

LEGISLATIVE DIGEST

[Administrative, Public Works Codes - Limits on Fines for Shared Spaces Violations]

Ordinance amending the Administrative and Public Works Codes to limit until April 1, 2023, the issuance of fines for violations of Shared Spaces requirements except for physical access requirements for persons with disabilities or first responder personnel; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1

Existing Law

Currently, most Shared Spaces parklets are permitted under the Mayor's proclamation declaring a local emergency to exist in connection with the imminent spread within the City of COVID-19. Pursuant to Administrative Code Section 94A.12(d), the City may not use fines to bring permittees into compliance, unless the violations pertain to physical access requirements for persons with disabilities or first responder personnel.

Upon the expiration of the temporary Shared Spaces program, permittees will need to convert their permits to the permanent Shared Spaces program, which is authorized under Administrative Code Chapter 94A. Section 94A.9 authorizes City Agencies to use fines and penalties for violations of the permanent program. Fees for the permanent program are waived until March 31, 2023.

Public Works Code Section 793.4 authorizes Public Works to use administrative citations under Public Works Code Section 792(e) for the permanent Shared Spaces program.

Amendments to Current Law

This amendment would limit the issuance of fines to enforce violations of the permanent Shared Spaces program until April 1, 2023, except for violations related to physical access requirements for persons with disabilities or first responder personnel, or when the structure has been abandoned.

n:\legana\as2021\2200263\01571348.docx