

1 [Public Works Code - Contractor Parking Plan]

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3 **Ordinance amending the Public Works Code to require a contractor parking plan as a**
4 **condition precedent for approval of excavation permits for major work that is 30**
5 **consecutive calendar days or longer and specified temporary street space occupancy**
6 **permits for construction work; adopting fees for review and inspection related to**
7 **contractor parking plans; and affirming the Planning Department’s determination under**
8 **the California Environmental Quality Act.**

9

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

13

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

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16 Section 1. Environmental Finding. The Planning Department has determined that the
17 actions contemplated in this ordinance comply with the California Environmental Quality Act
18 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with
19 the Clerk of the Board of Supervisors in File No. 150270 and is incorporated herein by
20 reference. The Board affirms this determination.

21

22 Section 2. The Public Works Code is hereby amended by revising Sections 2.4.20 and
23 724, to read as follows:

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1 **SEC. 2.4.20. ACTION ON APPLICATIONS FOR PERMITS TO EXCAVATE.**

2 (a) After receipt of an application for a permit to excavate, the Department, within a
3 reasonable time period, shall determine whether an application is complete.

4 (b) Any application for an excavation permit for major work that is 30 consecutive calendar
5 days or longer shall include a contractor parking plan. The plan shall include the following along with
6 an explanation to support the request for on- street parking:

7 (1) Number and total linear feet of on-street parking spaces that would be impacted;

8 (2) The number and total linear feet of parking spaces on side streets proposed for
9 staging and other construction purposes that would be impacted. The plan shall address the amount
10 and type of equipment placed on streets to be excavated and side streets. The plan also shall propose
11 solutions to stockpiling construction materials in locations other than the proposed permit area in
12 order to minimize impacted street area;

13 (3) The average number of employees anticipated each day at the work site;

14 (4) Timeline and phasing of the project, including the duration of each phase, and how
15 it will affect the number and total linear feet of on street parking spaces set aside for the excavation
16 project at each phase;

17 (5) A proposal to provide the Department with updates in writing, by phone, or an in-
18 person visit regarding any changes to the status of the project, on a regular basis as appropriate, but
19 no later than at the mid-point of the permit term or any extension thereof. If the permittee provides
20 updates by phone or in-person visit, the permittee shall provide this same information in writing to the
21 Department within two business days of the phone or in-person communication;

22 (6) Information about the availability of on-site or nearby parking garages or other off-
23 street parking opportunities in the vicinity. As part of this required information, the applicant shall
24 submit a list of all available public and private parking garages within a 300-foot radius of the project
25 limits and information on whether those garages include carpooling parking spaces. In addition, the

1 applicant shall specify if he/she contacted any off-street parking opportunities and the name and date of
2 such contact;

3 _____ (7) A proposal concerning opportunities for reducing parking demand in the vicinity of
4 the project site, such as car-pooling, van transportation, transit, or other off-site parking
5 arrangements;

6 _____ (8) A proposal on how the applicant will make the on-street parking available to the
7 general public if no work is scheduled and/or no equipment or material storage is required on the
8 street(s) or portion thereof by 4:00 pm if project work is complete for the day. The permittee shall
9 include this information in the courtesy notice to property owners required under Section 2.4.20(d)
10 below;

11 _____ (9) Any other information the Department or other affected City departments, such as
12 the Municipal Transportation Agency, deems valuable for understanding the impact of the project on
13 the neighborhood and neighborhood parking supply.

14 (c) Within a reasonable time period in advance of initiating excavation, the Public Utilities
15 Commission and Municipal Transportation Agency shall provide copies of their contractor parking
16 plan for their major excavation projects that are 30 consecutive calendar days or longer to the
17 Department for informational purposes only.

18 (d) The permittee shall mail a courtesy notice within five business days from the start of each
19 phase to all impacted fronting property owners. Said notice shall include information about the
20 number and linear feet of parking spaces that will be impacted and/or removed as well at a 24-hour, 7-
21 day per week contact for the project, including name and telephone number. For purposes of this
22 Subsection, "fronting property owner" shall mean a property owner that owns property along the
23 frontage where on-street parking will be impact and/or removed. If the fronting property owner is a
24 condominium project, the permittee need only mail the notice to the condominium association and the
25 building manager, if one exists, not each individual unit owner.

1 (e) If there is an emergency excavation as defined in Section 2.4.22 that also will be major
2 work that is 30 consecutive calendar days or longer, the excavator shall submit the contractor parking
3 plan to the Department no later than five business days after initiating the work.

4 (f) In no case shall a permittee impact 60 or more parking spaces or an area consisting of three
5 block segments, excluding intersections and side streets, at any one time for a single project.

6 (g) If the application is deemed to be incomplete, the Department promptly shall advise
7 the applicant in a written, electronic, or facsimile communication of the reasons for rejecting
8 the application as incomplete.

9 (h) If the application is deemed to be complete, the Department, in its discretion,
10 may deny, approve, or conditionally approve the application.

11 (i) If the application is approved or conditionally approved, the Department
12 shall issue a permit to the applicant. The Department may condition a permit with specified
13 requirements that preserve and maintain the public health, safety, welfare, and convenience.
14 The Department shall inform the permittee of the basis for such requirements.

15 (j) If the application is denied, the Department shall advise the applicant in a
16 written, electronic, or facsimile communication of the basis for denial.

18 **SEC. 2.4.41. ADMINISTRATIVE FEES.**

19 Each applicant shall pay to the Department a fee of \$66 for each permit issued for a
20 small excavation project, a fee of \$83 for each block contained in a medium excavation
21 project, or a fee of \$110 for each block contained in a large excavation project. Said fees shall
22 compensate the Department for the cost incurred to administer the provisions of this Article. If
23 the Director grants a permit extension or amendment pursuant to Sections 2.4.20.2 or
24 2.4.20.3, the permittee shall pay a fee of \$66 for any block for which the permit has been
25 extended or amended to cover the cost of additional permit review and administration. In

1 instances where a contractor parking plan is required, the applicant shall pay a non-refundable fee of
2 \$138.00 per permit for Departmental review of the plan. and an additional \$55.00 per permit each time
3 the permittee requests a modification to the permit that will impact on-street parking unless the
4 modified permit results in a reduction of the amount of on-street parking that is impacted.

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6 **SEC. 2.4.42. INSPECTION FEES.**

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

23
24 **SEC. 724. TEMPORARY OCCUPANCY OF STREET – PERMITS REQUIRED.**

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

5 (1) Material and equipment shall not occupy more than the designated parking
6 lane width and not more than ½ of the official sidewalk width along the boundary of the
7 fronting property unless permission is granted pursuant to Sections 724.7 and 724.8 for
8 temporary occupancy of additional street space. For purposes of this Subsection, material and
9 equipment shall mean only construction material used at the site, construction equipment,
10 vehicles bearing the logo or other identifying information so that the City could verify that it
11 belongs to the contractor or a subcontractor working at the site and refuse containers for
12 construction debris. For purposes of Section 724.1(b), material and equipment also shall
13 include any material or equipment related to the proposed use. For purposes of this
14 Subsection, parking lane width shall not exceed eight feet in width, and if such lane also is
15 designated as a commute lane, such lane may not be occupied unless permission is granted
16 pursuant to Sections 724.7 and 724.8 for temporary occupancy of additional street space.

17 (2) A minimum clearance of four feet must be maintained at all times to
18 accommodate pedestrian path of travel requirements. A minimum clearance of four feet, six
19 inches must be maintained at all times between the materials and equipment and the outer
20 rail of any railroad track. Clearance of materials from fire hydrants, fire alarm boxes and value
21 covers shall be as required by the Fire Department. Clearance of materials from traffic signal
22 controllers and pull boxes shall be as required by the Department of Public Works.

23 (3) All sand, dirt or other materials shall be prevented from being blown or
24 moved to other parts of the street, or from interfering with other property use. The gutters shall
25 not be obstructed.

1 (4) Lights, barriers, barricades, signs, cones, and other devices for pedestrian
2 and traffic safety, and other requirements shall be provided as set forth in Department of
3 Public Works orders or regulations.

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

7 (b) **Permit Applications.**

8 (1) An applicant for a permit shall submit to the Department a written request
9 for a permit no sooner than fifteen days prior to the initiation of the proposed occupation of
10 street space. The permit request shall specify the duration and extent of the proposed
11 occupancy and all other information as set forth in Departmental orders or regulations.

12 (2) A permit applicant also shall request in writing the basis for any proposed
13 modifications to standard permit requirements, such as extended hours of occupancy for the
14 storage of materials and equipment.

15 (3) Any application for a permit in any residential, Urban Mixed Use, PDR 1-D, PDR
16 1-G, and each named Neighborhood Commercial district as defined in the Planning Code that requests
17 more than one on-street parking space and a permit duration of three months or longer shall include a
18 contractor parking plan. The plan shall include the contractor parking plan information as required in
19 Public Works Code Section 2.4.20(b).

20 (4) The permittee shall mail a courtesy notice within five business days from the start of
21 each phase to all impacted fronting property owners. Said notice shall include information about the
22 number and linear feet of parking spaces that will be impacted and/or removed as well at a 24-hour, 7-
23 day per week contact for the project, including name and telephone number. For purposes of this
24 Subsection, "fronting property owner" shall mean a property owner that owns property along the
25 frontage where on-street parking will be impact and/or removed. If the fronting property owner is a

1 condominium project, the permittee need only mail the notice to the condominium association and not
2 each individual unit owner.

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

6 (a) No permit shall be issued to a private or public entity for the temporary
7 occupancy of the street for building construction operations unless a fee and public right-of-
8 way occupancy assessment are paid. The fee shall be \$15.42, per month, per 20 linear feet,
9 or fraction thereof, occupied as measured parallel with the face of curb. In addition to the fee,
10 the permit applicant shall pay a public right-of-way occupancy assessment of \$100.00, per
11 month, per 20 linear feet, or fraction thereof, occupied as measured parallel with the face of
12 curb. For purposes of calculating fees and assessment costs, the Department shall use one-
13 month increments even though the permittee may occupy for less than a one-month term. In
14 instances where a contractor parking plan is required, the applicant shall pay the following non-
15 refundable fees:

16 (1) an administrative fee of \$135.00 per permit for Departmental review of the plan, and an
17 additional \$55.00 each time the permittee requests a modification to the permit that will impact on-
18 street parking unless the permit results in a reduction of the amount of on-street parking that is
19 impacted; and

20 (2) an inspection fee of \$446.00 per permit for Departmental inspection regarding
21 implementation of the plan and per modified permit unless the modified permit results in a reduction of
22 the amount of on-street parking that is impacted.

23 * * * *

1 Section 3. Uncodified. Annual Report Requirement. Within one year of the effective
2 date of this legislation, and each year thereafter no later than July 1, Public Works shall submit
3 a report to the Clerk of the Board of Supervisors that evaluates the contractor parking plan
4 program, including an assessment of whether the program affected on-street parking
5 availability.

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7 Section 4. Effective and Operative Dates. This ordinance shall become effective 30
8 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
9 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
10 or the Board of Supervisors overrides the Mayor’s veto of the ordinance. The operative date
11 of this ordinance shall be 90 days after it is effective.

12
13 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the “Note” that appears under
18 the official title of the ordinance.

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

23 By: _____
24 John D. Malamut
25 Deputy City Attorney

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