

BOARD of SUPERVISORS



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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: October 28, 2022

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 Supervisor Catherine Stefani on October 25, 2022, which is being referred to the Small Business Commission for comment and recommendation.

File No. 221106
Ordinance waiving the fee required under Public Works Code, Section 724.1(b), for temporary street space occupancy permits on San Francisco streets on November 25-27, December 2-4, and December 9-11, 2022, to promote sidewalk sales of merchandise during the 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

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

3 **Ordinance waiving the fee required under Public Works Code, Section 724.1(b), for**
4 **temporary street space occupancy permits on San Francisco streets on**
5 **November 25-27, December 2-4, and December 9-11, 2022, to promote sidewalk sales of**
6 **merchandise during the holiday season; and affirming the Planning Department's**
7 **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. Environmental Findings.

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

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

23 To promote sidewalk sales of merchandise during the holiday season, the fee set forth
24 in Public Works Code, Article 15, Section 724.1(b) for temporary street space occupancy, is
25 hereby waived for all San Francisco streets between the hours of 7 a.m. and 9 p.m. on the

1 following dates: November 25–27, 2022; December 2–4, 2022; and December 9–11, 2022.
2 All other provisions of Public Works Code Section 724.1 et seq. shall remain in full effect.

3
4 Section 3. 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) If the effective date of this ordinance is later than November 25, 2022, then on its
10 effective date the ordinance shall be retroactive to November 25, 2022. If, prior to the
11 effective date of this ordinance, any fees are charged for a temporary street space occupancy
12 that are to be waived under Section 2 of this ordinance, said fees shall be refundable or
13 reimbursable upon the effective date of the ordinance.

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

17 By: /s/ Christopher Tom
18 CHRISTOPHER T. TOM
19 Deputy City Attorney

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LEGISLATIVE DIGEST

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

Ordinance waiving the fee required under Public Works Code, Section 724.1(b), for temporary street space occupancy permits on San Francisco streets on November 25-27, December 2-4, and December 9-11, 2022, to promote sidewalk sales of merchandise during the 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, City-wide, to facilitate sidewalk sales of merchandise during the holiday season. The fee would be waived between 7 a.m. and 9 p.m. on the following dates: November 25–27, 2022; December 2–4, 2022; and December 9–11, 2022. If the ordinance were to become effective later than November 25, 2022, then on its effective date the ordinance shall be retroactive to November 25, 2022.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
2. Request for next printed agenda Without Reference to Committee.
3. Request for hearing on a subject matter at Committee.
4. Request for letter beginning : "Supervisor inquiries"
5. City Attorney Request.
6. Call File No. from Committee.
7. Budget Analyst request (attached written motion).
8. Substitute Legislation File No.
9. Reactivate File No.
10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor: