

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 2/28/2022)

[Administrative, Public Works Codes - Permit Review, and Limits on Fines for Shared Spaces Violations]

Ordinance amending the Administrative and Public Works Codes to urge departments to review permits within 30 days, limit until April 1, 2023 the issuance of fines for violations of shared spaces requirements except to enforce access requirements for persons with disabilities or first responder personnel, pedestrian and vehicular safety, and removal of abandoned structures, and directing departments to wind down the temporary program no later than March 31, 2023, subject to earlier termination of the Local Emergency; affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

Currently, most Shared Spaces parklets are permitted under the Mayor’s proclamation declaring a local emergency to exist in connection with the imminent spread within the City of COVID-19. Pursuant to Administrative Code Section 94A.12(d), the City may not use fines to bring permittees into compliance, unless the violations pertain to physical access requirements for persons with disabilities or first responder personnel.

Upon the expiration of the temporary Shared Spaces program, permittees will need to convert their permits to the permanent Shared Spaces program, which is authorized under Administrative Code Chapter 94A. Section 94A.9 authorizes City Agencies to use fines and penalties for violations of the permanent program. Fees for the permanent program are waived until March 31, 2023.

Public Works Code Section 793.4 authorizes Public Works to use administrative citations under Public Works Code Section 792(e) for the permanent Shared Spaces program.

Amendments to Current Law

This amendment would limit the issuance of fines to enforce violations of the permanent Shared Spaces program until April 1, 2023, except for violations related to physical access requirements for persons with disabilities or first responder personnel, or when the structure has been abandoned.

On 2/28/22, the ordinance was amended in the Land Use and Transportation Committee to urge departments to review permit applications within 30 days, and to allow for the use of administrative fines to enforce accessibility and life safety requirements for people with disabilities or emergency responder personnel, ensure visibility (daylighting) at intersections identified in the Vision Zero High-Injury Network, and require removal of any abandoned

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structures. The ordinance was also amended to move the furthest wind down date for permits issued under the Mayor's emergency proclamation from July 1, 2022, to March 31, 2023, subject to earlier termination pursuant to the emergency proclamations authorizing the temporary program.

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