

File No. 230025 Committee Item No. 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date February 6, 2023

Board of Supervisors Meeting Date _____

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PLN Response 010523</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Pres Action Memo 011223</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral CEQA 011323</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral FYI 011723</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral YC 012423</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Melgar Comm Rpt Req 020623</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CEQA Determination 012623</u> |
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Completed by: Erica Major Date February 2, 2023
Completed by: Erica Major Date _____

1 [Administrative Code - Shared Spaces Program]

2

3 **Ordinance amending the Administrative Code to extend the grace period for an**
4 **additional 120 days for permit applicants to operate under pandemic shared spaces**
5 **permits, including any Just-Add-Music approvals related to these spaces, and convert**
6 **the shared space use into a post-pandemic permit; and affirming the Planning**
7 **Department’s determination under the California Environmental Quality Act.**

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

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

16 Section 1. Environment Findings. The Planning Department has determined that the
17 actions contemplated in this ordinance comply with the California Environmental Quality Act
18 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with
19 the Clerk of the Board of Supervisors in File No. 230025 and is incorporated herein by
20 reference. The Board affirms this determination.

21 Section 2. The Administrative Code is hereby amended by revising Sections 94A.4,
22 and 94A.5, to read as follows:

23 **SEC. 94A.4. INTERAGENCY COORDINATION.**

24 In coordinating their activities under the Program, the Core City Agencies shall have
25 the responsibilities set forth below.

1 (a) **Planning Department; General Coordination of Program Activities.** After a
2 prospective Permittee submits an application for a Shared Space, Planning will ensure review
3 and approval of the application. Specifically, Planning will:

4 (1) ~~Receive a People Place Proposal submitted by a prospective Steward pursuant to~~
5 ~~Section 94A.5 and review the Proposal for completeness and compliance with Program requirements.~~

6 ~~—(2)—If the People Place Proposal is determined to be complete and in compliance with~~
7 ~~Program requirements,~~

8 Ensure that the application is routed to all Core City Agencies with jurisdiction over
9 the proposed Shared Space for review and provide wholistic coordination of the program,
10 taking into account land use, transportation, public space, and urban design considerations.

11 * * * *

12 **SEC. 94A.5. SHARED SPACE PERMIT – APPLICATION, ISSUANCE,**
13 **MODIFICATION, AND REVOCATION.**

14 (a) **General Application Requirements.** A prospective Permittee may submit an
15 application for a Shared Spaces Permit consistent with the requirements of this Section
16 94A.5. After Planning has reviewed the application for completeness and compliance with
17 Program requirements, Planning will circulate the application to the Core City Agencies with
18 jurisdiction over the proposed Shared Space. Each proposed Shared Space application must
19 include the following components:

20 * * * *

21 ~~After a People Place Proposal has been reviewed and evaluated by Planning and the Core City~~
22 ~~Agencies with jurisdiction over the People Place Category, determined suitable for further~~
23 ~~development, and accepted into the Places for People Program pursuant to Section 94A.5(b), the~~
24 ~~prospective Steward may submit an application for a People Place Permit. After Planning has reviewed~~
25 ~~the application for completeness and compliance with Program requirements, Planning will direct the~~

1 ~~prospective Steward to submit the application to the Core City Agency with primary jurisdiction over~~
2 ~~the People Place.~~

3 * * * *

4
5 Section 3. The Administrative Code is hereby amended by revising Section 94A.12, to
6 read as follows:

7 **SEC. 94A.12. TRANSITION OF EXISTING SHARED SPACES AND PARKLETS.**

8 (a) **Conversion of Permits Issued During the COVID-19 Pandemic.**

9 (1) **Extension of pandemic Shared Spaces Program and Permits.** Subject
10 to the wind down provisions of the Mayor's February 25, 2020 Proclamation Declaring the
11 Existence of a Local Emergency and the 18th, and 27th Supplement_s to that Proclamation, the
12 Core City Agencies shall operate the Shared Spaces program, and any temporary program
13 allowing entertainment or the use of amplified music in outdoors (referred to as Just-Add-Music or
14 JAM), authorized by the aforementioned Supplements to the Mayor's Proclamation until March 31,
15 2023, unless the Shared Spaces program authorized by the Mayor's Proclamation terminates
16 sooner. Any occupancy permitted as a Shared Space under that authority may continue
17 pursuant to the terms of the applicable permit (each a "pandemic Shared Spaces Permit"),
18 subject to the revocation provisions of this Chapter 94A.

19 (2) At any time prior to the expiration of the pandemic Shared Spaces Permit,
20 the Shared Spaces permittee may apply to convert their pandemic Shared Spaces Permit into
21 a new Shared Spaces Permit as provided herein. Conversion of a pandemic Shared Spaces
22 Permit shall follow the process set forth in this Section 94A.12, and any pandemic Shared
23 Spaces Permit that is converted to a new Shared Spaces Permit under this Chapter 94A must
24 comply with all of the terms of this Chapter 94A, including any approvals for the closure of the
25 curbside or roadway. The pandemic Shared Spaces permit shall be converted upon the

1 issuance of a new Shared Spaces Permit consistent with the requirements of Chapter 94A. In
2 the event of a conflict between this Chapter 94A and the terms of a pandemic Shared Spaces
3 Permit, the terms of this Chapter 94A shall prevail.

4 (3) Upon the expiration of any pandemic Shared Spaces Permit, the permittee
5 shall remove all structures and restore the public right-of-way to the Public Works Director's
6 satisfaction. In the event the Mayor's authorization of the Shared Spaces program expires
7 before the Shared Spaces permittee has converted the pandemic Shared Spaces Permit into
8 a new Shared Spaces Permit authorized by the terms of this Chapter 94A, if the proposed
9 Permittee has submitted a complete application for a new Shared Spaces Permit prior to the
10 earlier of 60 days after the expiration of the Mayor's emergency authorization of the Shared
11 Spaces program or ~~July 1, 2022~~ March 31, 2023, the Permittee shall be permitted to continue
12 occupying the potential Shared Space for up to 180 days after expiration of the Mayor's
13 Proclamation, including any Supplements thereto, pending a final determination by the Core City
14 Agencies on the proposed conversion of the pandemic Shared Spaces Permit into a new
15 Shared Spaces Permit authorized by the terms of this Chapter 94A, provided that the
16 Permittee diligently pursues such determination. If the Shared Spaces permit is not so
17 converted, then the permittee shall remove all structures and restore the public right-of-way to
18 the Public Works Director's satisfaction.

19 * * * *

20
21 Section 4. Effective Date. This ordinance shall become effective 30 days after
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
24 of Supervisors overrides the Mayor's veto of the ordinance.

LEGISLATIVE DIGEST

[Administrative Code - Shared Spaces Program]

Ordinance amending the Administrative Code to extend the grace period for an additional 120 days for permit applicants to operate under pandemic shared spaces permits, including any Just-Add-Music approvals related to these spaces, and convert the shared space use into a post-pandemic permit; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

The “Shared Spaces” program, initially implemented in 2020 as part of the City’s emergency response to the COVID-19 pandemic, was a temporary program authorizing the use of the right of way for retail, dining, and other purposes. In 2021, The Board of Supervisors codified the program in Administrative Code Chapter 94A. Under Chapter 94A, permittees under the temporary program must apply to the permanent program no later than 60 days after the emergency proclamation expires or March 31, 2023, whichever is sooner.

Amendments to Current Law

This ordinance would amend the Administrative Code to extend the grace period for current permittees to operate under the pandemic shared spaces program, including approvals for Just-Add-Music or JAM, for an additional 120 days. The grace period also would allow more time for the shared space permittees to obtain a post-pandemic shared spaces permit. The new grace period would be for a total of up to 180 days from the end date the Mayor’s Local Emergency Proclamation related to the COVID pandemic.

This legislation also would make several clerical amendments.

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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 5, 2023
To: Planning Department / Commission
From: Erica Major, Clerk of the Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 230025
Administrative Code - Shared Spaces Program

- 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 Erica Major at Erica.Major@sfgov.org.

CEQA clearance under Addendum #2 to San Francisco Better Streets Plan Project Mitigated Negative Declaration, April 18, 2021 Planning Department Case No. 2021-003010ENV (addendum to Case No. 2007.1238E)

1/26/2023

A handwritten signature in black ink, appearing to read "Erica Major".

BOARD of SUPERVISORS



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

MEMORANDUM

TO: Youth Commission
FROM: Angela Calvillo, Clerk of the Board
DATE: January 24, 2023
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following, which at the request of the Youth Commission is being referred as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 230025

Ordinance amending the Administrative Code to extend the grace period for an additional 120 days for permit applicants to operate under pandemic shared spaces permits, including any Just-Add-Music approvals related to these spaces, and convert the shared space use into a post-pandemic permit; and affirming the Planning Department's determination under the California Environmental Quality Act.

Please return this cover sheet with the Commission's response to Erica Major, Assistant Clerk, Land Use and Transportation Committee at Erica.Major@sfgov.org.

RESPONSE FROM YOUTH COMMISSION Date: _____

- No Comment
Recommendation Attached

Chairperson, Youth Commission

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

TO: Carla Short, Interim Director, Public Works

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: January 17, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Breed on January 10, 2023.

File No. 230025

Ordinance amending the Administrative Code to extend the grace period for an additional 120 days for permit applicants to operate under pandemic shared spaces permits, including any Just-Add-Music approvals related to these spaces, and convert the shared space use into a post-pandemic permit; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have 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 or by email at: Erica.Major@sfgov.org.

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

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 5, 2023
To: Planning Department / Commission
From: Erica Major, Clerk of the Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 230025
Administrative Code - Shared Spaces Program

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
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- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
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 - 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 Erica Major at Erica.Major@sfgov.org.

President, District 3
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Tel. No. 554-7450
Fax No. 554-7454
TDD/TTY No. 544-6546

Aaron Peskin

PRESIDENTIAL ACTION

Date: 1/12/23

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 230025 Mayor
(Primary Sponsor)

Title. Administrative Code - Shared Spaces Program

Transferring (Board Rule No 3.3)

File No. _____
(Primary Sponsor)

Title. _____

From: _____ Committee

To: _____ Committee

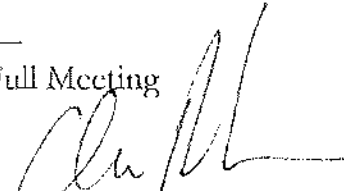
Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: _____ Replacing Supervisor: _____

For: _____ Meeting
(Date) (Committee)

Start Time: _____ End Time: _____

Temporary Assignment: Partial Full Meeting



Aaron Peskin, President
Board of Supervisors



MYRNA MELGAR

DATE: January 26th, 2023
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee
RE: Land Use and Transportation Committee
COMMITTEE REPORT

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, February 7th, 2023 as a Committee Report:

▪ **230025** Administrative Code - Shared Spaces Program

This matter will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, February 6th, 2023

A handwritten signature in blue ink, appearing to read "Myrna Melgar".

From: [Major, Erica \(BOS\)](#)
To: [Starr, Aaron \(CPC\)](#); [Calvillo, Angela \(BOS\)](#); [YANG, AUSTIN \(CAT\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [Abad, Robin \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Paulino, Tom \(MYR\)](#); [MALAMUT, JOHN \(CAT\)](#); [Power, Andres \(MYR\)](#); [Hillis, Rich \(CPC\)](#)
Subject: RE: Proposed Pandemic Parklet Permit Extension Ordinance
Date: Thursday, January 5, 2023 11:52:33 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Thanks Aaron, we will note it in the file.

ERICA MAJOR

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102

Phone: (415) 554-4441 | Fax: (415) 554-5163

Erica.Major@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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**Disclosures:** *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

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**From:** Starr, Aaron (CPC) <aaron.starr@sfgov.org>

**Sent:** Thursday, January 5, 2023 11:04 AM

**To:** Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; YANG, AUSTIN (CAT) <Austin.Yang@sfcityatty.org>

**Cc:** Major, Erica (BOS) <erica.major@sfgov.org>; Abad, Robin (CPC) <robin.abad@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Paulino, Tom (MYR) <tom.paulino@sfgov.org>; MALAMUT, JOHN (CAT) <John.Malamut@sfcityatty.org>; Power, Andres

(MYR) <andres.power@sfgov.org>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>

**Subject:** Proposed Pandemic Parklet Permit Extension Ordinance

Dear Ms. Calvillo and Mr. Yang,

Mayor Breed has worked with our department and other affected City agencies on the legislation to extend the grace period for pandemic parklet permits and Just-Add-Music permits under Administrative Code Chapter 94A from 60 days to 180 days. We are aware of Board of Supervisors Rule 3.23 and do not feel that this minor change in existing law affects planning or land use matters in any significant way; therefore, the Planning Department is advising the Clerk and the Board now that we do not find it necessary to provide comment on this ordinance.

Please contact me should you have any questions.

Sincerely,

**Aaron Starr, Manager of Legislative Affairs**

**Legislative Affairs**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: +1628-652-7533 | [sfplanning.org](http://sfplanning.org)

[San Francisco Property Information Map](#)

