

1 [Public Works - Temporary Street Occupancy Fees]

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3 **Ordinance amending the San Francisco Public Works Code, Article 15, by amending**  
4 **Section 724.1 to modify monthly fees for temporary street occupancy for construction**  
5 **and daily fees for temporary street occupancy unrelated to construction; and making**  
6 **environmental findings.**

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

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

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

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

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

19 (a) No permit shall be issued to a private or public entity for the temporary  
20 occupancy of the street for building construction operations unless a fee and public right-of-  
21 way occupancy assessment are paid. The fee shall be ~~\$14.26~~15.42, per month, per 20 linear  
22 feet, or fraction thereof, occupied as measured parallel with the face of curb. In addition to the  
23 fee, the permit applicant shall pay a public right-of-way occupancy assessment of  
24 ~~\$72.74~~100.00, per month, per 20 linear feet, or fraction thereof, occupied as measured parallel  
25 with the face of curb. For purposes of calculating fees and assessment costs, the Department

1 shall use one-month increments even though the permittee may occupy for less than a one-  
2 month term.

3 (b) For temporary street space occupancy for any purpose other than a building  
4 construction operation, the fee shall be ~~\$53.28~~56.76 per day with no assessment cost. Unless  
5 specified otherwise, such occupation is subject to all provisions of Sections 724 et seq.

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

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

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

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

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

18 By: \_\_\_\_\_  
19 John D. Malamut  
20 Deputy City Attorney  
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