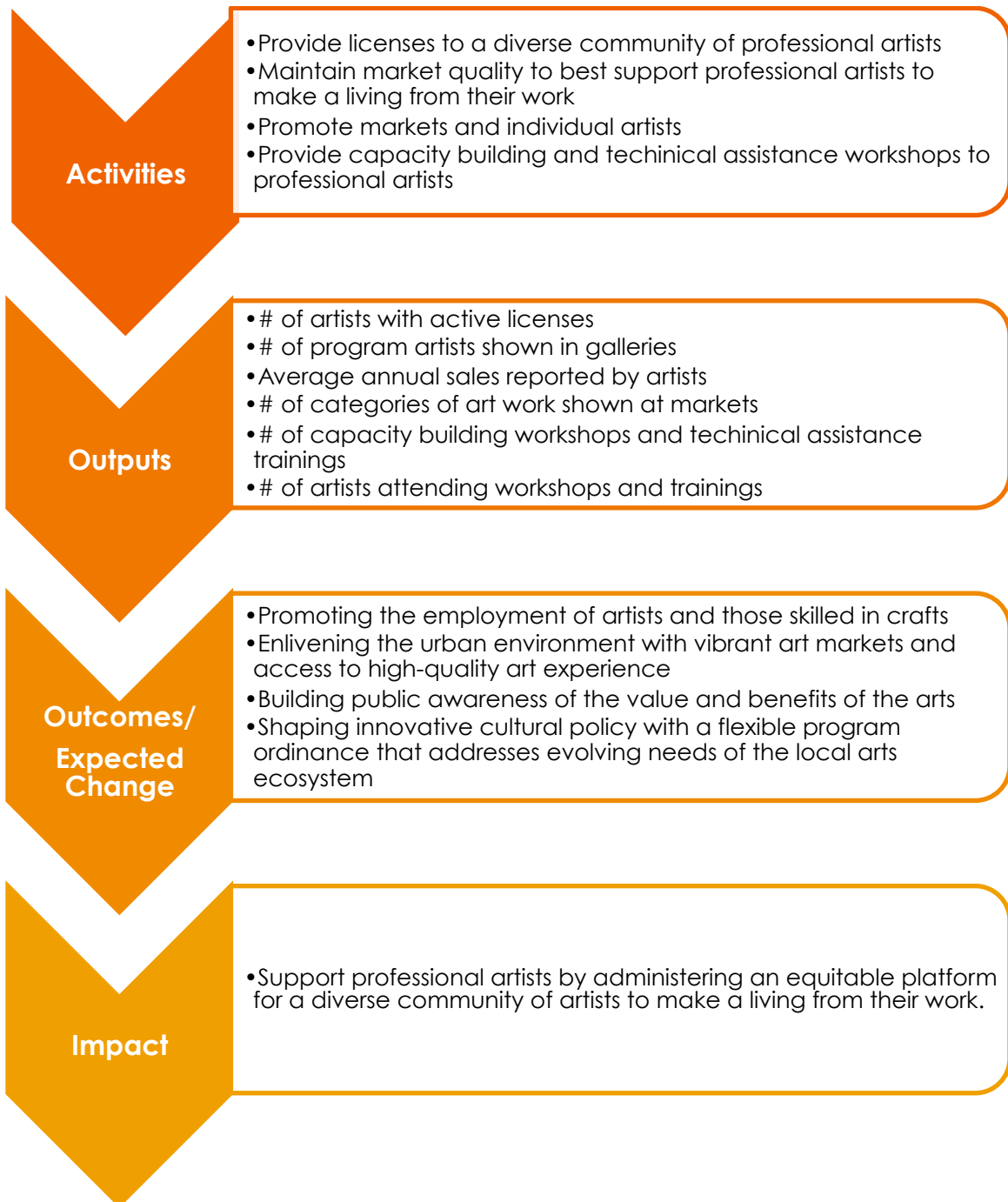
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## Appendices

### Appendix A: Logic Model for Enhanced Program: The Urban Arts Market Program



## **Appendix B: Charter Mandate for the San Francisco Arts Commission**

As stated in Section 5.103 of the City’s Charter, “The Arts Commission shall consist of fifteen members appointed by the Mayor. Eleven members shall be practicing arts professionals and four members shall be lay members. The Commission shall appoint and may remove a director of the department. The Commission shall encourage artistic awareness, participation and expression; education in the arts; assist independent local groups with the development of their own programs; promote the employment of artists and those skilled in crafts, in the public and private sectors; provide liaison with state and federal agencies to ensure increased funding for the arts from these agencies as well as represent arts issues and policy in the respective governmental bodies; promote the continued availability of living and working space for artists within the City and County; and enlist the aid of all City and County governmental units in the task of ensuring the fullest expression of artistic potential by and among the residents of San Francisco. In addition the Arts Commission will: approve the designs for all public structures; approve the design and location of all works of art before they are acquired, transferred or sold by the City and County; promote a neighborhood arts program to encourage and support an active interest in the arts on a local and neighborhood level; and supervise and control the expenditure of all appropriations made by the Board of Supervisors for the advancement of the visual, performing or literary arts.”

## **Appendix C: The Street Artists Ordinance**

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### **ARTICLE 24: REGULATING STREET ARTISTS\***

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Sec. 2400.	Statement of Purpose and Text of Street Artist Ordinance.
Sec. 2401.	Additional Definitions.
Sec. 2402.	Compensation of Advisory Committee.
Sec. 2403.	Age Eligibility for Street Artists.
Sec. 2404.	Street Artist Certificate: Disclaimer, Transfer, and Display.
Sec. 2404.1.	Street Artist Certificate: Fee.
Sec. 2404.1.1.	Street Artist Application/Examination Fee.
Sec. 2404.2.	Fee Setting Procedure.
Sec. 2405.	Regulations for Street Artists.
Sec. 2406.	Lottery.
Sec. 2407.	Director of Public Works to Provide Markings.
Sec. 2408.	Issuance, Denial, Suspension or Revocation of Certificate: Appeals.
Sec. 2409.	Appeals to Board of Permit Appeals.
Sec. 2410.	Criminal Violations: Penalties.
Sec. 2411.	Severability.

## **SEC. 2400. STATEMENT OF PURPOSE AND TEXT OF STREET ARTIST ORDINANCE.**

This ordinance is enacted to implement an initiative ordinance approved by the electors of San Francisco as Proposition "L" at the election held on November 4, 1975. The provisions of Proposition "L" are set forth herein for convenience and may only be amended by the electors of San Francisco. Proposition "L" reads as follows:

### **REGULATING STREET ARTISTS AND CRAFTSPERSONS.**

<b>SEC. 1</b>	Definitions
<b>SEC. 2</b>	Advisory Committee of Street Artists and Crafts Examiners; Establishment; Appointments; Compensation; Terms; Chairperson; Secretary
<b>SEC. 3</b>	Application
<b>SEC. 4</b>	Examination
<b>SEC. 5</b>	Issuance of Certificate
<b>SEC. 6</b>	Certificate Fee; Period
<b>SEC. 7</b>	Regulating Street Artists and Craftspersons
<b>SEC. 8</b>	Designation of Sales Areas
<b>SEC. 9</b>	Repeal

### **"SEC. 1. DEFINITIONS.**

For the purposes of this ordinance the following words or phrases shall mean or include:

- (a) "Art Commission." The Art Commission of the City and County.
- (b) "Advisory Committee." The Advisory Committee of Street Artists and Crafts Examiners of the City and County.
- (c) "City and County." The City and County of San Francisco.
- (d) "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, or, two or more physically or mentally handicapped persons participating in a formal rehabilitation program a part of which includes activities for the creation of arts and crafts by said persons.
- (e) "Person." Any individual, copartnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character; provided, however, that whenever a right, privilege, or power is conferred upon a person by the provisions of this ordinance, the term "person" shall mean an individual natural person.

### **"SEC. 2. ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTS EXAMINERS; ESTABLISHMENT; APPOINTMENTS; COMPENSATION; TERMS; CHAIRPERSON; SECRETARY.**

There is hereby established an Advisory Committee of Street Artists and Crafts Examiners, who shall advise the Art Commission on matters relating to the wares produced by street artists and to perform such other functions as shall from time to time be deemed appropriate by the Commission. The Advisory Committee shall consist of five members to be appointed by the Mayor. Four of said members



shall be experienced artists or craftspersons and each such member shall be appointed from among three persons whose names shall have been submitted to the Mayor for appointment by the Art Commission, and one of the members shall be an art educator. Each member shall be compensated for the time he or she spends in this capacity as assigned by the Chairperson at a rate of pay to be established from time to time by the Board of Supervisors. The term of each member shall be two years, provided that the five members first appointed by the Mayor shall, by lot, classify their terms so that the terms of two members shall be for a period of one year and the terms of three members shall be for a period of two years, and upon the expiration of these and successive terms, the Mayor shall appoint their successors for a two-year term in a manner similar to that described herein for the initial members. In the event a vacancy occurs during the term of office of any member, the Mayor shall appoint for the unexpired term of the office vacated, a successor in a manner similar to that described herein for the initial members. The Advisory Committee shall elect from its members a Chairperson and a Secretary to hold office for one year, or until their successors are duly elected and qualified. The Secretary shall keep an accurate record of all proceedings of the Advisory Committee which shall be open to inspection by the public at all times.

### **"SEC. 3. APPLICATION.**

Every person desiring certification as a street artist or craftsperson pursuant to this ordinance shall file an application with the Art Commission upon a form provided by said Commission. Except as otherwise provided herein, said application shall specify:

(a) The applicant's residence address, place of employment where the work of art is produced and the mailing address of a person through whom the applicant may always be reached shall appear on the application.

(b) A description of the art or craft item for which the applicant seeks certification.

(c) A declaration under penalty of perjury that the art or craft item for which applicant seeks certification is of the applicant's own creation or the creation of the applicant's family unit, and that the applicant neither employs other persons nor is employed by another person in the production of the art or craft item for which applicant seeks certification.

### **"SEC. 4. EXAMINATION.**

Upon receipt of an application filed pursuant to this ordinance, the Executive Director of the Art Commission shall fix a date for Advisory Committee consideration and action upon said application and shall notify the applicant of said date. In its consideration of an application, the Art Commission shall examine representative samples of the applicant's work for the purposes of verifying the information set forth in the application. After such examination, and for the purposes of further investigation, the Art Commission may designate one or more of its members to visit the studio or workshop of the applicant to view the applicant's facilities and to further verify that the art or craft item for which the applicant seeks certification is his or her own creation or those of his or her family unit.

**"SEC. 5. 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.

**"SEC. 6. CERTIFICATE FEE; PERIOD.**

The fee for any certificate issued pursuant to the provisions of this ordinance shall be \$20 and said certificate shall be valid for a period of three months from the date of issuance; except that any person certified pursuant to the provisions of this ordinance shall have the option of purchasing for \$80.00 a certificate valid for a period of one year from the date of issuance. The Board of Supervisors may increase the certificate fee when necessary in order to finance the costs of the Art Commission in administering and enforcing the provisions of this ordinance.

**"SEC. 7. REGULATING STREET ARTISTS AND CRAFTSPERSONS.**

(a) It shall be unlawful for any person to sell, offer for sale, expose for sale, or solicit offers to purchase, any art or craft work of the person's own creation on any public street or public place where such activities are permitted, unless duly certified as a street artist or craftsman pursuant to the provisions of this ordinance, or duly licensed as a peddler pursuant to the provisions of Section 869 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code).

(b) It shall be unlawful for any person certified as a street artist or craftsman pursuant to the provisions of this ordinance to sell, offer for sale, expose for sale, or solicit offers to purchase, any art or craft work of the person's own creation on any public street or public place where such activities are not permitted, unless duly licensed as a peddler pursuant to the provisions of Section 869 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code).

(c) All or part of funds derived from the fees paid by street artists and craftsmen may be assigned by the Board of Supervisors to the Art Commission for use in paying members of the Advisory Committee as set forth in Section 2 above and to the San Francisco Police Department for enforcement of this proposition.

**"SEC. 8. DESIGNATION OF SALES AREAS.**

The Board of Supervisors, by resolution after public hearings thereon, may designate areas in or on any public street or public place where any street artist or craftsman certified pursuant to the provisions of this 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, provided, however, that any designation of an area 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. In designating such areas, the Board of Supervisors may impose such conditions and limitations as, in its

discretion, are necessary to prevent any undue interference with normal pedestrian or vehicular traffic, or any damage to surrounding property, including interference with use, view or enjoyment of public parks.

#### **"SEC. 9. REPEAL.**

The initiative ordinance relative to permits and licenses for street artists, approved by the electorate as proposition "L," on the ballot for the election held in the City and County of San Francisco on June 4, 1974, is hereby repealed."

(Amended by Ord. 41-83, App. 2/4/83; Prop. K 1983)

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#### **SEC. 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 Commission which implements the provisions of Proposition "L" and this Article.

(g) "Street Artist Program Committee." A committee appointed by the Art Commission and consisting solely of Commission members. The Committee shall have responsibility for oversight of the Street Artist Program.

(h) "Program Director." The director of the Street Artist Program, responsible for administering the provisions of Proposition "L" and this Article, on behalf of the Executive Director of the Art Commission.

(Amended by Ord. 41-83, App. 2/4/83; Ord. 291-94, App. 8/4/94)

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#### **SEC. 2402. COMPENSATION OF ADVISORY COMMITTEE.**

Pursuant to the provisions of Section 2 of Proposition "L," the compensation of the appointive members of the Advisory Committee of Street Artists and Crafts Examiners shall be as follows:

(a) A member shall receive \$100.00 plus reasonable travel expenses for each meeting of the Advisory Committee actually attended by said member for 50 percent of each meeting of four or more hours.

(b) A member shall receive \$100.00 plus reasonable travel expenses for each visit to the studio or workshop of a certified street artist or an applicant for a Street Artist Certificate for the purpose of viewing the applicant's facilities and verifying that the art or craft item for which the applicant seeks certification is his or her own creation or those of his or her family unit, for an assignment of monitoring or inspecting street artist wares being sold in public locations, or for the

performance of such other function as shall from time to time be deemed appropriate by the Arts Commission.

(c) In no event shall the aggregate amount paid each member exceed 35 meetings/studio visits or \$3,500.00 per year excluding reimbursement for reasonable travel expenses. For the purposes of this section, the term "reasonable travel expenses" shall include travel to and from a member's office or home.

(Amended by Ord. 418-84, App. 10/5/84; Ord. 345-90, App. 10/12/90; Ord. 451-94, App. 12/30/94; Ord. 63-02, File No. 011788, App. 5/10/2002; Ord. 260-06, File No. 061030, App. 10/13/2006; Ord. 103-08, File No. 080514, App. 6/18/2008)

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### **SEC. 2403. AGE ELIGIBILITY FOR STREET ARTISTS.**

No person under the age of 16 is eligible for certification as a street artist.  
(Amended by Ord. 41-83, App. 2/4/83)

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### **SEC. 2404. STREET ARTIST CERTIFICATE: DISCLAIMER, TRANSFER, AND DISPLAY.**

(a) Disclaimer. On each Street Artist Certificate the following words shall appear:

"The issuance of this Certificate does not constitute an endorsement by the City and County of San Francisco or the Article sold pursuant to the terms of this Certificate."

(b) Transfer. Any Street Artist Certificate issued pursuant to the terms of this Article cannot be transferred to any other person as defined in Proposition "L."

(c) Display. The Art Commission shall issue to each Street Artist a Certification Card which shall contain a photograph of the Street Artist, the certificate number of all members of the family unit and the number of the certificate in figures plainly discernible. The Art Commission, or its designee, shall determine the manner and form of any other information that may be placed upon this Certification Card. The Certification Card shall be displayed by the Street Artist at all times when said Street Artist is selling or soliciting offers to purchase any art or craft work. The photograph shall be furnished by the Street Artist.

(Amended by Ord. 41-83, App. 2/4/83)

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#### **SEC. 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: Beginning July 1, 2010, the fee for a quarterly Street Artist Certificate shall be \$166.02 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 \$664.08 an annual certificate valid for a period of one year from the date of issuance.

(Added by Ord. 511-84, App. 12/21/84; amended by Ord. 295-88, App. 6/29/88; Ord. 216-91, App. 6/12/91; Ord. 240-03, File No. 031333, App. 10/10/2003;

Ord. 103-08, File No. 080514, App. 6/18/2008; Ord. 189-10, File No. 100710, App. 7/23/2010)

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**SEC. 2404.1.1. STREET ARTIST APPLICATION/EXAMINATION FEE.**

Every person applying for street artist certification, whether for the first time or for reissuance of certification after a lapse in payment of the certificate fee, shall pay a nonrefundable application/examination fee. The fee shall initially be set at \$20 and shall be paid upon filing of an application for certification. The application/examination fee collected shall be equal to, but shall not exceed, the fee necessary to support the costs of processing applications and examinations under the Street Artists Ordinance. As part of the report required by Section 2404.2 of this Article, each year the Arts Commission shall report to the Controller the costs incurred in administering the application and examination process.

The funds credited to the Arts Commission pursuant to this Section, in combination with funds derived from Sections 2404.1 and 2410 of this ordinance, shall not exceed the actual cost to the Arts Commission of administering and enforcing Proposition "L" and this Article.

(Added by Ord. 383-96, App. 10/15/96)

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**SEC. 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 Francisco at the election held on November 4, 1975), the anticipated costs for the ensuing year, and the fee which would be necessary to support such costs. Said report shall be filed with the Controller no later than April 1st of each year pursuant to the provisions of Section 3.17-2 of the San Francisco Administrative Code. The Controller shall file said report with the Board of Supervisors no later than May 15th of each year and the Board of Supervisors shall, by ordinance, establish or readjust the fee for a Street Artist Certificate. The fee set shall be equal to, but not greater than, the fees necessary to support the costs of administering and enforcing the provisions of the Street Artist Ordinance.

(Added by Ord. 511-84, App. 12/21/84; amended by Ord. 240-03, File No. 031333, App. 10/10/2003)

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**SEC. 2404.3. RESERVED.**

(Amended by Ord. 415-86, App. 10/10/86)

***Editor's Note:***

*Former Sec. 2404.3 ("Street Artist Certificate: Priority to Veterans") expired on 12/1/1986.*

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**SEC. 2405. REGULATIONS FOR STREET ARTISTS.**

(a) Street artists shall sell, offer for sale or solicit offers to purchase only for those specific handcrafted art or craft items created personally by the street artist or the street artist's family unit for which the street artist has been certified.

(b) Street artists shall sell, offer for sale or solicit offers to purchase only in those areas designated by the Board of Supervisors by Resolution.

The designation of any area in a public place under the jurisdiction of an officer, board or commission of the City and County is subject to the approval of, and to rule or regulations imposed by, such officer, board or commission.

(c) 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) No more than 4 feet from the curb line of any sidewalk.  
(2) Not within 18 inches of the curb line of any sidewalk.  
(3) No more than five feet above any sidewalk.  
(4) In an area not more than four feet long.  
(5) Sprinkler inlets, standpipe inlets (both wet and dry) are to be kept clear for 7 feet on each side, measured from the outer edge of standpipe bank from the building line to the sidewalk edge.

(6) Not within 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 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 feet of any crosswalk.

(10) Inflammable liquid vents and fill pipes to be kept clear for five feet in both directions on the sidewalk when tanks are not being filled or within 25 feet while tank is being filled.

(11) Not within five feet of the display of any other street artist.

(12) Fire hydrants to have five 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 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 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 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 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 18 months.

(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.

(Amended by Ord. 388-83, App. 7/14/83; Ord. 199-03, File No. 030909, App. 8/1/2003)

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#### **SEC. 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 available selling areas as designated by the Board of Supervisors by resolution.

(b) The Art Commission shall specify three days in each week for the holding of a lottery for selling areas which are designated by the Board of Supervisors.

(c) The Art Commission, at its discretion, may postpone any lottery if sufficient volunteers to conduct the lottery are not available. No fees shall be paid to the volunteers conducting the lottery or collected by the Art Commission to establish or supervise the lottery. Each volunteer conducting the lottery shall be compensated for his or her service with a single sales 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.

(d) The Art Commission shall not be liable for any damage, injury or loss occasioned by the lottery.

(e) The Art Commission may make such reasonable rules and regulations as are necessary to effectuate the lottery.

(f) The Art Commission shall design and distribute to those chosen in the lottery on each day a lottery is held, a document identifying the person chosen, the craft of the person chosen and the location where the person chosen will be allowed to sell, offer for sale, or solicit offers to purchase.

(g) The lottery document shall be in the possession of the street artist at all times and shall be displayed to a police officer upon request.

(h) It shall be unlawful to sell, offer for sale, or solicit offers to purchase goods and crafts in those areas subject to the lottery without first obtaining a document from the Art Commission indicating the seller has been chosen for the area or a document from the Art Commission indicating that no lottery document is necessary for that area.

(Amended by Ord. 41-83, App. 2/4/83)

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**SEC. 2407. DIRECTOR OF PUBLIC WORKS TO PROVIDE MARKINGS.**

The Director of Public Works shall place identifying markings in public streets or curbs designated as sales areas by the Board of Supervisors. Said markings shall be consistent with the regulations contained in this Article.

(Amended by Ord. 41-83, App. 2/4/83)

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**SEC. 2408. ISSUANCE, DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATE: APPEALS.**

(a) 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.

(b) The Art Commission shall adopt rules and regulations governing appeals from a denial, suspension or revocation of a Street Artist Certificate. A public hearing on the suspension or revocation of a Street Artist Certificate shall be conducted by the Street Artist Program Committee. 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 Artist 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. 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 may only be appealed in accordance with Section 2409. 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.

(Added by Ord. 41-83, App. 2/4/83; amended by Ord. 291-94, App. 8/4/94)

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**SEC. 2409. APPEALS TO BOARD OF PERMIT APPEALS.**

Appeals to the Board of Permit Appeals from the final decision of the Art Commission to grant or deny a Street Artist Certificate shall be governed by Article 1, Section 30 of Part III of the Municipal Code and shall be filed not later than 15 days after the final decision of the Art Commission. Appeals to the Board of Permit Appeals from the final decision of the Program Director to suspend or revoke a

Street Artist Certificate shall be governed by Article 1, Section 30 of Part III of the Municipal Code and shall be filed not later than 15 days after the Program Director's decision approving or disapproving the Program Committee's findings and recommendations.

(Added by Ord. 41-83, App. 2/4/83; amended by Ord. 255-88, App. 6/22/88; Ord. 291-94, App. 8/4/94)

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#### **SEC. 2410. CRIMINAL VIOLATIONS: PENALTIES.**

(a) Except as provided in Subsection (b), any person violating 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 guilty of an infraction and subject to a fine of not in excess of \$100.

(b) The violation of any provision of Proposition "L" or this Article which would otherwise be an infraction shall be a misdemeanor if the person who has violated such provision has previously been convicted of two or more violations within the 12-month period immediately preceding the current offense and the prior convictions are admitted by the person charged with the violations or are alleged in the accusatory pleading. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged. A person convicted of a misdemeanor pursuant to this subsection shall be subject to imprisonment in the County Jail for a period not exceeding 30 days or a fine not exceeding \$500, or both.

(Added by Ord. 41-83, App. 2/4/83)

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#### **SEC. 2411. SEVERABILITY.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or ineffective.

(Added by Ord. 41-83, App. 2/4/83)

### **Appendix D: Methodology**

The evaluation process began with the review of relevant program documents including audits, civil grand jury reports, city attorney papers, budgets, the municipal code, and the agency's 2015-2019 Strategic Plan. One-on-one interviews were conducted with 16 program stakeholders including Commissioners, Screening Panelists, staff, and program participants. A survey of 111 program participants was collected to gather demographic information as well as baseline information on the experience of the stakeholders certified through the program. Topics covered with

interviewees and survey participants included the strengths of the Street Artist Program, areas in need of improvement, critical issues facing the program, and the gaps between program outcomes and the agency’s goals.

Key Measures	General Evaluative Questions	Stakeholder Group	Data Gathering Method
<b>Who is being served?</b>	<ul style="list-style-type: none"> <li>•Who are the participant demographic subgroups?</li> <li>•Are subgroups impacted differently? How so?</li> <li>•How long do participants stay in the program?</li> <li>•How often do participants sell their work through the program?</li> </ul>	Program Participants	Survey; one-on-one interview
<b>What are program impacts?</b>	<ul style="list-style-type: none"> <li>•What are permit holders happy with? Dissatisfied with?</li> <li>•What was the initial program intention? Has the program drifted?</li> </ul>	Program Participants	Survey; one-on-one interview
<b>How will program realignment impact stakeholders?</b>	<ul style="list-style-type: none"> <li>•What income are participants making through the program?</li> <li>•Are there artists’ networks that depend on the program in its current form?</li> <li>•Who will be the participants after program realignment? Is there demand for a realigned program?</li> </ul>	Program Participants	Survey; one-on-one interview
<b>How effectively/efficiently in the program being monitored?</b>	<ul style="list-style-type: none"> <li>•Are current permit holders the ideally intended program participants?</li> <li>•What aspects of the program do not align with SFAC priorities?</li> <li>•What are the program strengths in terms of increasing equity and inclusion in SF art economy? Weaknesses?</li> <li>•What are the program strengths in terms of enlivening the urban environment? Weaknesses?</li> <li>•What are the program strengths in terms of community investment? Weaknesses?</li> <li>•How can outcomes and impacts be improved?</li> <li>•How can program quality and alignment with SFAC priorities be enhanced?</li> </ul>	Program Staff; Screening Panelists; Commissioners	One-on-one interviews; small group interviews

**Participant Survey:** Survey disseminated via email through SurveyMonkey, in-person at artists markets, and available in hardcopy at the SFAC office. Survey was available in English, Mandarin, and Spanish.

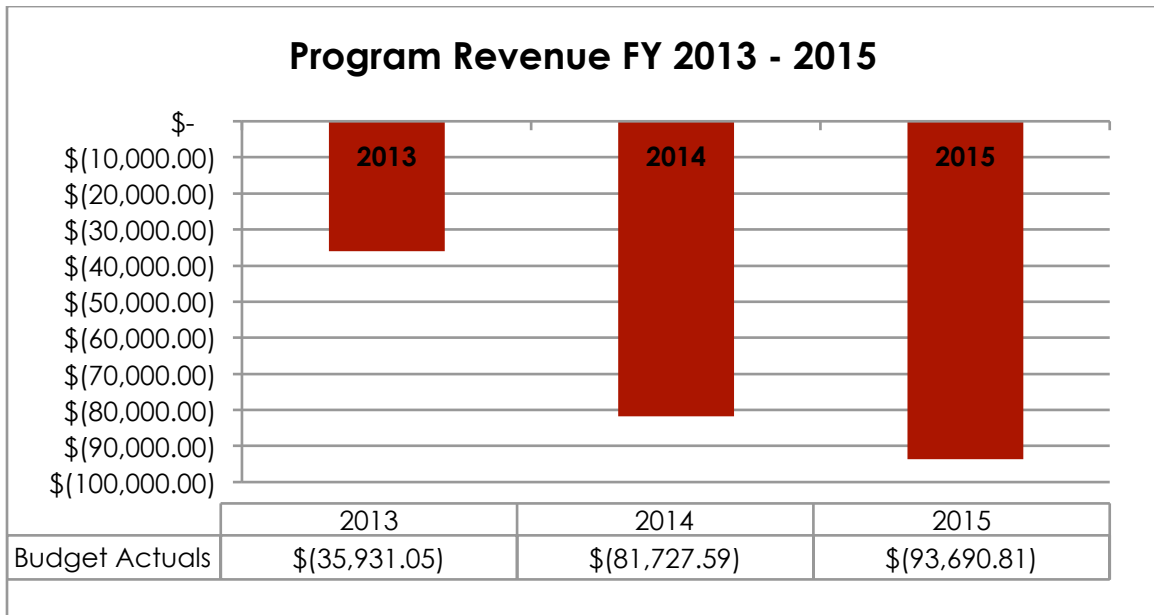
**Phone Interviews with 7 Randomly Selected Program Participants:** Randomly selected participants chosen with random number generator cross-referenced with numbered list of program participants. 35 selected participants were contacted via email and phone to schedule one-on-one interviews. Seven participants consented to be interviewed via phone in the language of their preference.

**Interviews with Commissioners on the Street Artists Committee** –One-on-one interviews with two Commissioners on the Street Artists Subcommittee

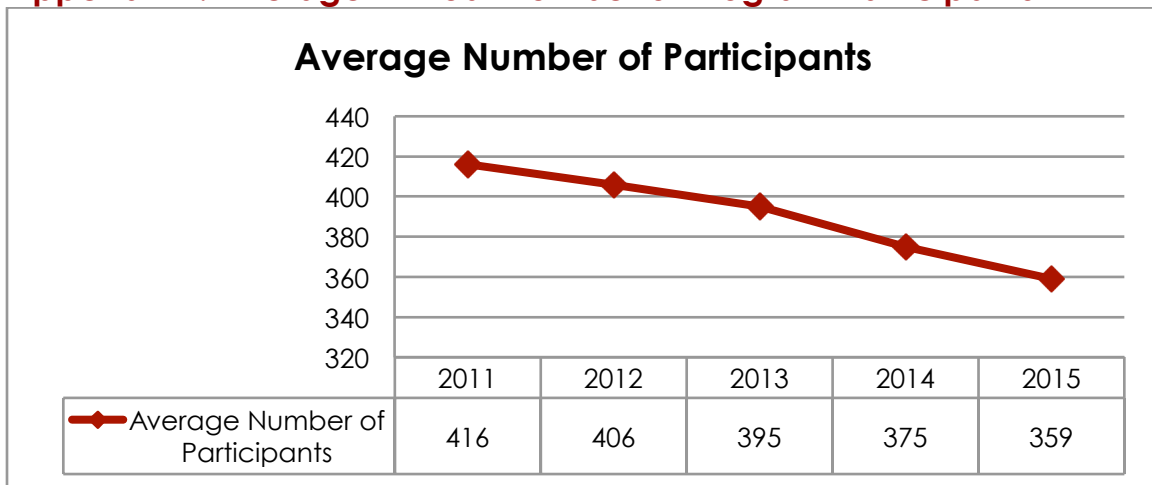
**Interviews with Street Artist Screening Committee** – One-on-one interviews with four of the panelists on the Street Artists Screening panel.

**Interviews with Agency Staff** – One-on-one interviews with three Agency staff members

**Appendix E: Program Revenue 2013-2015**



**Appendix F: Average Annual Number of Program Participants<sup>15</sup>**



<sup>15</sup> 2015 average reflects the partial fiscal year ending in June 2015



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