

File No. 240055

Committee Item No. 6

Board Item No. 2

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Budget and Finance Committee
Board of Supervisors Meeting

Date February 7, 2024
Date February 27, 2024

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OTHER (Use back side if additional space is needed)

- CEQA Determination 2/2/2024
- Referral FYI – Public Works 1/29/2024
- Referral CEQA 1/29/2024
- Referral Small Business Commission 1/29/2024
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Completed by: Brent Jalipa Date February 1, 2024

Completed by: Brent Jalipa Date February 8, 2024

1 [Public Works Code - Retroactive - Waiver of Temporary Street Space Occupancy Permit Fee
2 - Sidewalk Sales During Lunar New Year Holiday Season]

3 **Ordinance retroactively waiving the fee required by Public Works Code, Section**
4 **724.1(b), for temporary street space occupancy permits in the Chinatown**
5 **neighborhood from Saturday, January 27, 2024, through Saturday, February 10, 2024,**
6 **to promote sidewalk sales of merchandise during the Lunar New Year holiday season;**
7 **and affirming the Planning Department’s determination under the California**
8 **Environmental Quality Act.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. Environmental Findings.

18 The Planning Department has determined that the actions contemplated in this
19 ordinance comply with the California Environmental Quality Act (California Public Resources
20 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
21 Supervisors in File No. 240055 and is incorporated herein by reference. The Board affirms
22 this determination.

23 Section 2. Waiver of Temporary Street Space Occupancy Fee.

24

25

1 To promote sidewalk sales of merchandise during the Lunar New Year holiday season,
2 which is in the public interest, the fee set in Public Works Code, Article 15, Section 724.1(b)
3 for temporary street space occupancy, is hereby waived between the hours of 7 a.m. and 9
4 p.m. from Saturday, January 27, 2024 through Saturday, February 10, 2024, for the following
5 areas:

- 6 Beckett Street between Pacific Avenue and Jackson Street;
- 7 Broadway Street between Stockton Street and Kearny Street;
- 8 Clay Street between Stockton Street and Kearny Street;
- 9 Columbus Avenue between Broadway Street and Kearny Street;
- 10 Commercial Street between Grant Avenue and Kearny Street;
- 11 Grant Avenue between Broadway Street and Sacramento Street;
- 12 Hang Ah Street between Clay Street and Sacramento Street;
- 13 Jackson Street between Stockton Street and Kearny Street;
- 14 Kearny Street between Broadway Street and Sacramento Street;
- 15 Pacific Avenue between Stockton Street and Kearny Street;
- 16 Ross Alley between Jackson Street and Washington Street;
- 17 Sacramento Street between Stockton Street and Kearny Street;
- 18 Spofford Street between Washington Street and Clay Street;
- 19 Stark Street between Stockton Street and Grant Avenue;
- 20 Stockton Street between Broadway Street and Sacramento Street;
- 21 Walter U. Lum Place between Washington Street and Clay Street;
- 22 Washington Street between Stockton Street and Kearny Street;
- 23 Waverly Place between Washington Street and Sacramento Street; and,
- 24 Wentworth Place between Jackson Street and Washington Street.

1 Section 3. All other provisions of Public Works Code Sections 724.1 et seq. shall
2 remain in full effect.

3
4 Section 4. Effective Date; Retroactivity.

5 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
6 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
7 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
8 Mayor's veto of the ordinance.

9 (b) Upon its effective date, this ordinance shall be retroactive to January 27, 2024. If,
10 prior to the effective date of this ordinance, any fees are charged for a temporary street space
11 occupancy that is to be waived under Section 2 of this ordinance, said fees shall be
12 reimbursable upon the effective date of the ordinance.

13
14 APPROVED AS TO FORM:
15 DAVID CHIU, City Attorney

16 By: */s/ Christina Fletes-Romo*
17 CHRISTINA FLETES-ROMO
18 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Amended in Committee, 2/7/2024)

[Public Works Code - Retroactive - Waiver of Temporary Street Space Occupancy Permit Fee - Sidewalk Sales During the Lunar New Year Holiday Season]

Ordinance retroactively waiving the fee required by Public Works Code, Section 724.1(b), for temporary street space occupancy permits in the Chinatown neighborhood from Saturday, January 27, 2024, through Saturday, February 10, 2024, to promote sidewalk sales of merchandise during the Lunar New Year holiday season; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

Section 724.1(b) of the Public Works Code requires that a fee of \$57.62 per day be charged “[f]or temporary street space occupancy for any purpose other than a building construction operation.”

Amendments to Current Law

This uncodified ordinance would temporarily waive the temporary street space occupancy fee required under Section 724.1(b) of the Public Works Code, in the Chinatown neighborhood, to facilitate the sidewalk sales of merchandise during the Lunar New Year holiday season. The fee would be waived between 7 a.m. and 9 p.m. from Saturday, January 27, 2024 through Saturday, February 10, 2024. If the ordinance were to become effective after January 27, 2024, then on its effective date the ordinance would be retroactive to January 27, 2024.

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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: January 29, 2024
To: Planning Department / Commission
From: Brent Jalipa, Clerk of the Budget and Finance Committee
Subject: Board of Supervisors Legislation Referral - File No. 240055
Public Works Code - Waiver of Temporary Street Space Occupancy Permit Fee - Sidewalk Sales During Lunar New Year Holiday Season

- California Environmental Quality Act (CEQA) Determination (California Public Resources Code, Sections 21000 et seq.)
Ordinance / Resolution
Ballot Measure
Amendment to the Planning Code, including the following Findings:
Amendment to the Administrative Code, involving Land Use/Planning
General Plan Referral for Non-Planning Code Amendments
Historic Preservation Commission

Please send the Planning Department/Commission recommendation/determination to Brent Jalipa at Brent.Jalipa@sfgov.org.

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MEMORANDUM

TO: Carla Short, Interim Director, Public Works

FROM: Brent Jalipa, Assistant Clerk, Budget and Finance Committee

DATE: January 29, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Budget and Finance Committee has received the following proposed legislation, introduced by Mayor London Breed:

File No. 240055

Ordinance waiving the fee required by Public Works Code, Section 724.1(b), for temporary street space occupancy permits in the Chinatown neighborhood from Saturday, January 27, 2024, through Saturday, February 10, 2024, to promote sidewalk sales of merchandise during the Lunar New Year holiday season; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: David Steinberg, Public Works
Ian Schneider, Public Works
John Thomas, Public Works
Lena Liu, Public Works

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MEMORANDUM

Date: January 29, 2024
To: Planning Department / Commission
From: Brent Jalipa, Clerk of the Budget and Finance Committee
Subject: Board of Supervisors Legislation Referral - File No. 240055
Public Works Code - Waiver of Temporary Street Space Occupancy Permit Fee - Sidewalk Sales During Lunar New Year Holiday Season

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan
 - Planning Code, Section 101.1
 - Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Brent Jalipa at Brent.Jalipa@sfgov.org.

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MEMORANDUM

TO: Katy Tang, Director, Office of Small Business
Small Business Commission, City Hall, Room 448

FROM: Brent Jalipa, Assistant Clerk
Budget and Finance Committee

DATE: January 29, 2024

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Budget and Finance Committee

The Board of Supervisors' Budget and Finance Committee has received the following legislation, introduced by Mayor Breed on January 23, 2024, which is being referred to the Small Business Commission for comment and recommendation.

File No. 240055
Ordinance waiving the fee required by Public Works Code, Section 724.1(b), for temporary street space occupancy permits in the Chinatown neighborhood from Saturday, January 27, 2024, through Saturday, February 10, 2024, to promote sidewalk sales of merchandise during the Lunar New Year holiday season; and affirming the Planning Department's determination under the California Environmental Quality Act.

Please return this cover sheet with the Commission's response to Brent Jalipa, Budget and Finance Clerk, by email to: brent.jalipa@sfgov.org.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

- No Comment**
- Recommendation Attached**

Chairperson, Small Business Commission

From: [Paulino, Tom \(MYR\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Tang, Katy \(ECN\)](#); [Ponce De Leon, Diana \(ECN\)](#); [Fong, Kitty \(ECN\)](#); [Birnbach, Kerry \(ECN\)](#); [Trejo, Sara \(MYR\)](#)
Subject: Mayor -- Ordinance -- Waiver of Temporary Street Space Occupancy Permit Fee
Date: Tuesday, January 23, 2024 2:47:47 PM
Attachments: [ORD - Waiver of Temporary Street Space Occupancy Permit Fee.docx](#)
[Legislative Digest.docx](#)

Hello Clerks,

Attached is an Ordinance waiving the fee required by Public Works Code, Section 724.1(b) for temporary street space occupancy permits in the Chinatown neighborhood from Saturday, January 27, 2024 through Saturday, February 10, 2024, to promote sidewalk sales of merchandise during the Lunar New Year holiday season; and affirming the Planning Department's determination under the California Environmental Quality Act.

Cheers,

Tom Paulino

He/Him

Liaison to the Board of Supervisors

Office of the Mayor

City and County of San Francisco