

1 [Public Works, Subdivision Codes - Fee Modification and Waiver]

2

3 **Ordinance amending the Public Works and Subdivision Codes to modify certain permit**

4 **fees, including waiving fees for café tables and chairs and display merchandise**

5 **registrants and certain minor sidewalk encroachments that are appurtenant building**

6 **features, and affirming the Planning Department's determination under the California**

7 **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 and Fee Study.

17 (a) 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. 250608 and is incorporated herein by reference. The Board affirms

21 this determination.

22 (b) Public Works prepared a fee study that analyzed various permit fees and other fee

23 charges. A copy of said study is on file with the Clerk of the Board of Supervisors in File

24 No. 250608.

1 Section 2. Articles 2.1, 2.4 (Subarticle IV), and 15 of the Public Works Code are
2 hereby amended by revising Sections 2.1.1, 2.4.41, 2.4.42, 724.1, and 724.7, and deleting
3 Section 788, to read as follows:

4 **SEC. 2.1.1. FEES.**

5 Notwithstanding the permit fee provisions listed elsewhere in this Code, the permit fee
6 and assessment schedule for the permit categories and uses specifically listed below shall be:

7 (a) Street Flower Market Permit pursuant to Article 5 (Sections 155 et seq.): \$103.36
8 administrative fee and inspection fee of \$6.75 per square foot of occupancy;

9 (b) Tables and Chairs *Permit Registration* pursuant to Article 5.2 (Sections 176 et seq.):
10 ~~administrative fee of \$52 for permit renewal without prior Department enforcement action and \$104~~
11 ~~for new permits or permit renewal resulting from prior Department enforcement action; and inspection~~
12 ~~fee of \$4.80 per square foot of occupancy for renewal permits without prior Departmental enforcement~~
13 ~~action, \$5.67 per square foot of occupancy for new permits, and \$6.77 per square foot of occupancy for~~
14 ~~permit renewal resulting from prior Departmental enforcement action, except that all fee(s) in this~~
15 ~~subsection (b) shall be \$0 for permits commencing on or after April 1, 2026 all fees are waived;~~

16 (c) Display Merchandise *Permit Registration* pursuant to Article 5.32 (Sections 183-176 et
17 seq.): \$112.95 ~~administrative fee and inspection fee of \$7.34 per square foot of occupancy, except that~~
18 ~~the inspection fee in this subsection (c) shall be \$0 for permits commencing on or after April 1, 2026 all~~
19 ~~fees are waived;~~

20 (d) Street Improvement Permit in an accepted or unaccepted right-of-way in order to
21 satisfy requirements under Sections 416, 706, 708, and 724.2: \$1,010.2,033.77 permit fee;

22 (1) Street Improvement Permit for Sidewalk Repair that is not the subject of a
23 Departmental Notice to Repair: \$29,6735.45 per 100 square feet permit fee;

(e) Special Sidewalk Permit pursuant to Section 703.1: ~~\$704.90~~833.13 permit fee; ~~\$250.39~~295.44 for existing special sidewalk or if needed in conjunction with a *street improvement permit**Street Improvement Permit*;

(f) Automobile Runway (Driveway) Permits (also known as Curb Reconfiguration Permits) pursuant to Sections 715 et seq.:

(1) Standard Permit: \$120.43 permit fee; and

(2) Over-wide Driveway Permit (30+ feet): \$969.30 for new permit fee; \$250.39 driveway or if needed in conjunction with a ~~street improvement permit~~*Street Permit*;

(g) Additional street space permit under Section 724:

(1) New Permit: \$704.90; and

(2) Permit Renewal/Extension: \$398.73;

(h) Minor Sidewalk Encroachment Permits (also known as Minor Encroachment Permits) pursuant to Section 723.2;:

(1) Standard Minor Encroachment Permit: ~~\$1,683.45~~\$1,988.87 permit fee; if

existing or if needed in conjunction with a *street improvement* *Street Improvement Permit* (except shoring) \$239.84~~283.62~~; and, if applicable pursuant to Section 723.2(n), the annual public right-of-way occupancy assessment fee;

(2) Underground Storage Tank Abandonment: \$275.80 permit fee;

(3) Underground Vault, which shall be comprised of (A) a permit fee of

\$1,745.97 and (B) an annual public right-of-way occupancy assessment fee per square foot of occupied space;

(4) Permits for Tier 2 Love Our Neighborhoods Projects pursuant to Section

723.1: \$500 permit application fee for a permit applicant that is a community-based

organization, nonprofit organization, community benefits district, or merchants' association;

(5) Pipe Barrier Permit pursuant to Section 723.1:

- (A) Standard Permit: \$969.30 permit fee; and
- (B) Security Bollard Barrier: \$1,943.80 permit fee; and

(6) Appurtenant Building Features as defined in Section 723.2: no fee;

(i) Debris Box Permit pursuant to Section 725:

- (1) 7-day Permit: \$83.12 permit fee; and
- (2) Annual Permit: \$551.62 permit fee;

(j) Street Encroachment Permit (also known as a Major Encroachment Permit) pursuant to Section 786:

- (1) ~~\$6,533.757,721.49~~ permit fee and the annual public right-of-way occupancy assessment fee in Section 786.7; and
- (2) Permits for Tier 3 Love Our Neighborhoods Projects pursuant to Section 723.1: \$1,000 permit application fee for a permit applicant that is a community-based organization, nonprofit organization, community benefits district, or merchants' association;

(k) Commemorative Plaque Permit pursuant to Section 789.2: \$1,162.63 permit fee;

(l) If ~~any of the abovementioned permits are a pipe barrier permit referenced above under Section 2.1.1(h)(5) is~~ associated with a Street Improvement Permit; ~~but that pipe barrier permit does not specifically reference a Street Improvement Permit,~~ the permit fee is the Street Improvement Permit fee plus ~~\$133.20~~^{257.62} for each pipe barrier permit ~~unless the fee for said permit is less, in which case the additional fee is the lower permit fee amount;~~

(m) Under permit categories in subsections (d), (e), or (f), if the permit is associated with a Department of Public Works Notice to Repair, the permit fee is ~~\$330.32~~^{678.32} per permit;

(n) Under permit categories in subsections (e) or (h)(1), if the permit is associated with a subdivision map approval, the permit fee is \$133.20 per permit;

(o) Sidewalk width change fee, minimum per block or less: \$3,8754,043.46, with \$1,375 of this fee allocated to the Planning Department for its review;

(p) Nighttime work permit fee: \$171.64203.26;

(q) Preapplication meeting or staff consultation fee: \$404.76 for the first two hours or portion thereof and \$202.38 for each additional hour or portion thereof;

(r) Autonomous Delivery Device Testing fees pursuant to Section 794:

(1) Application fee: for one device - \$860; for two devices - \$1,540; and for three devices - \$1,995;

(2) Permit extension fee: for one device - \$555; for two devices - \$1,010; and for three devices - \$1,465; and

(3) Referrals to Department of Public Health: The Department of Public Health may charge up to \$191 per hour for referrals sent by Public Works pursuant to Section 794;

(s) Curbside Parklet Fee. The permit and license fees for the types of Curbside Shared Space Permits issued pursuant to Administrative Code Chapter 94A and Public Works Code Section 793 et seq. are as follows, with one-half of the fees allocated to the San Francisco Municipal Transportation Authority, and one-half of the fees allocated to Public Works. The permit and license fees shall be due and payable as provided in Chapter 94A of the Administrative Code.

(1) Public Parklet fees:

(A) Permit fee of \$1,000 for the first parking space and \$250 for each additional parking space;

(B) Annual license fee of \$100 per parking space; *and*

(2) Movable Commercial Parklet fees:

(A) Permit fee of \$2,000 for the first parking space and \$1,000 for each additional parking space;

(B) Annual license fee of \$1,500 per parking space; and

(3) Fixed Commercial Parklet fees:

(A) Permit fee of \$3,000 for the first parking space and \$1,500 for each space;

(B) Annual license fee of \$2,000 per parking space; and

(t) Review of Contractor Parking Plan:

(1) Under Section 724 (Temporary Occupancy of Street/Street Space):

\$869.58; and

(2) Under Section 2.4.20 (Excavation): \$712.71.

SEC. 2.4.41. ADMINISTRATIVE FEE.

Each applicant shall pay to the Department a fee of \$66135.90 for each permit issued for a small excavation project, a fee of \$83171.35 for each block contained in a medium excavation project, or a fee of \$110226.89 for each block contained in a large excavation project. Said fees shall compensate the Department for the cost incurred to administer the provisions of this Article. If the Director grants a permit extension or amendment pursuant to Sections 2.4.20.2 or 2.4.20.3, the permittee shall pay a fee of \$66135.90 for any block for which the permit has been extended or amended to cover the cost of additional permit review and administration. In instances where a contractor parking plan is required, the applicant shall pay a non-refundable fee of \$138.00 per permit for Departmental review of the plan, and an additional \$55.00 per permit each time the permittee requests a modification to the permit that will impact on-street parking unless the modified permit results in a reduction of the amount of on-street parking that is impacted.

SEC. 2.4.42. INSPECTION FEE.

1 Each applicant shall pay to the Department a fee of ~~\$1631.91~~ for each permit issued for
2 a small utility excavation project and \$640 for a small general excavation project related to
3 buildings, a fee of \$55 for each calendar day of a medium excavation project, or a fee of \$81
4 for each calendar day of a large excavation project. An applicant shall pay an inspection fee of
5 \$189.08 per hour for inspection of underground tank removal, side sewer, or boring/monitoring wells.
6 Said fee shall compensate the Department for the cost of the inspection and regulatory
7 services provided to such applicant when ~~he or she the applicant~~ becomes a permittee pursuant
8 to this Article. No inspection fees shall be collected from a municipal excavator when: (a) the
9 municipal excavator pays the Department to manage and inspect the construction or (b) the
10 excavation is to construct, replace, or repair Municipal Railway tracks. If the Director grants a
11 permit extension pursuant to Section 2.4.20.2, the permittee shall pay ~~\$1631.91~~ for a small
12 utility excavation project, \$640 for a small general excavation project related to building, or the
13 appropriate fees for a medium or large excavation project for each additional calendar day for
14 which the permit is extended to cover the cost of additional permit inspection. If the Director
15 grants a permit amendment pursuant to Section 2.4.20.3 that results in additional permit
16 inspection, the permittee shall pay the fees specified above for permit extensions. In instances
17 where a contractor parking plan is required, the permittee shall pay a non-refundable fee of
18 \$339.00 per permit for Departmental inspection regarding implementation of the plan and per
19 modified permit unless the permit results in a reduction of the amount of on-street parking that
20 is impacted.

21

22 **SEC. 724.1. TEMPORARY OCCUPANCY OF STREET – FEES TO BE PAID.**

23 (a) No permit shall be issued to a private or public entity for the temporary occupancy
24 of the street for building construction operations unless a fee and public right-of-way
25 occupancy assessment are paid. The fee shall be \$26.11, per month, per 20 linear feet, or

1 fraction thereof, occupied as measured parallel with the face of curb. In addition to the fee, the
2 permit applicant shall pay a public right-of-way occupancy assessment of \$173.26, per month,
3 per 20 linear feet, or fraction thereof, occupied as measured parallel with the face of curb. For
4 purposes of calculating fees and assessment costs, the Department shall use one-month
5 increments even though the permittee may occupy for less than a one-month term. In
6 instances where a contractor parking plan is required, the applicant shall pay the following
7 non-refundable fees:

8 (1) an administrative fee of \$135 per permit for Departmental review of the plan,
9 and an additional \$55 each time the permittee requests a modification to the permit that will
10 impact on street parking unless the permit results in a reduction of the amount of on-street
11 parking that is impacted; and

12 (2) an inspection fee of \$446 per permit for Departmental inspection regarding
13 implementation of the plan and per modified permit unless the modified permit results in a
14 reduction of the amount of on-street parking that is impacted.

15 (b) For temporary street space occupancy for any purpose other than a building
16 construction operation, the fee shall be ~~\$95.48~~^{112.27} per day with no assessment cost. Unless
17 specified otherwise, such occupation is subject to all provisions of Sections 724 et seq.

18 (c) Nonprofit organizations with tax exempt status under the Internal Revenue Code
19 shall be exempt from payment of the fee where the street occupancy is necessary for the
20 development of low- and moderate-income *moderate income* housing as defined by the United
21 States Department of Housing and Urban Development.

22 (d) **Refund.** If a permittee elects to relinquish all or a portion of the occupied street
23 space prior to termination of the permit, the permittee may seek a refund of fees and
24 occupancy assessment from the Department. There shall be no fee charged for a refund
25 request. Refunds shall be issued based only on one-month increments.

24

1 **SEC. 724.7. TEMPORARY OCCUPANCY OF STREET – ADDITIONAL PERMIT**

2 **REQUIRED.**

3 (a) Any person seeking to close off more than the designated parking lane width, as
4 established in Section 724, and more than $\frac{1}{2}$ one-half of the official sidewalk width along the
5 boundary of the fronting property must apply for an additional temporary street occupancy
6 permit as provided for herein. A revocable permit for additional temporary street occupancy
7 shall not be issued unless an application therefor is made to the Director of Public Works, and
8 a fee and a public right-of-way assessment cost, as set forth in Section 724.8, are paid. The
9 content of applications shall be in accordance with the policies, rules, and regulations of the
10 Director of Public Works. All applications shall be on forms prescribed therefor and shall
11 contain or be accompanied by all information required to assure the presentation of pertinent
12 facts for proper consideration of the case. The application shall include both a reasonable
13 estimate of the duration of construction, and an explanation of why an additional temporary
14 street occupancy permit of the particular dimensions requested is necessary, and shall be
15 accompanied by a nonrefundable additional permit application fee of \$353833.13. Requests for
16 extensions of the original term shall be treated as new applications except that the application
17 fee shall be \$200471.51.

18 (b) No additional temporary street occupancy permit shall have a term of more than six
19 months nor less than one month from the date of issuance. At the end of the original term or
20 of any subsequent extension, the permittee may apply to the Director of Public Works for an
21 extension not to exceed six months in duration. The Director of Public Works, in his or her the
22 Director's discretion, may approve, conditionally approve, or disapprove the request for an
23 extension. Said decision will be appealable to the Board of Appeals.

24

25

(c) Applicants for additional street space shall make a written request for such permit no sooner than 30 days prior to initiation of the proposed occupation of additional street space.

(d) Notwithstanding the time period for occupancy and permit requests specified above, an additional street space permit may be obtained on a daily basis, but in no case shall such occupancy extend beyond a 2~~two~~-week term. The fee for such daily permits shall be \$50 per day with no assessment cost. An applicant shall make a written request for such daily permit no sooner than 3~~three~~ days prior to initiation of the proposed occupation of additional street space.

(e) Unless otherwise specified, all provisions of Sections 724 et seq. shall be applicable to additional street space occupancy.

SEC. 788. FEES.

(a) Fees, payable to the Department of Public Works, shall be assessed for investigating and processing the street vacation request filed under this Code. Said fees shall consist of an initial payment of \$2,500, paid at the time of filing an application for street vacation, plus an additional sum needed to equal the actual cost to Department of Public Works of checking the maps, plans and reports, and conducting an investigation incidental thereto. Nonprofit organizations with tax exempt status under the Internal Revenue Code, that have filed applications on or after January 1, 1985, shall be exempt from payment of the initial \$2,500 payment where the street vacation is necessary for the development of senior citizen housing.

~~(b) Payment of fees charged under this Code does not waive the fee requirements of other ordinances and rules and regulations pursuant thereto.~~

(c) *There is hereby created a Street Vacation Fund wherein all funds received under the provisions of this Section shall be deposited. All expenditures from the Fund shall be for engineering or*

1 ~~technical investigations and equipment directly related to the investigation and processing of the street~~
2 ~~vacation request filed under this Code, and all such expenditures are hereby appropriated for said~~
3 ~~purposes.~~

5 Section 3. Division I, Article 3, of the Subdivision Code is hereby amended by revising
6 Section 1315, to read as follows:

7 **SEC. 1315. FEES.**

8 (a) Fees, payable to the Department of Public Works, shall be charged for checking
9 and processing the maps, plans and reports, lot line adjustments, certificates of compliance,
10 amended maps, records of survey, certificates of correction, and other actions and
11 procedures set forth in California Government Code ~~§~~Section 66451.2. Said fees shall be due
12 at the time of filing an application. Failure to pay such fees shall result in a return of the
13 application as incomplete to the applicant. The fee schedule is as follows:

14 (1) Air Space (four lots or less) is ~~\$8,598.00~~16,969.79 with a fee of \$500.00 for
15 each additional lot;

16 (2) Lot Subdivision "Final Map", including Vesting Tentative/Final Subdivision Map,
17 and whether condominium conversion or new construction of five or more units or lots is
18 \$8,437.00~~16,651.90~~;

19 (3) Condominium Conversion of four units or less is ~~\$8,336.00~~16,452.18;

20 (4) Parcel Map new construction of four lots or less is ~~\$7,770.00~~15,335.44;

21 (5) Lot Merger Re-subdivision is \$6,943.00;

22 (6) Amended Map is ~~\$2,704.00~~5,337.92;

23 (7) Lot Line Adjustment is ~~\$2,704.00~~5,337.92;

24 (8) Lot Merger is \$2,581.00;

25 (9) Certificate of compliance is ~~\$2,139.00~~4,222.36;

- (10) Certificate of correction is \$2,139.004,222.36;
- (11) Record of survey is \$507.001,010.39;
- (12) Survey Monument Setting is \$3,100.00; *and*
- (13) Corner Record is \$35.03;
- (14) Incomplete Application Submittal is \$295.44;
- (15) Project Application Reinstatement is \$1,027.60;
- (16) Sidewalk Width Change or Street Vacation, minimum per block or less is \$4,043.46; *and*
- (17) Other actions not specified above, shall be based on actual costs that the Department incurs in administering and processing the action or procedure and shall be charged on a time and materials basis. The Department shall provide the applicant with a written estimate of said costs at the time of application, and the applicant shall pay such fees prior to the time that the application is deemed complete. To the extent that the estimated fees do not cover actual costs, any outstanding amount due shall be a condition of the Department's final decision on the action or procedure. To the extent that the estimated fees exceeded the actual costs, the Department shall refund the excess amount to the applicant within a reasonable period after the Department's final decision on the action or procedure.

(b) A fee of \$250 shall be charged to defray costs of an appeal under Section 1314 of this Code.

(c) Payment of fees charged under this Code does not waive the fee requirements of other ordinances and rules and regulations pursuant thereto.

(d) There is hereby created a Subdivision Fund wherein all funds received under the provisions of this Section 1315 shall be deposited. All expenditures from the Fund shall be for engineering or technical investigations and equipment directly related to the checking and

1 processing of the maps, plans, reports, and parcel map waivers filed under this Code, and all
2 such expenditures are hereby appropriated for said purposes.

3 **(e) Additional Fees.**

4 (1) In instances where administration or processing of any application, action, or
5 procedure is or will exceed the fee amount established pursuant to subsection (a), the
6 Director, *in his or her the Director's discretion*, may require an applicant or permittee to pay a
7 sum in excess of the subject fee amounts. This additional sum shall be sufficient to recover
8 actual costs that the Department incurs and shall be charged on a time and materials basis.
9 The Director also may charge for any time and materials costs that other agencies, boards,
10 commissions, or departments of the City, including the City Attorney's Office, incur in
11 connection with the processing or administration of a particular application, action, or
12 procedure. Whenever additional fees are or will be charged, the Director, upon request of the
13 applicant or permittee, shall provide in writing the basis for the additional fees or an estimate
14 of the additional fees to be charged.

15 * * * *

16
17 Section 4. Effective Date. This ordinance shall become effective 30 days after
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
20 of Supervisors overrides the Mayor's veto of the ordinance.

21
22 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3

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

6 By: /s/ John D. Malamut
7 JOHN D. MALAMUT
8 Deputy City Attorney

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25