

BOARD of SUPERVISORS



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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.

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

3 **Ordinance waiving the fee required by Public Works Code, Section 724.1(b), for**
4 **temporary street space occupancy permits in the Chinatown neighborhood from**
5 **Saturday, January 27, 2024, through Saturday, February 10, 2024, to promote sidewalk**
6 **sales of merchandise during the Lunar New Year holiday season; and affirming the**
7 **Planning 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. 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 Lunar New Year holiday season,
24 which is in the public interest, the fee set in Public Works Code, Article 15, Section 724.1(b)
25 for temporary street space occupancy, is hereby waived between the hours of 7 a.m. and 9

1 p.m. from Saturday, January 27, 2024 through Saturday, February 10, 2024, for the following
2 areas:

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

22
23 Section 3. All other provisions of Public Works Code Sections 724.1 et seq. shall
24 remain in full effect.

1 Section 4. Effective Date; Retroactivity.

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

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

10
11 APPROVED AS TO FORM:
12 DAVID CHIU, City Attorney

13 By: */s/ Christina Fletes-Romo*
14 CHRISTINA FLETES-ROMO
15 Deputy City Attorney

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LEGISLATIVE DIGEST

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

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.

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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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