

1 [Public Works - Temporary Street Occupancy Fees]

2

3 **Ordinance amending the San Francisco Public Works Code Section 724.1 to modify monthly fees for**
4 **temporary street occupancy for construction and daily fees for temporary street occupancy unrelated to**
5 **construction; and making environmental findings.**

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

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

10 Section 1. The Planning Department has determined that the actions contemplated in this Ordinance
11 are in compliance with the California Environmental Quality Act (California Public Resources Code Sections
12 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110709 and is
13 incorporated herein by reference.

14 Section 2. The San Francisco Public Works Code is hereby amended by amending Section 724.1 to
15 read as follows:

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

17 (a) No permit shall be issued to a private or public entity for the temporary occupancy of the street
18 for building construction operations unless a fee and public right-of-way occupancy assessment are paid. The
19 fee shall be ~~\$14.26~~15.42, per month, per 20 linear feet, or fraction thereof, occupied as measured parallel with the
20 face of curb. In addition to the fee, the permit applicant shall pay a public right-of-way occupancy assessment of
21 ~~\$72.74~~100.00, per month, per 20 linear feet, or fraction thereof, occupied as measured parallel with the face of
22 curb. For purposes of calculating fees and assessment costs, the Department shall use one-month increments
23 even though the permittee may occupy for less than a one-month term.

24

25

1 (b) For temporary street space occupancy for any purpose other than a building construction
2 operation, the fee shall be ~~\$53.2856.76~~ 57.62 per day with no assessment cost. Unless specified otherwise, such
3 occupation is subject to all provisions of Sections 724 et seq.

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

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

11 (e) Fee and Assessment Review. Beginning with fiscal year ~~2008-2009~~ 2012-2013, the permit fee and
12 street occupancy assessment set forth in this Section may be adjusted each year, without further action by the
13 Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller.
14 No later than April 15th of each year, the Director shall submit its current fee and occupancy assessment
15 schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule and
16 occupancy assessment for the following year. No later than May 15th of each year, the Controller shall file a
17 report with the Board of Supervisors reporting the new fee schedule and occupancy assessment and certifying
18 that: (a) the permit fees produce sufficient revenue to support the costs of providing the services for which the
19 permit fee is assessed, and (b) the permit fees do not produce revenue which is significantly more than the costs
20 of providing the services for which each permit fee is assessed. Notwithstanding the above, the Board of
21 Supervisors, in its discretion, may modify the street occupancy assessment at any time.

22 (f) Additional Fees. In instances where administration of this permit program or inspection of a
23 street space occupancy is or will be unusually costly to the Department, the Director, in his or her discretion, may
24 require an applicant or permittee to pay any sum in excess of the amounts charged above. This additional sum
25 shall be sufficient to recover actual costs incurred by the Department and shall be charged on a time and

1 materials basis. The Director also may charge for any time and materials costs incurred by other agencies,
2 boards, commissions, or departments of the City in connection with the administration or inspection of the street
3 space occupancy. Whenever additional fees are charged, the Director, upon request of the applicant or
4 permittee, shall provide in writing the basis for the additional fees and an estimate of the additional fees.

5

6

7

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

10 By: _____
11 John D. Malamut
12 Deputy City Attorney

13

14

15

16

17

18

19

20

21

22

23

24

25