

BOARD of SUPERVISORS



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

October 28, 2022

**File No. 221106**

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On October 25, 2022, Supervisor Stefani introduced the following Ordinance assigned to the Budget and Finance Committee:

**File No. 221106**

**Ordinance waiving the fee required under Public Works Code, Section 724.1(b), for temporary street space occupancy permits on San Francisco streets on November 25-27, December 2-4, and December 9-11, 2022, to promote sidewalk sales of merchandise during the holiday season; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

*Brent Jalipa*

By: Brent Jalipa, Assistant Clerk  
Budget and Finance Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer  
Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning

1 [Public Works Code - Waiver of Temporary Street Space Occupancy Permit Fee - Sidewalk  
2 Sales During the Holiday Season]

3 **Ordinance waiving the fee required under Public Works Code, Section 724.1(b), for**  
4 **temporary street space occupancy permits on San Francisco streets on**  
5 **November 25-27, December 2-4, and December 9-11, 2022, to promote sidewalk sales of**  
6 **merchandise during the holiday season; and affirming the Planning Department's**  
7 **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. Environmental Findings.

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

22 Section 2. Waiver of Temporary Street Space Occupancy Fee.

23 To promote sidewalk sales of merchandise during the holiday season, the fee set forth  
24 in Public Works Code, Article 15, Section 724.1(b) for temporary street space occupancy, is  
25 hereby waived for all San Francisco streets between the hours of 7 a.m. and 9 p.m. on the

1 following dates: November 25–27, 2022; December 2–4, 2022; and December 9–11, 2022.  
2 All other provisions of Public Works Code Section 724.1 et seq. shall remain in full effect.

3  
4 Section 3. Effective Date; Retroactivity.

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

9 (b) If the effective date of this ordinance is later than November 25, 2022, then on its  
10 effective date the ordinance shall be retroactive to November 25, 2022. If, prior to the  
11 effective date of this ordinance, any fees are charged for a temporary street space occupancy  
12 that are to be waived under Section 2 of this ordinance, said fees shall be refundable or  
13 reimbursable upon the effective date of the ordinance.

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

17 By: /s/ Christopher Tom  
18 CHRISTOPHER T. TOM  
19 Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Public Works Code - Waiver of Temporary Street Space Occupancy Permit Fee - Sidewalk Sales During the Holiday Season]

**Ordinance waiving the fee required under Public Works Code, Section 724.1(b), for temporary street space occupancy permits on San Francisco streets on November 25-27, December 2-4, and December 9-11, 2022, to promote sidewalk sales of merchandise during the holiday season; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Existing Law

Section 724.1(b) of the Public Works Code requires that a fee of \$57.62 per day be charged “[f]or temporary street space occupancy for any purpose other than a building construction operation.”

Amendments to Current Law

This uncodified ordinance would temporarily waive the temporary street space occupancy fee required under Section 724.1(b) of the Public Works Code, City-wide, to facilitate sidewalk sales of merchandise during the holiday season. The fee would be waived between 7 a.m. and 9 p.m. on the following dates: November 25–27, 2022; December 2–4, 2022; and December 9–11, 2022. If the ordinance were to become effective later than November 25, 2022, then on its effective date the ordinance shall be retroactive to November 25, 2022.

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# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor: