Ordinance amending the Administrative Code to extend the grace period for an additional 120 days for permit applicants to operate under pandemic shared spaces permits, including any Just-Add-Music approvals related to these spaces, and convert the shared space use into a post-pandemic permit; 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 strikethrough 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. Environment Findings. 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. 230025 and is incorporated herein by reference. The Board affirms this determination.

Section 2. The Administrative Code is hereby amended by revising Sections 94A.4, and 94A.5, to read as follows:

SEC. 94A.4. INTERAGENCY COORDINATION.

In coordinating their activities under the Program, the Core City Agencies shall have the responsibilities set forth below.
(a) **Planning Department; General Coordination of Program Activities.** After a prospective Permittee submits an application for a Shared Space, Planning will ensure review and approval of the application. Specifically, Planning will:

1. **Receive a People Place Proposal submitted by a prospective Steward pursuant to** Section 94A.5 and review the Proposal for completeness and compliance with Program requirements.

2. **If the People Place Proposal is determined to be complete and in compliance with Program requirements,**

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

* * * *

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

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

* * * *

After a People Place Proposal has been reviewed and evaluated by Planning and the Core City Agencies with jurisdiction over the People Place Category, determined suitable for further development, and accepted into the Places for People Program pursuant to Section 94A.5(b), the prospective Steward may submit an application for a People Place Permit. After Planning has reviewed the application for completeness and compliance with Program requirements, Planning will direct the
prospective Steward to submit the application to the Core City Agency with primary jurisdiction over the People Place:

* * * *

Section 3. The Administrative Code is hereby amended by revising Section 94A.12, to read as follows:

SEC. 94A.12. TRANSITION OF EXISTING SHARED SPACES AND PARKLETS.

(a) Conversion of Permits Issued During the COVID-19 Pandemic.

(1) Extension of pandemic Shared Spaces Program and Permits. Subject to the wind down provisions of the Mayor's February 25, 2020 Proclamation Declaring the Existence of a Local Emergency and the 18th and 27th Supplements to that Proclamation, the Core City Agencies shall operate the Shared Spaces program, and any temporary program allowing entertainment or the use of amplified music in outdoors (referred to as Just-Add-Music or JAM), authorized by the aforementioned Supplements to the Mayor's Proclamation until March 31, 2023, unless the Shared Spaces program authorized by the Mayor's Proclamation terminates sooner. Any occupancy permitted as a Shared Space under that authority may continue pursuant to the terms of the applicable permit (each a “pandemic Shared Spaces Permit”), subject to the revocation provisions of this Chapter 94A.

(2) At any time prior to the expiration of the pandemic Shared Spaces Permit, the Shared Spaces permittee may apply to convert their pandemic Shared Spaces Permit into a new Shared Spaces Permit as provided herein. Conversion of a pandemic Shared Spaces Permit shall follow the process set forth in this Section 94A.12, and any pandemic Shared Spaces Permit that is converted to a new Shared Spaces Permit under this Chapter 94A must comply with all of the terms of this Chapter 94A, including any approvals for the closure of the curbside or roadway. The pandemic Shared Spaces permit shall be converted upon the
issuance of a new Shared Spaces Permit consistent with the requirements of Chapter 94A. In the event of a conflict between this Chapter 94A and the terms of a pandemic Shared Spaces Permit, the terms of this Chapter 94A shall prevail.

(3) Upon the expiration of any pandemic Shared Spaces Permit, the permittee shall remove all structures and restore the public right-of-way to the Public Works Director's satisfaction. In the event the Mayor's authorization of the Shared Spaces program expires before the Shared Spaces permittee has converted the pandemic Shared Spaces Permit into a new Shared Spaces Permit authorized by the terms of this Chapter 94A, if the proposed Permittee has submitted a complete application for a new Shared Spaces Permit prior to the earlier of 60 days after the expiration of the Mayor's emergency authorization of the Shared Spaces program or July 1, 2022 March 31, 2023, the Permittee shall be permitted to continue occupying the potential Shared Space for up to 180 days after expiration of the Mayor's Proclamation, including any Supplements thereto, pending a final determination by the Core City Agencies on the proposed conversion of the pandemic Shared Spaces Permit into a new Shared Spaces Permit authorized by the terms of this Chapter 94A, provided that the Permittee diligently pursues such determination. If the Shared Spaces permit is not so converted, then the permittee shall remove all structures and restore the public right-of-way to the Public Works Director's satisfaction.

* * * *

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.
Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ JOHN D. MALAMUT
Deputy City Attorney
Ordinance amending the Administrative Code to extend the grace period for an additional 120 days for permit applicants to operate under pandemic shared spaces permits, including any Just-Add-Music approvals related to these spaces, and convert the shared space use into a post-pandemic permit; and affirming the Planning Department’s determination under the California Environmental Quality Act.

February 06, 2023 Land Use and Transportation Committee - DUPLICATED

February 06, 2023 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

February 07, 2023 Board of Supervisors - PASSED ON FIRST READING
   Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai and Stefani
   Excused: 1 - Walton

February 14, 2023 Board of Supervisors - FINALLY PASSED
   Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/14/2023 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved 2/23/23