

BOARD of SUPERVISORS



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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

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.

12

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

14

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

20

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 * * * *

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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 * * * *

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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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