

BOARD of SUPERVISORS



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MEMORANDUM

Date: October 29, 2025
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 251004
Administrative, Public Works Codes - Shared Spaces Program

- ☒ 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 John Carroll at john.carroll@sfgov.org.

[Administrative, Public Works Codes - Shared Spaces Program]

Ordinance amending the Administrative Code provisions related to the Shared Spaces Program to remove the Planning Department as a coordinating entity conducting design review, eliminate application requirements of documented community outreach and neighbor notice, and eliminate public accessibility and alternate public seating requirements; amending the Public Works Code to eliminate requirements of public notice of application; and affirming the Planning Department's determination under the California Environmental Quality Act.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Environmental Findings.

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

Section 2. Legislative Findings.

(a) Parklets first originated in San Francisco when artist Bonnie Sherk introduced the

1 idea of reclaiming urban space for public use in the 1970s, installing portable parks under
2 freeway overpasses and alleyways.

3 (b) In 2005, the idea took off when a group of local designers rolled out a patch of
4 grass, a bench, and a potted tree into a parking space downtown—creating the first
5 “PARK(ing) Day.” That action sparked a global movement to reimagine streets not just for
6 cars, but for people.

7 (c) In 2009, the San Francisco Planning Department’s Pavement to Parks pilot
8 formalized the concept, turning parking stalls into public parklets under municipal guidance.
9 These were the first sanctioned parklets in the country, and just a decade later, became an
10 essential part of San Francisco’s streetscape.

11 (d) On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”)
12 declaring a local emergency in response to the spread of COVID-19. In the following weeks,
13 the Governor and San Francisco’s Health Officer issued a series of emergency orders
14 requiring the closure of non-essential businesses and encouraging people to remain at home.

15 (e) On June 9, 2020, the Mayor issued the 18th Supplement to the Proclamation (the
16 “Proclamation”) creating the Shared Spaces Program—a temporary emergency program
17 allowing retail and restaurant businesses to operate in public rights-of-way, including
18 sidewalks, parking lanes, and closed streets. This allowed businesses to comply with public
19 health orders by moving operations outdoors, where the risk of transmission was lower.

20 (f) The Shared Spaces Program adapts many proven, successful techniques for safely
21 activating the public realm in a community-focused manner. Precedents include the Parklet
22 and Plaza Programs, Play Streets, and Neighborhood Block Parties. The Shared Spaces
23 Program also streamlined preexisting commercial permits such as sidewalk merchandising
24 and sidewalk tables and chairs.

25 (g) Due to San Francisco’s high density and limited private outdoor space, Shared

1 Spaces became a lifeline for small businesses. Within months, nearly 2,900 businesses had
2 applied to participate. This included roughly 600 parklets that later transitioned to permanent
3 structures under evolving guidance.

4 (h) A 2021 analysis by the Controller's Office found that businesses with Shared
5 Spaces parklets experienced an average 29% increase in revenue—about \$56,000 per
6 quarter. Additional surveys confirmed that parklets were essential to business survival during
7 the pandemic, with 80% of businesses reporting the program helped them avoid permanent
8 closure.

9 (i) The program also supports equity: a survey of applicants found over 50% of Shared
10 Spaces businesses were women-owned, 33% immigrant-owned, and 33% minority-owned.
11 On July 13, 2020, the Small Business Commission issued a resolution supporting the
12 program's expansion, and on March 9, 2021, the Board of Supervisors passed a resolution
13 urging its permanent adoption.

14 (j) In addition to its economic benefits, the Shared Spaces Program delivers civic,
15 social, and psychological benefits to neighborhoods—activating public space, encouraging
16 outdoor life, and promoting public interaction after long periods of isolation.

17 (k) However, curbside parklets—which occupy over 1,650 metered parking spaces, or
18 about 10% of metered spaces citywide—also require thoughtful oversight. Accessibility,
19 operational, and design requirements ensure public safety and activation so that these
20 curbside parklets remain open and are not repurposed for private storage or other non-public
21 purposes.

22 (l) At the same time, operators face ongoing challenges in meeting certain program
23 requirements, including the requirement that parklets remain open from 7 a.m. to midnight.
24 As the Shared Spaces Program transitions from an emergency response to a permanent
25 citywide initiative, outdated or overly complex regulations must be updated to avoid confusion

1 and inconsistent enforcement.

2 (m) This ordinance seeks to clarify and update the framework for Shared Spaces to
3 align with real-world usage, streamline permitting, and ensure that parklets continue to serve
4 their intended public function—enhancing community access, supporting neighborhood
5 vibrancy, and driving San Francisco’s economic recovery.

6
7 Section 3. Chapter 94A of the Administrative Code is hereby amended by revising
8 Sections 94A.1, 94A.2, 94A.4, 94A.5, 94A.6, and 94A.7 to read as follows:

9
10 **SEC. 94A.1. THE SHARED SPACES PROGRAM; ESTABLISHMENT AND**
11 **PURPOSE; CORE AGENCY JURISDICTION.**

12 (a) **Establishment and Purpose.** There is hereby created a San Francisco Shared
13 Spaces Program. A Shared Space, defined in Section 94A.2, is intended to be a temporary
14 space on City-owned property, and in some cases also on privately-owned open spaces,
15 where the public can gather and participate in various commercial or non-commercial
16 offerings and events. Under the Program, a public or private entity may obtain City approval to
17 create a Shared Space by occupying the location with reversible physical treatments or
18 improvements and/or activating the location with programming.

19 This Chapter 94A sets forth a streamlined process by which ~~the Planning~~
20 ~~Department, Department of Public Works, Municipal Transportation Agency, of Real Estate Division,~~
21 ~~Fire Department, Department of Public Health, and Entertainment Commission (collectively, defined~~
22 ~~in Section 94A.2 as~~ the Core City Agencies, as defined in Section 94A.2, and their successor
23 agencies or departments, if any, will coordinate the review and approval of a request to
24 occupy and activate such spaces and issue a permit to authorize the use.

25 * * * *

1 **SEC. 94A.2. DEFINITIONS.**

2 For purposes of this Chapter 94A, the following definitions shall apply:

3 * * * *

4 **“Curbside Shared Space”** is a Shared Space occurring in a portion of the curbside
5 lane of a City street. ~~Curbside Shared Spaces include occupancies of the public right-of-way~~
6 ~~previously permitted by Public Works as a Parklet, or a Shared Space during the COVID-19 pandemic.~~

7 For purposes of the Shared Spaces Program, a Curbside Shared Space is further defined to
8 include the following types:

9 (a) **“Fixed Commercial Parklet”** is a fixed encroachment placed in the curbside
10 lane that is used principally for commercial activity during specified business hours. On
11 Valencia Street between Market Street and 23rd Street, to accommodate the Valencia Bikeway Project,
12 Fixed Commercial Parklets are permitted subject to compliance with Public Works Order 205516.
13 ~~When the Curbside Shared Space is not being activated for commercial use, it is open to the public.~~
14 ~~Pursuant to Section 94A.6, when the Fixed Commercial Parklet is being activated for commercial use,~~
15 ~~the Permittee must provide public seating, including but not limited to a public bench, which is~~
16 ~~accessible to persons who are not patrons of the business.~~

17 (b) **“Movable Commercial Parklet”** is the use of the curbside lane principally for
18 commercial activity during specified business hours, where all structures and furniture are
19 removed from the right-of-way outside of the specified business hours. When the Movable
20 Commercial Parklet is not being activated for commercial use, it is open to the public. ~~Pursuant~~
21 ~~to Section 94A.6, when the Movable Commercial Parklet is being activated for commercial use, the~~
22 ~~Permittee must provide public seating, including but not limited to a public bench, which is accessible~~
23 ~~to persons who are not patrons of the business.~~

24 (c) **“Public Parklet”** is the use of the curbside lane that is fully accessible to the
25 public and is at no time used for commercial activities.

1 * * * *

2 **SEC. 94A.4. INTERAGENCY COORDINATION.**

3 In coordinating their activities under the Program, the Core City Agencies shall have
4 the responsibilities set forth below.

5 (a) ~~Planning Department~~MTA; **General Coordination of Program Activities.** After a
6 prospective Permittee submits an application for a Shared Space, ~~Planning~~MTA will ensure
7 review and approval of the application. Specifically, ~~Planning~~MTA will:

8 (1) Ensure that the application is routed to all Core City Agencies with
9 jurisdiction over the proposed Shared Space for review ~~and provide wholistic coordination of the~~
10 ~~program, taking into account land use, transportation, public space and urban design considerations.~~

11 (2) Collaborate with the appropriate Core City Agency in the review and
12 approval of a Shared Space permit, and guide strategic change management of the program
13 to ensure continued equity and accessibility by all intended users.

14 (3) ~~Shared Spaces~~ Oversee cross-departmental tracking systems to ensure
15 comprehensive impact reporting ~~and accountability, and support the monitoring of Permittee's~~
16 ~~compliance with any terms and conditions in the Shared Space Permit, report any noncompliance~~
17 ~~known to Planning to the applicable Core City Agency with jurisdiction for enforcement.~~

18 (4) Coordinate Core City Agency outreach to prospective Permittees. Such
19 outreach shall be performed in multiple languages and include small businesses located in
20 communities suffering from economic, health and environmental burdens. Ensure quality
21 public education, marketing and community engagement for the program as a whole.

22 In performing the coordination role described in subsections (a)(1) - (4),
23 ~~Planning~~MTA shall, if necessary, obtain the recommendations of staff of the other Core City
24 Agencies, including, among others: the Director of Public Works, the Director of
25 Transportation, the Director of the Real Estate Division, the Director of Health, and/or the

1 Executive Director of the Entertainment Commission.

2 * * * *

3 (d) ~~Planning, MTA,~~ and Public Works; Shared Spaces in the Public Right-of-
4 Way.

5 (1) **Curbside Shared Spaces.**

6 (A) ~~Planning will review the overall concept of the application, approve the~~
7 ~~Permittee's proposed program of offerings and events that will activate the Shared Space, and~~
8 ~~participate in the design review of all proposed physical treatments or improvements.~~

9 ~~(B)~~—MTA will approve or deny the proposed closure of the curbside lane
10 pursuant to Section 204 of Division II of the Transportation Code, including permit terms and
11 conditions as established by the Director of Transportation, and participate, as applicable, in
12 design review of all physical treatments or improvements proposed by a Permittee and, at the
13 MTA's discretion, implement any approved (i) restriping of travel and parking lanes, (ii) ground
14 surface treatments to delineate right-of-ways temporarily converted for the project, (iii)
15 placement of upright bollards and other traffic control devices, and (iv) other reversible site
16 improvements not included within subsection (d)(1)(~~C~~B) below that are needed for the project.

17 ~~(C)~~(B) Public Works will, pursuant to the process set forth in Sections
18 793 et seq. of the Public Works Code, (i) ~~(i)~~ participate in the design review and approval of
19 physical treatments or improvements proposed by a Permittee, (ii) participate in the review
20 and approval of the Permittee's proposed program of events intended to activate the Shared
21 Space, (iii) consult with additional City agencies such as the Public Utilities Commission and
22 the Fire Department regarding the design and construction of any proposed structure
23 proposed to occupy the right-of-way as part of a Shared Space, (iv) ~~+~~ provide approval for the
24 Shared Space Permit along with the other Core City Agencies with jurisdiction over the
25 proposed Shared Space, and (v) ~~i~~ issue the Curbside Shared Space permit. The Director of

1 Public Works, consistent with Sections 793 et seq. of the Public Works Code, shall issue
2 regulations setting forth standard design and operating requirements for any Curbside Shared
3 Space. In addition, Public Works, in its sole discretion, may install reversible site
4 improvements (planters, furnishings, etc.) associated with the project.

5 ~~(D)~~(C) The Core City Agencies shall review the proposed Curbside
6 Shared Space for potential conflicts with future City projects, such as streetscape initiatives
7 (including streetscape redesigns, paving projects, transit improvements), on-going
8 maintenance needs, and planned improvements. Core City Agencies shall also review the
9 proposed Curbside Shared Space for potential conflicts with City projects completed in the 10
10 years prior to the application to reduce conflicts with the purposes of those projects, including
11 but not limited to review to ensure that the Shared Space would enhance rather than
12 undermine the City's Vision Zero, Transit-First, and Better Streets Policies.

13 ~~(E)~~(D) A Permittee's right to occupy the Curbside Shared Space shall be
14 conditioned upon the obligation to remove or modify the Curbside Shared Space at any time,
15 as necessary for any City project or maintenance work, which necessity shall be determined
16 solely by ~~the City Agency that issued the Shared Space Permit~~Public Works. The Permittee shall be
17 obligated to remove or modify the Curbside Shared Space at the Permittee's cost and return
18 the right-of-way to a condition that the Director of Public Works deems appropriate within 15
19 days of receiving notice from the City, although the Director of Public Works or applicable
20 Core Agency may require removal of the Shared Space in a shorter time period where the
21 Director of Public Works determines that an emergency or other threat to public health or
22 safety exists, or finds that any delay would result in extraordinary cost to the City.

23 (2) Roadway Shared Spaces.

24 ~~(A) Planning will review the overall concept of the application, approve the~~
25 ~~Permittee's proposed program of offerings and events that will activate the Shared Space, and~~

1 ~~participate, along with other City departments with jurisdiction over the proposed Shared Space, in the~~
2 ~~design review of all proposed physical treatments or improvements.~~

3 ~~(B)~~(A) MTA will carry out its role in evaluating the application, including
4 making the determination of any necessary street closure and circulation changes. In its
5 discretion, the MTA may consider implementing any approved restriping of travel and parking
6 lanes, ground surface treatments to delineate right-of-ways temporarily converted for the
7 project, placement of upright bollards and other traffic control devices, and other reversible
8 site improvements that are needed for the project.

9 * * * *

10 ~~(C)~~(B) For all Roadway Shared Space permit applications, Public Works
11 will (i) participate in the design review and approval of physical treatments or improvements
12 proposed by a Permittee, (ii) participate in the review and approval of the Permittee's
13 proposed program of events intended to activate the Shared Space, and (iii) provide approval
14 for the Shared Space Permit along with the other Core City Agencies with jurisdiction over the
15 proposed Shared Space. In addition, Public Works, in its sole discretion, may install reversible
16 site improvements (planters, furnishings, etc.) associated with the project.

17 **(3) Sidewalk Shared Spaces.**

18 ~~(A) Planning will review the overall concept of the application, approve the~~
19 ~~Permittee's planned program of offerings and events that will activate the Shared Space and~~
20 ~~participate in the design review of all proposed physical treatments or improvements.~~

21 ~~(B)~~(A) Public Works will pursuant to the process set forth in Sections 793
22 et seq. of the Public Works Code, ~~(A)~~i) participate in the design review and approval of
23 physical treatments or improvements proposed by a Permittee, ~~(B)~~ii) participate in the review
24 and approval of the Permittee's proposed program of events intended to activate the Shared
25 Space, ~~(C)~~iii) provide approval for the Shared Space Permit along with the other Core City

1 Agencies with jurisdiction over the proposed Shared Space, and (~~Div~~) issue the Sidewalk
2 Shared Space permit. In addition, Public Works, in its sole discretion, may install reversible
3 site improvements (planters, furnishings, etc.) associated with the project.

4 * * * *

5 **SEC. 94A.5. SHARED SPACE PERMIT – APPLICATION, ISSUANCE,**
6 **MODIFICATION, AND REVOCATION.**

7 (a) **General Application Requirements.** A prospective Permittee may submit an
8 application for a Shared Spaces Permit consistent with the requirements of this Section
9 94A.5. ~~After Planning has reviewed the application for completeness and compliance with Program~~
10 ~~requirements, Planning will circulate the application to the Core City Agencies with jurisdiction over~~
11 ~~the proposed Shared Space.~~ Each proposed Shared Space application must include the following
12 components:

13 (1) A narrative description of the proposed Shared Space, including the
14 planned activation of the space.

15 ~~(2) Documentation of community outreach and support, including documentation of~~
16 ~~any known concerns, and efforts made by the applicant to address such concerns.~~

17 ~~(3)(2) Documentation of the following, as applicable: showing that all property~~
18 ~~owners of any building fronting a proposed Sidewalk or Curbside Shared Space or the property~~
19 ~~owners' agents have been notified by the prospective Permittee of the intent to submit an application~~
20 ~~for a Shared Space.~~

21 (A) **Sidewalk Shared Spaces.** If the prospective Permittee is not the
22 ground-floor tenant of the building fronting the sidewalk area proposed to be used as a
23 Sidewalk Shared Space, and/or the Permittee proposes to use sidewalk space other than the
24 sidewalk fronting Permittee's location, then documentary proof of consent from any ground-
25 floor tenant(s) fronting the areas proposed to be used as the Shared Space is also required.

1 In the event there is no ground-floor tenant of a building fronting the areas proposed to be
2 used as a Shared Space, then documentary proof of consent from the fronting property owner
3 or their agent is required.

4 (B) **Curbside Shared Spaces.** If the prospective Permittee is not the
5 ground-floor tenant of the building fronting the parking space proposed to be used as a
6 Curbside Shared Space, and/or if half or more of a marked parking space or any portion of an
7 unmarked parking space proposed to be used for a Curbside Shared Space would be outside
8 of Permittee's ground-floor frontage, then the prospective Permittee shall provide
9 documentary proof of consent from any ground-floor tenant(s) fronting the areas proposed to
10 be used as the Shared Space or from the fronting property owner or its agent after making a
11 good faith effort to obtain such consent. For purposes of this subsection, a good faith effort
12 shall be considered three documented written attempts to seek consent from ground-floor
13 tenant(s) or the fronting property owner or the owner's agent over a minimum period of six
14 weeks. If a prospective Permittee fails to obtain consent after a good faith effort, then this
15 requirement is waived. The street address location for the Curbside Shared Space need not
16 be the same street address as a ground-floor tenant(s) or the fronting property owner if the
17 fronting property has multiple street addresses whose occupants access a common entrance.

18 * * * *

19 ~~(4)~~(3) A list and frequency schedule for routine maintenance tasks.

20 ~~(5)~~(4) For Roadway Shared Spaces, a prospective activities calendar describing
21 the frequency and types of free public programming, if applicable.

22 ~~(6)~~(5) A description of any limitations on public use, including:

23 * * * *

24 ~~(7)~~(6) Photographs of existing conditions on the site.

25 ~~(8)~~(7) A site plan depicting how the space will be configured, including the

introduction and placement of any temporary physical elements, and the placement of nearby ground fixtures. The site plan shall also include at-grade roadway markings such as color curbs, lane striping, parking stall marking, and at-grade utility access panels, storm drains, manhole covers, and other utility access points.

* * * *

SEC. 94A.6. OPERATIONAL REQUIREMENTS.

(a) **Applicability of Requirements.** The Operational Requirements set forth in subsection (b) below shall apply to all Shared Spaces except as follows:

* * * *

(b) Operational Requirements.

~~(1) **Public Accessibility.** Unless authorized as a restricted access event, all Shared Spaces shall remain accessible to the public.. Fixed Commercial Parklets and Movable Commercial Parklets shall provide alternate public seating, which is accessible to persons who are not patrons of the business for any period when the Curbside Shared Space is being activated for commercial use by the business. Alternate public seating shall include at least one public bench or other seating arrangement for every 20 linear feet of Curbside Shared Space, or per subdivided section of a Curbside Shared Space. This alternate public seating shall be included in the Curbside Shared Space permit. Fixed Commercial Parklet and Movable Commercial Parklet Permittees shall be allowed to secure the Curbside Shared Space from midnight to 7:00 a.m. The Director of Public Works is authorized to issue regulations that are consistent with this section regarding use of a Curbside Shared Space. In no event shall any exclusive uses provided for in this subsection (b)(1) be construed as being inconsistent with the Permittee's obligation to remove or modify the Curbside Shared Space at any time pursuant to Section 94A.4(d)(1)(E).~~

~~(2)(1)~~ **Vending.** No person shall bring, or cause to be brought, for the purposes of sale or barter, or have for sale, or sell in exchange, or offer for sale or exchange any goods,

1 wares, or merchandise in the Shared Space unless the City has issued any required permit or
2 other authorization. Notwithstanding the previous sentence, the sale or distribution of
3 newspapers, periodicals, or other printed or otherwise expressive material is allowed subject
4 to the applicable requirements of the Public Works Code.

5 ~~(3)~~(2) **Performance of Labor.** No person, other than authorized City
6 personnel, shall perform any labor on or upon a City Lot Shared Space, including, but not
7 limited to, taking up or replacing soil, turf, ground, pavement, structures, trees, shrubs, plants,
8 grass, flowers, or similar activities without prior permission from (A) the Director of Real Estate
9 for City Lot Shared Spaces, and (B) the Director of Public Works for Sidewalk, Curbside, or
10 Roadway Shared Spaces. Such permission shall be specified in the Shared Space Permit.

11 ~~(4)~~(3) **Camping Prohibited.** The provisions of Park Code Section 3.12
12 concerning camping shall apply to all Shared Spaces. The Director of Real Estate shall
13 administer those provisions for City Lot Shared Spaces, and Public Works shall administer
14 them for Sidewalk, Curbside, or Roadway Shared Spaces.

15 ~~(5)~~(4) **No Unpermitted Occupancy Allowed.** There shall be no stationing or
16 erecting of any structure on a Shared Space without prior permission from (A) the Director of
17 Real Estate for City Lot Shared Spaces, (B) the Director of Public Works for Sidewalk, or
18 Curbside Shared Spaces, and/or (C) Director of Transportation for any Roadway Shared
19 Space. Such permission shall be specified in the Shared Space Permit.

20 ~~(6)~~(5) **Smoking Prohibited.** Pursuant to Article 19I of the Health Code,
21 smoking is prohibited on any unenclosed area of property in the City that is under the
22 jurisdiction of any City department if the property is a park, square, garden, sport or playing
23 field, pier, or other property used for recreational purposes or as a farmers' market. Given the
24 use of the subject areas as an outdoor public Shared Space, this prohibition on smoking shall
25 apply to all Shared Spaces.

1 ~~(7)~~(6) **Other Restrictions.**

2 (A) No skateboarding, bicycle riding, or pets off leash is allowed without
3 prior permission from (i) the Director of Real Estate for City Lot Shared Spaces, (ii) the
4 Director of Public Works for Sidewalk Shared Spaces and, Curbside Shared Spaces, or (iii)
5 the Director of Transportation for Roadway Shared Spaces. Such permission shall be
6 specified in the Shared Space Permit.

7 * * * *

8 ~~(8)~~(7) **Good Neighbor Policies.** Permittees of all Shared Space Categories
9 shall manage the Shared Space in accordance with the following good neighbor policies
10 during the times of use set forth in the Shared Space Permit:

11 * * * *

12 ~~(9)~~(8) **Additional Operational Requirements.**

13 * * * *

14 (C) ~~Because Shared Spaces are intended to be publicly accessible open spaces,~~
15 ~~private dining and table service shall not be permitted in Sidewalk Shared Spaces, Curbside Shared~~
16 ~~Spaces, or Roadway Shared Spaces, unless expressly authorized in the Shared Space Permit. Any~~
17 ~~approved use of~~ If a Sidewalk, Curbside, or Roadway Shared Space is approved for private
18 dining and table service, the Shared Space shall remain open during the normal hours of the
19 business's operation, and use of the Shared Space is limited to these ~~normal~~ hours. The Shared Space
20 shall not be used for storage, except for storage of the following outside of normal hours of the
21 business's operation: tables, seating, and any other materials approved for storage at the time of
22 permit issuance. of the business's operation. Any business that uses a Shared Space exclusively for
23 ~~private dining and table service must provide public seating consistent with Section 94A.6(b)(1).~~

24 **SEC. 94A.7. SPECIAL PROCESS FOR SHARED SPACES ON CITY LOTS.**

25 All Shared Spaces that are solely on a City-owned lot shall be administered by the

1 Director of Real Estate, who ~~will~~ may coordinate with and may request assistance from
2 Planning.

3 (a) **Permit Application and Issuance; Public Notice.** A prospective Permittee may
4 submit an application for a City Lot Shared Space Permit to the Director of Real Estate, and
5 the Program coordinators at ~~Planning and~~ Real Estate shall work with the prospective
6 Permittee to refine the proposed design, activities program, and management plan for the
7 proposed City Lot Shared Space. The Director of Real Estate may elect to authorize the
8 Shared Space under Chapter 23 of this Code. If the Director elects to authorize the Shared
9 Space under ~~the~~ this Chapter 94A, the Director shall use the following procedure:

10 * * * *

11 (e) **Grant of Exceptions to Standard Operational Requirements.**

12 (1) **Good Neighbor Policies.** Upon written request from a Permittee, the
13 Director of Real Estate may grant a non-material exception or other minor amendment to the
14 Good Neighbor Policies in Section 94A.6(~~4b~~)(~~87~~) if the Director finds, in the Director's sole
15 discretion, that one or more aspects of a Good Neighbor Policy are unwarranted or not
16 appropriate for a particular City Lot Shared Space or event due to special circumstances and
17 that the public interest would be served by granting an exception.

18 * * * *

19 Section 4. Chapter 15 of the Public Works Code is hereby amended by revising
20 Section 793 (specifically, Sections 793.2 and 793.3), to read as follows:

21 * * * *

22 **SEC. 793.2. PERMIT APPROVAL PROCESS APPLICABLE TO CURBSIDE AND**
23 **SIDEWALK SHARED SPACES.**

24 (a) **Public Works Application and Permits.** The prospective Permittee may submit
25 the application for a Curbside or Sidewalk Shared Space Permit to Public Works for its review

1 and approval. Public Works shall review the application consistent with the interagency
2 coordination process described in Administrative Code Section 94A.4. The Shared Spaces
3 Permit shall incorporate the requirements of and substitute for a permit that would be required
4 under other sections of the Municipal Code.

5 (b) **Public Notice and Opportunity to Comment.** ~~Upon submission of an application~~
6 ~~for a Sidewalk Shared Space, or a Curbside Shared Space where the proposal would result in~~
7 ~~Temporary Closure, the prospective Permittee shall post the site(s) with one or more Notices of~~
8 ~~Application provided by Public Works for a period of ten calendar days. The Notice(s) shall be posted~~
9 ~~in a location acceptable to Public Works. The prospective Permittee shall submit to Public Works~~
10 ~~photographic evidence that the Notice(s) were posted appropriately. The prospective Permittee shall~~
11 ~~remove the Notice of Application the day after expiration of the ten day notice period. Public Works~~
12 ~~shall accept public comments on the Notice of Application for ten calendar days from the first day the~~
13 ~~Notice was posted at the site(s).~~

14 ~~(2)(1)~~ For Roadway Shared Spaces where the proposal would result in a
15 Temporary Closure, the public notice shall proceed in accordance with the applicable process
16 set forth in Transportation Code, Division I, Article 6.

17 ~~(3)(2)~~ For Roadway Shared Spaces and Curbside Shared Spaces where the
18 proposal would result in a Longer-Term Closure the public notice shall proceed, in accordance
19 with the applicable process set forth in Transportation Code, Division II, Article 200, Section
20 202 (Notice of Public Hearing).

21 ~~(4)(3)~~ ~~The Notice may include notice of public hearing by the Entertainment Commission~~
22 ~~if~~ proposed activities fall within the purview of the Entertainment Commission described in
23 Administrative Code Section 94A.4(c), the Entertainment Commission shall provide notice of any
24 public hearing.

25 * * * *

1 (d) **Permit Issuance and Conditions of Approval.**

2 (1) Public Works may issue any Curbside or Sidewalk Shared Space Permit
3 consistent with Sections 793 et seq. and Administrative Code Chapter 94A. The conditions of
4 approval required or authorized by Administrative Code Section 94A.5(c) or other applicable
5 sections of Administrative Code Chapter 94A shall be imposed on the Shared Space Permit
6 and enforced pursuant to Administrative Code Section 94A.9, including the obligation to
7 remove or modify a Curbside Shared Space at any time, as necessary for any City project or
8 maintenance work at the Permittee's own cost consistent with Administrative Code Section
9 94A.4(d)(1)(~~ED~~). The Director of Public Works may choose to apply additional conditions on
10 the Shared Space Permit that are pertinent to Public Works jurisdiction.

11 * * * *

12 **SEC. 793.3. OPERATIONAL REQUIREMENTS; EXCEPTIONS.**

13 * * * *

14 (b) **Grant of Exceptions.**

15 * * * *

16 (2) **Good Neighbor Policies.** Upon written request from a Permittee, the
17 Director of Public Works may grant a non-material exception or other minor amendment to the
18 Good Neighbor Policies set forth in Administrative Code Section 94A.6(b)(~~8~~7) if the Director
19 finds, in the Director's sole discretion, that a Good Neighbor Policy is unwarranted or not
20 appropriate for a particular Shared Space or event on the public right-of-way under the
21 jurisdiction of Public Works due to unique circumstances and that the public interest would
22 best be served by granting an exception.

23 * * * *

24
25 Section 5. Scope of Ordinance.

1 In enacting this ordinance, the Board of Supervisors intends to amend only those
2 words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks,
3 charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly
4 shown in this ordinance as additions, deletions, Board amendment additions, and Board
5 amendment deletions in accordance with the "Note" that appears under the official title of the
6 ordinance.

7
8 Section 5. Effective Date.

9 This ordinance shall become effective 30 days after enactment. Enactment occurs
10 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
11 sign the ordinance within 10 days of receiving it, or the Board of Supervisors overrides the
12 Mayor's veto of the ordinance.

13
14 APPROVED AS TO FORM:
15 DAVID CHIU, City Attorney

16 By: Giulia Gualco-Nelson
17 GIULIA GUALCO-NELSON
Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative, Public Works Codes - Shared Spaces Program]

Ordinance amending the Administrative Code provisions related to the Shared Spaces Program to remove the Planning Department as a coordinating entity conducting design review, eliminate application requirements of documented community outreach and neighbor notice, and eliminate public accessibility and alternate public seating requirements; amending the Public Works Code to eliminate requirements of public notice of application; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

A Shared Space is a space on City-owned property, and in some cases privately-owned open spaces, where the public can gather and participate in various commercial or non-commercial offerings and events. Currently, “Core City Agencies,” which include the Planning Department, the Department of Public Works, the Real Estate Division, and the Municipal Transportation Agency (“MTA”)—administer the Shared Spaces Program. The Planning Department functions as a coordinating agency to ensure that Shared Spaces applications are routed and processed appropriately. (Admin. Code § 94A.4.)

Commercial Parklets or “Curbside Shared Spaces” are encroachments placed in the curbside lane that are used principally for commercial activity during specified business hours. (Admin. Code § 94A.2.) Commercial Parklets must provide public seating that is accessible to persons who are not patrons of the business. (*Id.* §§ 94A.2; 94A.6.)

At the time of application, Shared Space applicants must document efforts at community notice and outreach. (Admin. Code § 94A.5; Public Works Code § 793.2.)

Amendments to Current Law

This ordinance would designate MTA as the coordinating entity for the Shared Spaces Program and remove the Planning Department’s role in administering the Program.

This ordinance would eliminate application requirements of documented community outreach and public notice.

This ordinance would also eliminate the requirement that commercial parklets provide alternate public seating that is not accessible to patrons of the business.

This ordinance requires that Shared Spaces remain open during the normal hours of the business's operation. It also provides that the Shared Space cannot be used for storage, except for the storage of certain items outside the normal hours of the business's operation.

Background Information

This ordinance contains findings documenting the public purpose and benefits of the Shared Space Program, requirements for accessibility and safety, and the need to continue refining and streamlining the Program to ensure it meets its intended purpose.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

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

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor [] inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. [] from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. []
- ☐ 9. Reactivate File No. []
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on []

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

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

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor:

