

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/24/2024)

[Transportation Code - Fee Waivers for Qualifying Neighborhood Outdoor Events in Sunset District]

Ordinance amending the Transportation Code to waive fees related to the temporary closure of streets for events on Irving, Noriega and Taraval Streets that are organized by community-serving nonprofit arts and culture organizations, small businesses, merchant associations, neighborhood resident associations, and property and business improvement districts, and to set a sunset date for the Citywide program waiving fees related to such street closures.

Existing Law

Transportation Code Division 1, Section 6.6 governs the regulation of street fairs, including the processing of permit applications by the Interdepartmental Staff Committee on Traffic and Transportation and the payment of associated fees to the City. Such permit fees reflect the cost to the City of temporarily closing streets for the event, including fees for the Fire Department, Department of Public Health, and the Police Department. Section 6.6 states that the San Francisco Municipal Transit Agency may also impose fees related to these events, and that the Fire Department may impose additional fees for Fire Department permits required for these events.

Transportation Code Division 1, Section 6.17 waives all fees associated with a temporary street closure under Transportation Code Division 1, Article 6, for street fairs and other events (1) for which the sponsor is one or more of the following: (a) a non-profit arts and culture organization that provides programming in San Francisco, that is exempt from taxation under Internal Revenue Code Section 501(c)(3), and that is in compliance with all applicable requirements to register with the California Attorney General's Registry of Charities and Fundraisers; (b) a business with less than \$5 million in annual gross revenue that has a physical place of business within or adjacent to the area in which the proposed event would take place; (c) a merchant or neighborhood resident association that represents the area in which the proposed event would take place; or (d) a property and business improvement district that serves the area in which the proposed event would take place; and (2) that meet specified criteria for size, accessibility to the public, and limited impacts caused by the street closures, among other things.

Waived fees include those that would otherwise be imposed on permits issued under Transportation Code Division 1, Article 6, as well as fees that would otherwise be imposed by the Fire Department and the Entertainment Commission for those departments' separate permits.

Section 6.17 also designates the San Francisco Municipal Transportation Agency as the department responsible for administering the fee waiver program. The SFMTA makes non-appealable determinations of eligibility for fee waivers based on criteria in the ordinance, and may adopt rules and regulations for the program.

Section 6.17 limits the number of fee waivers for closure of a street block to three per year, regardless of sponsor, if the closure would require rerouting of MUNI transit service, limits a given sponsor's eligibility to twelve waivers for recurring events per calendar year, and prohibits retroactive waivers for event sponsors who have previously applied for and/or obtained a street closure permit for an event.

Amendments to Current Law

This ordinance would amend Transportation Code Division 1, Section 6.17 to make night markets of up to six continuous blocks along Irving Street between 19th Avenue and Great Highway, Noriega Street between 19th Avenue and Great Highway, and Taraval Street between 19th Avenue and Great Highway eligible for fee waivers. The ordinance would also set a sunset date for the fee waiver program of June 30, 2027.

Background Information

This ordinance contains amendments to Board File No. 240665, which was duplicated from Board File No. 240408. Amendments made by the Budget and Finance Committee to Board File No. 240408 and amendments made by the Budget and Finance Committee to Board File No. 240665 are shown in Arial double-underlined font.

Amendments shown in Times New Roman Italic underlined font were made in Board File No. 240408 when that ordinance was introduced.

The ordinance in Board File No. 240408 was finally passed by the Board on June 18, 2024 and was approved by the Mayor on June 27, 2024.