

1 [Public Works Code Short-term Occupancy of Right-of-Way.]

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3 **Ordinance amending Public Works Code Section 724 concerning temporary occupancy**
4 **of the public right-of-way to adopt special conditions for occupation of seven days or**
5 **less.**

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strikethrough 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 San Francisco Public Works Code is hereby amended by amending
11 Section 724, to read as follows:

12 **SEC. 724. TEMPORARY OCCUPANCY OF STREET - PERMITS REQUIRED.**

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

17 (1) Material and equipment shall not occupy more than the designated
18 parking lane width and not more than 1/2 of the official sidewalk width along the boundary of
19 the fronting property unless permission is granted pursuant to Sections 724.7 and 724.8 for
20 temporary occupancy of additional street space. For purposes of this Subsection, material
21 and equipment shall mean only construction material used at the site, construction equipment,
22 vehicles bearing the logo or other identifying information so that the City could verify that it
23 belongs to the contractor or a subcontractor working at the site and refuse containers for
24 construction debris. For purposes of Section 724.1(b), material and equipment also shall
25 include any material or equipment related to the proposed use. For purposes of this

1 Subsection, parking lane width shall not exceed eight feet in width, and if such lane also is
2 designated as a commute lane, such lane may not be occupied unless permission is granted
3 pursuant to Sections 724.7 and 724.8 for temporary occupancy of additional street space.

4 (2) A minimum clearance of four feet must be maintained at all times to
5 accommodate pedestrian path of travel requirements. A minimum clearance of four feet, six
6 inches must be maintained at all times between the materials and equipment and the outer
7 rail of any railroad track. Clearance of materials from fire hydrants, fire alarm boxes and valve
8 covers shall be as required by the Fire Department. Clearance of materials from traffic signal
9 controllers and pull boxes shall be as required by the Department of Public Works.

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

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

16 (5) For purposes of Sections 724 et seq., building construction operations
17 shall include all work related to the construction, demolition, maintenance, repair, or
18 replacement of a building or real property, or work related to public right-of-way obligations
19 imposed pursuant to the Public Works Code or a permit issued thereunder.

20 (b) Permit Applications.

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

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

4 (c) Permit Decisions.

5 (1) The Director of the Department, in his or her discretion, may approve,
6 conditionally approve, or disapprove a street space occupancy permit. When issuing permits,
7 permit modifications or extending the duration of permits, the Director may impose any
8 conditions consistent with the public health, safety, welfare, and convenience, including, but
9 not limited to, appropriate time, place, and manner restrictions and considerations to minimize
10 neighborhood impacts. If the Director of the Department approves or conditionally approves a
11 permit, said permit shall be issued on a monthly basis with a minimum term of one month and
12 a maximum term of six months. In the absence of special conditions, a permit shall entitle the
13 permittee to occupy the specified street space for a period no longer than 7:00 a.m. - 6:00
14 p.m., seven days a week for the term of the permit.

15 (2) Appeals. The Director's decision on a permit shall be appealable to the
16 Board of Appeals.

17 (d) Permit Modification.

18 (1) On seven days prior written notice to the Department, a permittee may
19 seek to modify any terms or conditions of an existing valid permit except to extend the
20 duration of a permit pursuant to Subsection (e) or to obtain an additional street space
21 occupancy pursuant to Section 724.7 and 724.8.

22 (2) A request for a permit modification shall be accompanied by a \$50.00
23 processing fee.

24 (e) Permit Extension.

1 (1) No later than fifteen days prior to expiration of a permit, a permittee may
2 request in writing that a permit extension be granted to extend the duration of the street space
3 occupancy.

4 (2) The Director shall treat a permit extension request like a new permit, and
5 the Director, in his or her discretion, may issue or deny the extension or impose new or
6 modified conditions on the permit extension.

7 (f) All street occupancy permits are revocable at the will of the Director. In
8 addition, when, in the judgment of the Director of Public Works, the public interest or
9 convenience will be served by the removal of the dirt, debris, materials and equipment or any
10 portion thereof from the street or sidewalk space, the Director shall modify, condition, or
11 revoke the permit accordingly.

12 (g) The following provisions shall apply to permits for building construction
13 operations that occupy the street or sidewalk for seven days or less:

14 (1) The Director, in his or her discretion, may waive or substitute the placard
15 requirements of Section 724.3(a); provided, however, that the sign requirements of Section 724.3(b)
16 shall be satisfied.

17 (2) In addition to the provisions of Subsection (1), the Director, in his or her
18 discretion, may waive or substitute the 72-hour advance posting requirement for signs set forth in
19 Section 724.3(b); provided, however, that the signs must be posted no later than the initiation of the
20 occupancy. In all cases where sign posting occurs less than 72 hours in advance of the occupancy, the
21 permittee shall have no right to request tows from that location unless and until the Department verifies
22 that a sign has been posted for at least 72 hours.

23 (3) An applicant may make a written request for the posting options specified in
24 Subsections (1), (2), or both no sooner than 72 hours prior to any permitted occupancy. Such requests
25 may be for one or more proposed occupancy locations.

1 (4) Notwithstanding the submission requirements of Section 724(b), applicants for
2 permits under this Subsection (g) may apply for a permit no sooner than 48 hours in advance of the
3 proposed occupation; provided, however, that applications submitted after the close of business or
4 during a holiday will not be addressed until business resumes. Within 24 hours of the applicant's
5 request to occupy street space at a particular location, the Director shall post a decision regarding
6 said permit application on the Department's database. The Director's decision, where applicable, may
7 specify conditions to the permit issuance. No permit issued pursuant to this Subsection shall be deemed
8 valid until the date that the Director's decision is posted on the Department's Occupancy database.
9 The Department shall make such permit information available to the general public through the Street
10 Occupancy Telephone Access number (hotline)

11 (5) All other provisions of Sections 724 et seq. and the rules and regulations adopted
12 thereunder shall apply to such occupancy.

13 (h) Notwithstanding the provisions of Subsection (g), if the building construction
14 operations occupy the street or sidewalk for a single day between the hours of 7:00 AM and 6:00 PM
15 and building construction work related to such operations does not require permit approval from the
16 Department of Public Works or the Department of Building Inspection, then the following provisions
17 shall apply:

18 (1) The requirements under Sections 724 et seq. to obtain a permit, post placards
19 and signs, and pay permit fees and assessment costs are waived.

20 (2) All other provisions of Sections 724 et seq. and the rules and regulations adopted
21 thereunder shall apply to such occupancy, including, but not limited to, the provisions of Section 724.9,
22 defense and indemnification of the City, even though no permit is required.

1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3 By: _____
4 John D. Malamut
5 Deputy City Attorney
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