

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair
Land Use and Transportation Committee

FROM: John Carroll, Assistant Clerk

DATE: June 3, 2024

SUBJECT **COMMITTEE REPORT, BOARD MEETING**
Tuesday, June 4, 2024

The following file should be presented as COMMITTEE REPORT during the Board meeting on Tuesday, June 4, 2024. This ordinance was recommended as a committee report during the Land Use and Transportation Committee meeting on Monday, June 3, 2024, at 1:30 p.m., by the votes indicated.

BOS Item No. 43 File No. 240503

[Administrative Code - Treatment of Shared Space Parklet on Clipper Street Sidewalk as Curbside Shared Space]

Ordinance waiving specified requirements in the Administrative Code to allow a curbside shared space occupying both the parking lane and sidewalk space on the 100 Block of Clipper Street, at the intersection with Church Street, to be defined as a curbside shared space, subject to certain requirements; and affirming the Planning Department's determination under the California Environmental Quality Act.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Myrna Melgar – Aye
Supervisor Dean Preston – Aye
Supervisor Aaron Peskin – Aye

Cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Anne Pearson, Deputy City Attorney

File No. 240503

Committee Item No. 2

Board Item No. 43

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: June 3, 2024

Board of Supervisors Meeting:

Date: June 4, 2024

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract / DRAFT Mills Act Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- CEQA Determination – May 29, 2024
- Referrals CEQA and FYI – Jay 22, 2024
- Pres Action Memo – 30-Day Waiver
- Comm Rpt Rqst Memo 052924
- _____
- _____
- _____
- _____
- _____

Prepared by: John Carroll

Date: May 30, 2024

Prepared by: John Carroll

Date: June 3, 2024

Prepared by: _____

Date: _____

1 [Administrative Code - Treatment of Shared Space Parklet on Clipper Street Sidewalk as
2 Curbside Shared Space]

3 **Ordinance waiving specified requirements in the Administrative Code to allow a**
4 **curbside shared space occupying both the parking lane and sidewalk space on the 100**
5 **Block of Clipper Street, at the intersection with Church Street, to be defined as a**
6 **curbside shared space, subject to certain requirements; 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.

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

16 Section 1. Findings.

17 (a) Environmental Findings. The Planning Department has determined that the
18 actions contemplated in this ordinance comply with the California Environmental Quality Act
19 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with
20 the Clerk of the Board of Supervisors in File No. 240503 and is incorporated herein by
21 reference. The Board affirms this determination.

22 (b) Findings Regarding the Affected Shared Space.

23 (1) The food service seating area that is the subject of this ordinance is located
24 at 1351 Church Street (Assessor Parcel No. 6551-027A) on the southeastern corner of the
25 intersection at Church Street and Clipper Street.

(2) The permittee, Lovejoy's Tea Room was initially issued a pandemic Shared
Space permit for a Curbside Shared Space on Church Street in June of 2020. In August

1 2021, the City enacted the legislated Shared Space Program, codified in Administrative Code
2 Chapter 94A. Under the terms of the legislated Shared Space Program, existing pandemic
3 Shared Space permittees were granted time to convert their permits to the legislated program.
4 The pandemic Shared Space located on Church Street was ineligible for a Shared Space
5 permit under Administrative Code Chapter 94A because it did not accommodate the required
6 pedestrian visibility at the intersection, which was especially important at this location because
7 it is also a stop for the MUNI Metro J Church. As a result, the permittee had to relocate its
8 Shared Space from Church Street to Clipper Street.

9 (3) Administrative Code Chapter 94A identifies three types of Curbside Shared
10 Spaces: Fixed Commercial Parklets; Moveable Commercial Parklets; and Public Parklets. In
11 August 2022, the restaurant was granted a conditional permit to install a Fixed Commercial
12 Parklet in the parking lane on the Clipper Street side of their frontage (“Clipper Street Shared
13 Space”). During this process, the permittee worked with the City in good faith to address
14 traffic and pedestrian safety concerns.

15 (4) As built, the Clipper Street Shared Space is located on Clipper Street, and
16 occupies both the parking lane fronting the permittee, and portions of the sidewalk on Clipper
17 Street. The sidewalk in that area of Clipper Street is 15 feet wide. Even with the
18 encroachment from the Clipper Street Shared Space, the sidewalk is still functional for its
19 intended use, as there is still a ten-foot wide clearance on the sidewalk.

20 (5) Because the Clipper Street Shared Space occupies both the parking lane
21 and portions of the sidewalk, it does not qualify as a Fixed Commercial Parklet under
22 Administrative Code Section 94A.2, and Public Works Code Sections 793 et seq, which
23 require a Fixed Commercial Parklet to occupy only the parking lane. Because the Clipper
24 Street Parklet is fixed to the ground, and is used for commercial purposes, it does not qualify
25 as a Moveable Commercial Parklet or Public Parklet. In addition, because the Clipper Street

1 Shared Space is affixed to the sidewalk, it does not comply with the requirements of a
2 Sidewalk Shared Space under Administrative Code Section 94A.2 and Public Works Code
3 Sections 176 et seq. (Cafe Tables and Chairs), which require that any Sidewalk Shared
4 Spaces be temporary and removed each day after the close of business. Despite the fact the
5 Clipper Street Shared Space maintains a similar size and placement between the vehicular
6 travelway and pedestrian path of sidewalk travel as other Curbside Shared Spaces, the
7 Clipper Street Shared Space does not qualify as either a Fixed Commercial Parklet, or a
8 Sidewalk Shared Space. Consequently, it does not fall within the definitions or permitting
9 scheme of any of the existing categories of Shared Spaces.

10 (6) Parklets are an important part of the City’s post-pandemic economic
11 recovery. Parklets promote pedestrian foot traffic and help enhance the vitality of
12 neighborhood and commercial corridors. The Clipper Street Shared Space adds to Noe
13 Valley’s diverse collection of unique outdoor dining parklets that help promote small
14 businesses, foot traffic, and neighborhood culture. Ensuring that neighborhood businesses,
15 like the permittee of the Clipper Street Shared Space, can avail themselves of programs like
16 Shared Spaces serves the City’s goals for economic vitality, pedestrian traffic, and
17 neighborhood pride.

18 (7) In recognition of the economic, health, safety, and recreational contributions
19 that Shared Spaces have provided to commercial enterprises, neighborhood businesses, and
20 City residents and visitors, the Board of Supervisors intends to allow the Clipper Street
21 Shared Space to continue operating as a viable extension of the associated restaurant in the
22 same manner as similarly situated Curbside Shared Spaces. To accomplish this objective,
23 this ordinance waives specific provisions of the Administrative Code governing Shared
24 Spaces that otherwise would be applicable to the Clipper Street Shared Space, conditioned
25

1 on the Clipper Street Shared Space undergoing minor physical modifications to render it
2 compliant with applicable laws and similarly situated Shared Spaces.

3
4 Section 2. Waiver of Certain Administrative Code Provisions.

5 (a) Based on the findings in Section 1, it is reasonable and in the public interest to
6 waive portions of Administrative Code Sections 94A.2, 94A.4, and 94A.5 as necessary to
7 allow the affected City departments to treat the Clipper Street Shared Space as a Fixed
8 Commercial Parklet.

9 (b) In regard to the Clipper Street Shared Space, portions of Administrative Code
10 Sections 94A.2, 94A.4, and 94A.5 are hereby waived as necessary to allow the affected City
11 departments to treat the Clipper Street Shared Space as a Curbside Shared Space,
12 conditioned on the Clipper Street Shared Space undergoing minor physical modifications to
13 render it compliant with applicable laws and similarly situated Shared Spaces.

14 (c) In implementing these waivers, the Public Works Director shall process any permits
15 for the Clipper Street Shared Space in accordance with the other requirements of
16 Administrative Code Chapter 94A, Public Works Code Sections 793 et seq., and Public Works
17 regulations for Curbside Shared Spaces that are Fixed Commercial Parklets and shall ensure
18 that the Clipper Street Shared Space is compliant with these laws and regulations. To the
19 extent that implementation of these waivers presents a conflict with Public Works Code
20 Sections 176 et seq. or Sections 793 et seq., the provisions of this ordinance shall prevail,
21 and the Public Works Director is authorized to exercise discretion to not apply any regulations
22 in conflict with this ordinance; provided, however, that the Clipper Street Shared Space shall
23 comply with all regulations regarding public health and safety design features for Fixed
24 Commercial Parklets.

1 Section 3. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5 APPROVED AS TO FORM:
6 DAVID CHIU, City Attorney

7 By: /s/ _____
8 AUSTIN M. YANG
9 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Treatment of Shared Space Parklet on Clipper Street Sidewalk as Curbside Shared Space]

Ordinance waiving specified requirements in the Administrative Code to allow a curbside shared space occupying both the parking lane and sidewalk space on the 100 Block of Clipper Street, at the intersection with Church Street, to be defined as a curbside shared space, subject to certain requirements; and affirming the Planning Department's determination under the California Environmental Quality Act

Existing Law

The Shared Spaces program is codified in Administrative Code Chapter 94A, and Public Works Code Sections 793 et seq. Administrative Code Chapter 94A identifies three types of Curbside Shared Spaces: Fixed Commercial Parklets; Moveable Commercial Parklets; and Public Parklets. Per Administrative Code Section 94A.2, Fixed Commercial Parklets may only occupy the parking lane portion of the roadway, and Sidewalk Shared Spaces must be temporary and removed each day after the close of business.

Amendments to Current Law

This ordinance would waive certain portions of Administrative Code Sections 94A.2, 94A.4, and 94A.5 to allow a Curbside Shared Space at Clipper Street and Church Street to occupy both the parking lane and portions of the adjacent sidewalk.

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MEMORANDUM

Date: May 22, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 240503
Administrative Code - Treatment of Shared Space Parklet on Clipper Street Sidewalk as
Curbside Shared Space

California Environmental Quality Act (CEQA) Determination

(California Public Resources Code, Sections 21000 et seq.)

Ordinance / Resolution

Ballot Measure

CEQA clearance under Addendum #2 to San Francisco Better Streets Plan
Project Mitigated Negative Declaration, April 18, 2021 Planning Department
Case No. 2021-003010ENV (addendum to Case No. 2007.1238E)
5/29/2024

A handwritten signature in blue ink, appearing to read "John Carroll".

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.

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MEMORANDUM

TO: Carla Short, Director, Public Works
Rich Hillis, Director, Planning Department
Jeffrey Tumlin, Executive Director, San Francisco Municipal
Transportation Agency

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: May 22, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Mandelman on May 14, 2024.

File No. 240503

Ordinance waiving specified requirements in the Administrative Code to allow a curbside shared space occupying both the parking lane and sidewalk space on the 100 Block of Clipper Street, at the intersection with Church Street, to be defined as a curbside shared space, subject to certain requirements; 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: john.carroll@sfgov.org.

cc:
Offices of Chair Melgar and Supervisor
Mandelman
David Steinberg, Public Works
Ian Schneider, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Dan Sider, Planning Department
Corey Teague, Planning Department
Tina Tam, Planning Department
Lisa Gibson, Planning Department
Devyani Jain, Planning Department
Aaron Starr, Planning Department

Josh Switzky, Planning Department
Joy Navarrete, Planning Department
Debra Dwyer, Planning Department
Elizabeth Watty, Planning Department
Janet Martinsen, San Francisco Municipal
Transportation Agency
Joel Ramos, San Francisco Municipal
Transportation Agency
Ricardo Olea, San Francisco Municipal
Transportation Agency
Viktoriya Wise, San Francisco Municipal
Transportation Agency

President, District 3
BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244
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Aaron Peskin

PRESIDENTIAL ACTION

Date: 5/23/24

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 240503 Mandelman
(Primary Sponsor)

Title. Administrative Code - Treatment of Shared Space Parklet on Clipper Street Sidewalk as Curbside Shared Space

Transferring (Board Rule No 3.3)

File No. _____
(Primary Sponsor)

Title. _____

From: _____ Committee

To: _____ Committee


Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: _____ Replacing Supervisor: _____

For: _____ Meeting
(Date) (Committee)

Start Time: _____ End Time: _____

Temporary Assignment: Partial Full Meeting



Aaron Peskin, President
Board of Supervisors



MYRNA MELGAR

DATE: May 29, 2024

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

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Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, June 4, 2024.

File No. 240263 **Planning Code - Divisadero Street Neighborhood Commercial Transit District**
Sponsor: Preston

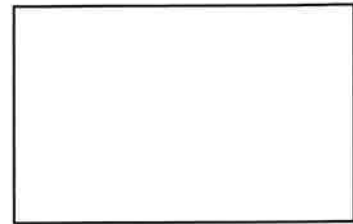
File No. 240503 **Administrative Code - Treatment of Shared Space Parklet on Clipper Street Sidewalk as Curbside Shared Space**
Sponsor: Mandelman

File No. 240228 **Planning Code, Local Coastal Program Amendment - Wawona Street and 45th Avenue Cultural Center Special Use District**
Sponsors: Engardio; Peskin

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, June 3, 2024

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):

Mandelman

Subject:

[Administrative Code - Treatment of Shared Space on Clipper Street Sidewalk as Curbside Shared Space]

Long Title or text listed:

Ordinance waiving specified requirements in the Administrative Code to allow a food service shared space on sidewalk space on the 100 Block of Clipper Street to be defined as a curbside shared space, subject to certain requirements; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: