

LEGISLATIVE DIGEST

[Administrative Code - Treatment of Shared Spaces on Valencia Street Sidewalk Bulb-Out as Curbside Shared Spaces]

Ordinance waiving specified requirements in the Administrative Code to allow two food service shared spaces on a sidewalk bulb-out on the 500 Block of Valencia Street to be defined as curbside shared spaces, subject to certain requirements; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Administrative Code Sections 94A et seq. establishes the governing program for Shared Spaces, generally public or private spaces open to the public that allow for activation of street and sidewalk areas for food and beverage uses and other businesses enterprises. Shared Spaces is an interdepartmental program that is administered primarily through the Planning Department, Municipal Transportation Agency (MTA), and Public Works. Two categories of Shared Spaces are Curbside Shared Space that are affixed to the street (referred to as Fixed Commercial Parklets) and Sidewalk Shared Spaces (generally referred to as Café Tables and Chairs). The latter category requires removal at the end of each business day. Public Works is the permit issuing department for these two categories of Shared Spaces in accordance with the terms of Administrative Code Section 94A et seq. and various provisions of the Public Works Code, including Sections 793 et seq (Curbside Shared Spaces) and Sections 176 et seq. (Tables and Chairs). There are two Shared Spaces on the 500 Block of Valencia Street that were installed and affixed to a midblock sidewalk bulb-out during the more permissive rules in effect during the term of the City's declaration of COVID emergency. Because of their location, these Shared Spaces do not qualify as Curbside Shared Spaces/Parklets and because they are affixed to the sidewalk they do not qualify as Café Tables and Chairs.

Amendments to Current Law

This ordinance is uncodified. The legislation would characterize the two Valencia Street food service seating areas as Valencia Hybrid Shared Spaces. The ordinance would waive the application of Administrative Code Sections 94A.2, .4, and .5 to: 1) allow Public Works to permit the Valencia Hybrid Shared Spaces as Curbside Shared Spaces despite the fact that they are affixed to the sidewalk instead of the curbside parking zone and 2) remove the MTA from the permit review because the Hybrid Spaces are on the sidewalk not the street. In regard to these Hybrid Spaces, the ordinance also would waive any conflicting provisions of the abovementioned Administrative Code Sections, Public Works Code Sections 176 et seq. and 793 et seq., and related City regulations that are necessary to implement the legislation; provided, however, that Public Works shall ensure compliance of the Hybrid Spaces with all regulations regarding public health and safety design features for Shared Spaces.

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