

1 [Public Works Code – Fees for various permits.]

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3 **Ordinance amending Public Works Code Sections 2.1.1, 2.1.2, and 724.1 to update and**  
4 **codify various permit fees, including permits for café tables and chairs,**  
5 **commemorative plaques, debris boxes, driveways, minor sidewalk encroachments,**  
6 **pipe barriers, sidewalks, street encroachments, street improvements, temporary street**  
7 **space occupancy; and making environmental findings.**

8 Note: Additions are single-underline italics Times New Roman;  
9 deletions are ~~strikethrough italics Times New Roman~~.  
10 Board amendment additions are double underlined.  
11 Board amendment deletions are ~~strikethrough normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. The Planning Department has determined that the actions contemplated in  
14 this Ordinance are in compliance with the California Environmental Quality Act (California  
15 Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of  
16 the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

17 Section 2. The San Francisco Public Works Code is hereby amended by amending  
18 Sections 2.1.1 and 2.1.2, to read as follows:

19 SEC. 2.1.1. FEES.

20 Notwithstanding the permit fee provisions listed elsewhere in this Code, ~~the Director of~~  
21 ~~Public Works is authorized to establish a~~ the permit fee and assessment schedule for the permit  
22 categories and uses specifically listed below shall be:

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

25 (b) Tables and Chairs Permit pursuant to Article 5.2 (sections 176 et seq.): \$134.14  
administrative fee and inspection fee of \$7.28 per square foot of occupancy;

- 1 (c) Display Merchandise Permit pursuant to Article 5.3 (sections 183 et seq.): \$112.95  
2 administrative fee and inspection fee of \$7.34 per square foot of occupancy;
- 3 (d) Street Improvement Permit in an accepted or unaccepted right-of-way in order to  
4 satisfy requirements under sections 416, 706, 708, and 724.2: \$1010.03 permit fee;  
5 (i) Street Improvement Permit for Sidewalk Repair that is not the subject of a  
6 Departmental Notice to Repair: \$15.99 per 100 square feet permit fee;
- 7 (e) Special Sidewalk Permit pursuant to section 703.1: \$376.14 permit fee;
- 8 (f) Automobile Runway (Driveway) Permits (also known as curb reconfiguration permits)  
9 pursuant to sections 715 et seq.  
10 (i) Standard Permit: \$120.43 permit fee; and  
11 (ii) Over-wide Driveway Permit: \$969.30 permit fee;
- 12 (g) Pipe Barrier Permit pursuant to section 723.1  
13 (i) Standard Permit: \$969.30 permit fee; and  
14 (ii) Security Bollard Barrier: \$1943.80 permit fee;
- 15 (h) Minor Sidewalk Encroachment Permit (also known as a minor encroachment permit)  
16 pursuant to section 723.2  
17 (i) Standard Permit: \$938.39 permit fee, and, if applicable pursuant to Section  
18 723.2(m), the annual public right-of-way occupancy assessment fee; and  
19 (ii) Underground Storage Tank Abandonment: \$275.80 permit fee; and  
20 (iii) Underground Vault, which shall be comprised of (A) a permit fee of \$973.80  
21 and (B) an annual public right-of-way occupancy assessment cost fee of \$12.58 per 100-square  
22 feet foot of occupied space;  
23 (iv) Underground Vaults with validly issued permits prior to July 1, 2003 shall be  
24 subject to the annual occupancy assessment cost beginning January 1, 2004;  
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1 (i) Debris Box Permit pursuant to section 725

2 (i) 7-day Permit: \$83.12 permit fee; and

3 (ii) Annual Permit: \$551.62 permit fee;

4 (j) Street Encroachment Permit (also known as a major encroachment permit) pursuant to  
5 section 786: \$3643.66 permit fee and the annual public right-of-way occupancy assessment fee in  
6 Section 786.7;

7 (k) Commemorative Plaque Permit pursuant to section 789.2: \$1162.63 permit fee;

8 (l) If any of the abovementioned permits are associated with a Street Improvement Permit, the  
9 permit fee is the Street Improvement Permit fee plus \$133.20 for each additional permit unless the fee  
10 for said permit is less, in which case the additional fee is the lower permit fee amount;

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

13 (n) Under permit categories in subsections (e), (g), or (h)(i), if the permit is associated with a  
14 subdivision map approval, the permit fee is \$133.20 per permit.

#### 15 SEC. 2.1.2. FEE AND ASSESSMENT REVIEW AND ADJUSTMENT.

16 (a) Beginning with fiscal year ~~2004-2005~~2008-2009, the fees and occupancy  
17 assessment costs which are established for the permit categories and uses set forth in section  
18 2.1.1 for fiscal year ~~2003-2004~~2007-2008 may be adjusted each year, without further action by  
19 the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as  
20 determined by the Controller. No later than April 15th of each year, the Director shall submit  
21 the Department's current fees and occupancy assessment costs schedule to the Controller,  
22 who shall apply the price index adjustment to produce a new fee schedule and occupancy  
23 assessment for the following year. No later than May 15th of each year, the Controller shall  
24 file a report with the Board of Supervisors reporting the new fee schedule and occupancy  
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1 assessment and certifying that: (a) the fees produce sufficient revenue to support the costs of  
2 providing the services for which the fee is charged and (b) the fees do not produce revenue  
3 that exceeds the costs of providing the services for which each permit fee is charged.  
4 Notwithstanding the procedures set forth in this Section, the Board of Supervisors, in its  
5 discretion, may modify the fees or occupancy assessment costs by ordinance at any time.

6 Section 3. The San Francisco Public Works Code is hereby amended by amending  
7 Section 724.1, to read as follows:

8 SEC. 724.1. TEMPORARY OCCUPANCY OF STREET--FEES TO BE PAID.

9 (a) No permit shall be issued to a private or public entity for the temporary occupancy  
10 of the street for building construction operations unless a fee and public right-of-way  
11 occupancy assessment are paid. The fee shall be ~~\$10.45~~14.26, per month, per 20 linear feet,  
12 or fraction thereof, occupied as measured parallel with the face of curb. In addition to the fee,  
13 the permit applicant shall pay a public right-of-way occupancy assessment of ~~\$70.00~~72.74, per  
14 month, per 20 linear feet, or fraction thereof, occupied as measured parallel with the face of  
15 curb. For purposes of calculating fees and assessment costs, the Department shall use one-  
16 month increments even though the permittee may occupy for less than a one-month term.

17 (b) For temporary street space occupancy for any purpose other than a building  
18 construction operation, the fee shall be ~~\$50~~53.28 per day with no assessment cost. Unless  
19 specified otherwise, such occupation is subject to all provisions of Sections 724 et seq.

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

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

5 (e) Fee and Assessment Review. Beginning with fiscal year ~~2003-2004~~2008-2009, the  
6 permit fee and street occupancy assessment set forth in this Section may be adjusted each  
7 year, without further action by the Board of Supervisors, to reflect changes in the relevant  
8 Consumer Price Index, as determined by the Controller. No later than April 15th of each year,  
9 the Director shall submit its current fee and occupancy assessment schedule to the Controller,  
10 who shall apply the price index adjustment to produce a new fee schedule and occupancy  
11 assessment for the following year. No later than May 15th of each year, the Controller shall  
12 file a report with the Board of Supervisors reporting the new fee schedule and occupancy  
13 assessment and certifying that: (a) the permit fees produce sufficient revenue to support the  
14 costs of providing the services for which the permit fee is assessed, and (b) the permit fees do  
15 not produce revenue which is significantly more than the costs of providing the services for  
16 which each permit fee is assessed. Notwithstanding the above, the Board of Supervisors, in  
17 its discretion, may modify the street occupancy assessment at any time.

18 (f) Additional Fees. In instances where administration of this permit program or  
19 inspection of a street space occupancy is or will be unusually costly to the Department, the  
20 Director, in his or her discretion, may require an applicant or permittee to pay any sum in  
21 excess of the amounts charged above. This additional sum shall be sufficient to recover  
22 actual costs incurred by the Department and shall be charged on a time and materials basis.  
23 The Director also may charge for any time and materials costs incurred by other agencies,  
24 boards, commissions, or departments of the City in connection with the administration or  
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1 inspection of the street space occupancy. Whenever additional fees are charged, the Director,  
2 upon request of the applicant or permittee, shall provide in writing the basis for the additional  
3 fees and an estimate of the additional fees.

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APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
John D. Malamut  
Deputy City Attorney