

LEGISLATIVE DIGEST

[Public Works Code - Street Space Occupancy Permits]

Ordinance amending the Public Works Code to place additional limits on the duration of street space occupancy permits, and to limit the number of such permits including permit extensions that can be issued at the same address during a three-year period in Residential, Urban Mixed-Use, and Neighborhood Commercial Districts, and precluding the issuance of such permits at the same address for two years after that three-year period; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Public Works Code Section 724 regulates occupancy of part of the street or sidewalk by the owner or lessee of a fronting property for building construction operations or other purposes. A street space occupancy permit issued by the Director of Public Works, which is appealable to the Board of Appeals, is required for such occupancy. The permit, which has a maximum term of six months but may be extended, entitles the permittee to occupy the specified street space for a period of no longer than 7:00 a.m. to 6:00 p.m. seven days a week for the term of the permit.

The Director of Public Works has the discretion to approve, deny, modify, or revoke a street space occupancy permit. The Director may also impose conditions on the permit in order to minimize neighborhood impacts. However, there is no limit on the number of street space occupancy permits or permit extensions that can be granted for the same address.

Amendments to Current Law

Section 724 of the Public Works Code is amended to provide that the duration of a street space occupancy permit for building construction operations, including any permit extensions, cannot be longer than the Building Code allows for completion of work under the original building or site permit. The Director of Public Works may not grant an extension of a street space occupancy permit without confirmation by the Department of Building Inspection or other proof satisfactory to the Director that there is ongoing work on the site under an active building or site permit, and the total duration of any permit extensions may not exceed 12 months. If the Department of Building Inspection extends the original building or site permit or the 12-month limit on permit extensions has been reached, a new street space occupancy permit that is appealable to the Board of Appeals is required for continued occupancy of the street or sidewalk. The Department of Building Inspection's extension of the building or site permit is not binding on the Director of Public Works; it is within the Director's discretion whether to approve, approve with conditions, or deny a new street space occupancy permit.

A limit on the number of street space occupancy permits and permit extensions for the same address for any purpose is imposed in any Residential, Urban Mixed Use, named

Neighborhood Commercial, or named Neighborhood Commercial Transit Districts, as those districts are defined in the Planning Code. In those districts, the Director of Public Works may not grant more than six such permits or permit extensions within a continuous three-year period for the same address. After expiration of this three-year time limit, the Director may not grant a new street space occupancy permit or an extension of a permit for a period of two years thereafter. These time limits are retroactive and apply to existing permits whether or not there is ongoing work at the site under an active building or site permit. However, the Director may grant a one-time extension for a period of no longer than three months if the permit applicant demonstrates to the satisfaction of the Director, and the Department of Building Inspection confirms, that a building project at the site will receive its final inspection and sign off within the extension of time granted.

Background Information

The occupancy of part of a street or sidewalk can be very disruptive in neighborhoods where people live and shop, especially in cases where there are one or more building construction projects that go on for long, continuous periods of time. The proposed amendments to the street space occupancy regulations balance the needs of owners or lessees to occupy temporarily street or sidewalk space in front of their property with the needs of other residents or visitors to the area

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