File No	160590	Committee It Board Item N	tem No Io	40	5
COMMITTEE/BOARD OF SUPERVISORS AGENDA PACKET CONTENTS LIST					
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Date July 15, 2016
Date 7/19/16

Completed by: Victor Young
Completed by: Von n. y

[Public Works Code Street Space Occupancy Permits]

Ordinance amending the Public Works Code to place additional limits on the duration of street space occupancy permits, and to limit the number of such permits including permit extensions that can be issued at the same address during a three-year period in Residential, Urban Mixed-Use, and Neighborhood Commercial Districts, and precluding the issuance of such permits at the same address for two years after that three-year period; 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. CEQA Finding. 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. 160590 and is incorporated herein by reference. The Board affirms this determination.

Section 2. The Public Works Code is hereby amended by revising Section 724, to read as follows:

SEC. 724. TEMPORARY OCCUPANCY OF STREET – PERMITS REQUIRED.

(a) **Street Space Occupancy Permit.** A permit will be required for occupying any part of the street or sidewalk for building construction operations or for any other purpose, and shall be granted only to the owner or lessee of the premises fronting thereon or his or her authorized agent.

* * * *

(5) For purposes of Sections 724 et seq., building construction operations shall include all work related to the construction, demolition, maintenance, repair, or replacement of a building.

(b) Permit Applications.

- (1) An applicant for a permit shall submit to the Department a written request for a permit no sooner than <u>15 fifteen</u> days prior to the initiation of the proposed occupation of street space. The permit request shall specify the duration and extent of the proposed occupancy and all other information as set forth in Departmental orders or regulations.
- (2) A permit applicant also shall request in writing the basis for any proposed modifications to standard permit requirements, such as extended hours of occupancy for the storage of materials and equipment.
- operations, in no event may the duration of the proposed occupancy under the street space occupancy permit or any extensions thereof be longer than the Building Code allows for completion of work under the original building or site permit. A decision by the Department of Building Inspection to extend a building or site permit is not binding on the Director of Public Works for purposes of issuing a new street space occupancy permit or extending an existing permit. A new Director's authorization is required pursuant to Section 724(e) for continued occupation of the street or sidewalk space under such circumstances.

(4) Any application for a permit in any residential, Urban Mixed Use, PDR-1-D, PDR-1-G, and each named Neighborhood Commercial district as defined in the Planning Code that requests more than one on-street parking space and a permit duration of three months or longer shall include a contractor parking plan. The plan shall include the contractor parking plan information as required in Public Works Code Section 2.4.20(b).

(5) (4) The permittee shall mail a courtesy notice within five business days from the start of each phase to all impacted fronting property owners. Said notice shall include information about the number and linear feet of parking spaces that will be impacted and/or removed as well at as a 24-hour, seven 7-days per week contact for the project, including name and telephone number. For purposes of this subsection (b)(5), "fronting property owner" shall mean a property owner that owns property along the frontage where on-street parking will be impacted and/or removed. If the fronting property owner is a condominium project, the permittee need only mail the notice to the condominium association and not each individual unit owner.

(c) Permit Decisions.

(1) The Director of the Department, in his or her discretion, may approve, conditionally approve, or disapprove a street space occupancy permit. When issuing permits, permit modifications, or extending the duration of permits, the Director may impose any conditions consistent with the public health, safety, welfare, and convenience, including, but not limited to, appropriate time, place, and manner restrictions and considerations to minimize neighborhood impacts. If the Director of the Department approves or conditionally approves a permit, said permit shall be issued on a monthly basis with a minimum term of one month and a maximum term of six months. In the absence of special conditions, a permit shall entitle the permittee to occupy the specified street space for a period no longer than 7:00 a.m.-6:00 p.m., seven days a week for the term of the permit.

(2) **Appeals.** The Director's decision on a permit shall be appealable to the Board of Appeals.

(d) Permit Modification.

- (1) On seven days prior written notice to the Department, a permittee may seek to modify any terms or conditions of an existing valid permit except to extend the duration of a permit pursuant to Subsection (e) or to obtain an additional street space occupancy permit pursuant to Sections 724.7 and 724.8.
- (2) A request for a permit modification shall be accompanied by a \$50.00 processing fee.

(e) Permit Extension.

- (1) No later than <u>15 fifteen</u> days prior to expiration of a permit, a permittee may request in writing that a permit extension be granted to extend the duration of the street space occupancy.
- (2) In no event may the Director grant an extension of a street space occupancy permit for the purpose of building construction operations without confirmation by the Department of Building Inspection, or other proof to the satisfaction of the Director, that there is ongoing work at the site under an active building or site permit.
- (3) The Director shall treat a permit extension request like a new permit, and the Director, in his or her discretion, may issue or deny the extension or impose new or modified conditions on the permit extension.
- (4) The total inclusive duration of one or more extensions of a street space occupancy permit may not exceed 12 months. Any occupation of street or sidewalk space after that time shall require a new permit that is subject to appeal to the Board of Appeals pursuant to Subsection 724(c)(2).

- (f) <u>Permit Revocation</u>. All street <u>space</u> occupancy permits are revocable at the will of the Director. In addition, when, in the judgment of the Director of Public Works, the public interest or convenience will be served by the removal of the dirt, debris, materials, and equipment, or any portion thereof, from the street or sidewalk space, the Director shall modify, condition, or revoke the permit accordingly.
- (g) Limit on the Number of Street Space Occupancy Permits and Extensions Issued for the Same Address.
- (1) In any Residential, Urban Mixed Use, named Neighborhood Commercial, or named Neighborhood Commercial Transit District as defined in the Planning Code, the Director may not grant more than six street space occupancy permits or permit extensions covering a continuous three-year period for the same address. Upon expiration of this three-year period, the Director may not grant a new street space occupancy permit for that same address, or an extension of such a permit for a period of two years thereafter.
- (2) The time limit specified in subsection (g)(1) is retroactive and applies to permits issued and permit extensions granted prior to the effective date of subsection (g)(1), whether or not there is ongoing work at the site under an active building or site permit; provided, however, that the Director may grant a one-time extension for a period of time no longer than three months if the permittee demonstrates to the satisfaction of the Director, and the Department of Building Inspection confirms, that a building project at the site will receive its final inspection and sign-off within the extension of time granted.

Section 3. 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 4. 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:

DENNIS J. HERRERA, City Attorney

By:

Deputy City Attorney

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LEGISLATIVE DIGEST

[Public Works Code - Street Space Occupancy Permits]

Ordinance amending the Public Works Code to place additional limits on the duration of street space occupancy permits, and to limit the number of such permits including permit extensions that can be issued at the same address during a three-year period in Residential, Urban Mixed-Use, and Neighborhood Commercial Districts, and precluding the issuance of such permits at the same address for two years after that three-year period; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Public Works Code Section 724 regulates occupancy of part of the street or sidewalk by the owner or lessee of a fronting property for building construction operations or other purposes. A street space occupancy permit issued by the Director of Public Works, which is appealable to the Board of Appeals, is required for such occupancy. The permit, which has a maximum term of six months but may be extended, entitles the permittee to occupy the specified street space for a period of no longer than 7:00 a.m. to 6:00 p.m. seven days a week for the term of the permit.

The Director of Public Works has the discretion to approve, deny, modify, or revoke a street space occupancy permit. The Director may also impose conditions on the permit in order to minimize neighborhood impacts. However, there is no limit on the number of street space occupancy permits or permit extensions that can be granted for the same address.

Amendments to Current Law

Section 724 of the Public Works Code is amended to provide that the duration of a street space occupancy permit for building construction operations, including any permit extensions, cannot be longer than the Building Code allows for completion of work under the original building or site permit. The Director of Public Works may not grant an extension of a street space occupancy permit without confirmation by the Department of Building Inspection or other proof satisfactory to the Director that there is ongoing work on the site under an active building or site permit, and the total duration of any permit extensions may not exceed 12 months. If the Department of Building Inspection extends the original building or site permit or the 12-month limit on permit extensions has been reached, a new street space occupancy permit that is appealable to the Board of Appeals is required for continued occupancy of the street or sidewalk. The Department of Building Inspection's extension of the building or site permit is not binding on the Director of Public Works; it is within the Director's discretion whether to approve, approve with conditions, or deny a new street space occupancy permit.

A limit on the number of street space occupancy permits and permit extensions for the same address for any purpose is imposed in any Residential, Urban Mixed Use, named

Neighborhood Commercial, or named Neighborhood Commercial Transit Districts, as those districts are defined in the Planning Code. In those districts, the Director of Public Works may not grant more than six such permits or permit extensions within a continuous three-year period for the same address. After expiration of this three-year time limit, the Director may not grant a new street space occupancy permit or an extension of a permit for a period of two years thereafter. These time limits are retroactive and apply to existing permits whether or not there is ongoing work at the site under an active building or site permit. However, the Director may grant a one-time extension for a period of no longer than three months if the permit applicant demonstrates to the satisfaction of the Director, and the Department of Building Inspection confirms, that a building project at the site will receive its final inspection and sign off within the extension of time granted.

Background Information

The occupancy of part of a street or sidewalk can be very disruptive in neighborhoods where people live and shop, especially in cases where there are one or more building construction projects that go on for long, continuous periods of time. The proposed amendments to the street space occupancy regulations balance the needs of owners or lessees to occupy temporarily street or sidewalk space in front of their property with the needs of other residents or visitors to the area

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

June 1, 2016

File No. 160590

Sarah Jones Environmental Review Officer Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

Dear Ms. Jones

On May 24, 2016, Supervisor Farrell introduced the following proposed legislation:

File No. 160590

Ordinance amending the Public Works Code to place additional limits on the duration of street space occupancy permits, and to limit the number of such permits including permit extensions that can be issued at the same address during a three-year period in Residential, Urban Mixed-Use, and Neighborhood Commercial Districts, and precluding the issuance of such permits at the same address for two years after that three-year period; 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

By: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date; 2016.06.03 12:14:31 - 07'00'



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

MEMORANDUM

TO:

Regina Dick-Endrizzi, Director

Small Business Commission, City Hall, Room 448

FROM:

Andrea Ausberry, Assistant Clerk

Land Use and Transportation Committee

DATE:

June 8, 2016

SUBJECT:

REFERRAL FROM BOARD OF SUPERVISORS

Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 160590

Ordinance amending the Public Works Code to place additional limits on the duration of street space occupancy permits, and to limit the number of such permits including permit extensions that can be issued at the same address during a three-year period in Residential, Urban Mixed-Use, and Neighborhood Commercial Districts, and precluding the issuance of such permits at the same address for two years after that three-year period; and affirming the Planning Department's determination under the California Environmental Quality Act.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

**************************************	**
RESPONSE FROM SMALL BUSINESS COMMISSION - Date:	_
No Comment	
Recommendation Attached	
•	



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

June 1, 2016

File No. 160590

Sarah Jones Environmental Review Officer Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

Dear Ms. Jones

On May 24, 2016, Supervisor Farrell introduced the following proposed legislation:

File No. 160590

Ordinance amending the Public Works Code to place additional limits on the duration of street space occupancy permits, and to limit the number of such permits including permit extensions that can be issued at the same address during a three-year period in Residential, Urban Mixed-Use, and Neighborhood Commercial Districts, and precluding the issuance of such permits at the same address for two years after that three-year period; 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

By: Andrea Ausberry, Assistant Clerk

Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning Jeanie Poling, Environmental Planning



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

MEMORANDUM

TO:

Tom Hui, Director, Department of Building Inspection

Mohammed Nuru, Director, Public Works

FROM:

Andrea Ausberry, Assistant Clerk

Land Use and Transportation Committee

DATE:

June 1, 2016

SUBJECT:

LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Farrell on May 24, 2016.

File No. 160590

Ordinance amending the Public Works Code to place additional limits on the duration of street space occupancy permits, and to limit the number of such permits including permit extensions that can be issued at the same address during a three-year period in Residential, Urban Mixed-Use, and Neighborhood Commercial Districts, and precluding the issuance of such permits at the same address for two years after that three-year period; 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: andrea.ausberry@sfgov.org

c: Sonya Harris, Building Inspection Commission William Strawn, Department of Building Inspection Carolyn Jayin, Department of Building Inspection Frank Lee, Public Works Fuad Sweiss, Public Works Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

I hereby submit the following item for introduction (select only one):	Time stamp or meeting date
	·
1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter A	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	inquires"
5. City Attorney request.	
☐ 6. Call File No. from Committee.	
7. Budget Analyst request (attach written motion).	
8. Substitute Legislation File No.	
9. Reactivate File No.	•
10. Question(s) submitted for Mayoral Appearance before the BOS on	
Please check the appropriate boxes. The proposed legislation should be forwarded to the Small Business Commission	he following: ics Commission
☐ Planning Commission ☐ Building Inspection C	ommission
Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Im	perative Form.
Sponsor(s):	
Supervisor Mark E. Farrell	
Subject:	
Public Works Code - Street Space Occupancy Permits	
The text is listed below or attached:	
Attached.	
Signature of Sponsoring Supervisor:	7.
For Clerk's Use Only:	

3746

File No	160734	Committee Item No. 6 Board Item No.		
COMMITTEE/BOARD OF SUPERVISORS AGENDA PACKET CONTENTS LIST				
Committee:	Land Use and Transporta	ation Date July 18, 2016		
Board of Supervisors Meeting		Date		
Cmte Boa	Motion Resolution Ordinance Legislative Digest Budget and Legislative A Youth Commission Repolation Form Department/Agency Cowner Memorandum of Unders Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 - Ethics Commander Award Letter Application Form 700 Vacancy Notice Information Sheet Public Correspondence (Use back side if addition)	ort ver Letter and/or Report standing (MOU) nission		
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Completed b	/ictor Young	3747	_ Date _ _ Date _	July 15,	, 2016	



Introduction Form

By a Member of the Board of Supervisors or the Mayor

I hereby submit the following item for introduction (select only one):	Time stamp or meeting date
1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendmen	n t)
2. Request for next printed agenda Without Reference to Committee.	,
 	
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4. Request for letter beginning "Supervisor	inquires"
5. City Attorney request.	
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7. Budget Analyst request (attach written motion).	
8. Substitute Legislation File No.	
9. Reactivate File No.	
☐ 10. Question(s) 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	ission n
onsor(s):	
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ubject:	•
learing to discuss bicycle theft and bicycle chop shops including recent theft statistics, enforcement preventative behavior and education, and potential budget and policy needs; and requesting the nd community organizations to report.	· •
he text is listed below or attached:	•
Signature of Sponsoring Supervisor:	en
or Clerk's Use Only:	



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

MEMORANDUM

TO:

Toney D. Chaplin, Acting Police Chief, Police Department

FROM:

Erica Major, Assistant Clerk, Public Safety and Neighborhood Services

Committee, Board of Supervisors

DATE:

June 27, 2016

SUBJECT:

HEARING MATTER INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following hearing request, introduced by Supervisor Wiener on June 21, 2016:

File No. 160734

Hearing on bicycle theft and bicycle chop-shops, including recent theft statistics, enforcement, best practices in preventative behavior and education, and potential budget and policy needs; and requesting the Police Department and community organizations to report.

If you have any 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.

C:

Christine Fountain, Police Department Sergeant Rachael Kilshaw, Police Department





SMALL BUSINESS COMMISSION OFFICE OF SMALL BUSINESS

CITY AND COUNTY OF SAN FRANCISCO EDWIN M. LEE, MAYOR

July 15, 2016

Ms. Angela Calvillo, Clerk of the Board City Hall Room 244 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

RE: BOS File No. 160590 [Public Works Code – Street Space Occupancy Permits]

Small Business Commission Recommendation to the Board of Supervisors: Approval

Dear Ms. Calvillo,

On July 11, 2016, the Small Business Commission voted unanimously (6-0, 1 absent) to recommend approval of the legislation.

The Commission raised an additional point for consideration. In the past, if construction had not commenced at a site by 12:00pm, the restriction on parking spaces was lifted during the afternoon. In cases of non-continuous work throughout the day, the restricted street space could be barricaded (with cones, for example) during short absences from the site. This would indicate that the day's work had commenced, but would protect the restricted space from public use so that the permittee could return to perform additional work later in the day. This section of the law was amended in 2002 (Ord 180-02): the 12:00pm provision was deleted and the Good Neighbor Policy was added instead. The Good Neighbor Policy states that "if a permittee does not require use of the permit area for all hours covered by the permit, the permittee shall allow members of the public to park vehicles in legal parking spaces." However, there is presently no active enforcement of this policy, which leaves some commercial parking spaces unnecessarily restricted even during periods of worksite dormancy. The Commission recommends reconsideration of time limits for the permittee to start work and that the Department of Public Works coordinate signage with contractors so that it is clear to the public that they may park in such spaces. Given the shortage of parking in commercial corridors of the City, this would make it more likely that spaces are restricted only during periods of use by the permittee, but available for public use when a worksite is not active.

Sincerely,

Regina Dick-Endrizzi

Director, Office of Small Business

cc: Mark Farrell, Board of Supervisors

ZMDick Endring

Nicole Elliott, Mayor's Office Todd Rufo, Office of Economic and Workforce Development Lisa Pagan, Office of Economic and Workforce Development Alisa Somera, Land Use & Transportation Committee