

Amendment of the Whole
In Board
11/18/08

FILE NO. 081086

ORDINANCE NO.

1 [Public Works Code – annual right-of-way occupancy assessment fee for driveways.]

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3 **Ordinance amending the Public Works Code by amending Section 716 to establish an**
4 **annual public right-of-way occupancy assessment fee for the portion of an automobile**
5 **runway (driveway) that requires or required modification to the public right-of-way; and**
6 **making environmental findings.**

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

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

11 Section 1. Environmental Findings. The Planning Department has determined that the
12 actions contemplated in this Ordinance are in compliance with the California Environmental
13 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
14 on file with the Clerk of the Board of Supervisors in File No. 081086 and is incorporated
15 herein by reference.

16 Section 2. The San Francisco Public Works Code is hereby amended by amending
17 Section 716, to read as follows:

18 SEC. 716. PERMIT REQUIRED--FEE.

19 (a) It shall be unlawful for any person, firm or corporation to commence or proceed with
20 the construction of any such automobile runway within the City and County of San Francisco,
21 unless a permit therefor shall have been first obtained from the Department of Public Works,
22 unless the Director of Public Works decides that no permit is needed.

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1 Before the issuance of such permit the applicant therefor shall be required to pay to said
2 Department, as an inspection fee, the sum of \$60 per driveway.

3 (b) The public right-of-way occupancy assessment fee for an automobile runway (driveway),
4 whether permitted as specified in Sections 715-719, or unpermitted, shall be an annual fee of \$3.00 per
5 square foot of occupancy of the sidewalk or other public right-of-way space that was modified or is
6 proposed for modification to create the automobile runway(s) on the subject property. For purposes of
7 calculating the assessment fee, the Department shall charge no less than \$100.00 per year even though
8 the calculated square footage charge for the runway(s) may result in a smaller assessment fee. If the
9 fee for a residential parking permit were assigned to each runway on the subject property and such fee
10 is greater than the public right-of-way occupancy assessment fee, then the Department shall charge an
11 amount equivalent to a residential parking permit for each runway on the subject property. If a runway
12 bi-sects a property line, than the fee shall be equally allocated to each owner. Runways that are
13 reconstructed, but do not increase in size shall be exempt from the assessment fee. If a property is
14 condominium, then the fee shall be charged to the homeowners' association or equally allocated to
15 each owner of a condominium unit. Funds collected through this program shall be used for a variety of
16 street improvements within the Department's jurisdiction including but not limited to Americans with
17 Disabilities Act improvements such as curb ramps.

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

20 By: See file for signature
21 John D. Malamut
22 Deputy City Attorney

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