

1 [Temporary Waivers of Permit Fees for Café Tables and Chairs and Display Merchandise in
2 the Public Right-of-Way, and Use Fees for Parklets]

3 **Ordinance waiving, for a two-year period, permit and renewal fees in the Public Works**
4 **Code for café tables and chairs in public sidewalks and roadway areas and for display**
5 **of fruits and vegetables or nonfood merchandise on public sidewalks, and waiving fees**
6 **for use of parklets.**

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

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

15 Section 1. **Findings.**

16 (a) The COVID-19 shutdown has had a major adverse impact on the variety of
17 small businesses that contribute to San Francisco's economic vitality, and experts are
18 predicting that a third of the businesses shuttered during this time will never re-open.
19 Whatever the precise number, it will be very large.

20 (b) Even when restaurants, cafes, and retail establishments are allowed to operate
21 in some capacity, the space available to conduct their business activities and the number of
22 customers who may be served are greatly curtailed due to social distancing requirements.

23 (c) Application and renewal fees present barriers to entry and unnecessary burdens
24 to businesses seeking to avail themselves of permitted uses of public rights of way. ~~The~~ and
25 the revenue to the City generated by those fees is low relative to the barriers to entry that they
present to small businesses, in particular.

1 (d) The urgency of the COVID-19 response demonstrates that businesses are
2 capable of implementing sidewalk and street encroachments pursuant to clear City guidelines
3 designed to allow for safe pedestrian and disability access to public rights of way. The ability
4 of businesses to self-implement has also alleviated some of the City's burden to oversee
5 implementation, and to instead focus the City's resources on compliance with and
6 enforcement of those guidelines.

7 (e) This ordinance will temporarily waive the fees for businesses to use sidewalk
8 and other public spaces for dining and display of merchandise in order to support the
9 continued operation of these businesses, most of which are suffering severe economic losses
10 due to the COVID-19 pandemic.

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12 **Section 2. Fee Waivers.**

13 Notwithstanding the provisions of Public Works Code Section 2.1.1 or any other permit
14 fee provisions of the Public Works Code, permit fees and annual renewal fees for the
15 following are waived for the period set forth in Section 3:

- 16 (a) Tables and Chairs Permit pursuant to Article 5.2 (Sections 176 et seq.);
- 17 (b) Display Merchandise Permit pursuant to Article 5.3 (Sections 183 et seq.); and
- 18 (c) Fees for use of parklets.

19
20 **Section 3. Duration of Fee Waiver Authorization.**

21 The fee waivers authorized in Section 2 shall expire on April 15 ~~August 1~~, 2022 unless
22 revised or extended by ordinance. As provided in Section 4, the Board of Supervisors intends
23 that the fee waivers commence on August 1, 2020.

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1 Section 4. **Effective Date; Retroactivity.**

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

6 (b) Upon its effective date, this ordinance shall be retroactive to April 15 August 1,
7 2020. Any Tables and Chairs or Display Merchandise fees waived in this ordinance that were
8 are collected between April 15 August 1, 2020 and the effective date of this ordinance shall be
9 promptly reimbursed by the City.

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11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: /s/ JUDITH BOYAJIAN
14 JUDITH BOYAJIAN
15 Deputy City Attorney

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