

1 [Public Works Code - Encroachment Permit and Occupancy Fee Waivers - Harry Street Steps
2 Waste Bin Enclosure]

3 **Ordinance waiving the street encroachment permit fee and annual public right-of-way**
4 **occupancy fee for a project sponsor to install and maintain a waste bin enclosure on**
5 **the sidewalk adjacent to the Harry Street Steps at the intersection of Laidley and Harry**
6 **Streets in the Upper Noe and Diamond Heights neighborhood; and affirming the**
7 **Planning Department's determination under the California Environmental Quality Act.**

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

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

16 Section 1. General Background and Findings.

17 (a) The Harry Street Steps are a unique and valued public stairway that highlight San
18 Francisco's natural beauty and serve as an important pedestrian connection between the
19 Upper Noe and Diamond Heights neighborhoods. The Harry Street Steps are a public
20 stairway that consists of approximately 230 steps covering the entire length of Harry Street
21 between Laidley and Beacon Streets.

22 (b) For many years, residents living along the Harry Street Steps have been required
23 to carry refuse, recycling, and compost containers up and down more than 100 steps to and
24 from the street level on waste collection days. At times, Recology sanitation workers also
25 have accessed the stairway at approximately 5:30 a.m., climbing up more than 100 steps to

1 retrieve refuse, recycling, and compost containers. Navigating the stairs to retrieve the
2 refuse, recycling, and compost bins creates operational, accessibility, and safety challenges.

3 (c) San Francisco Public Works has worked collaboratively with residents and
4 stakeholders to identify a solution that supports public health, sanitation services, and
5 neighborhood livability. As a result of this collaboration, Public Works is prepared to issue an
6 encroachment permit for the installation of a waste bin enclosure structure located on the
7 Laidley Street sidewalk. Diagrams of the proposed enclosures are on file with the Clerk of the
8 Board of Supervisors in File No. _____.

9 (d) To improve safety and efficiency, residents living at the base of the Harry Street
10 Steps have agreed to the proposed use of sidewalk space in front of their properties for the
11 installation of a waste bin enclosure structure that can accommodate two waste bins. Such
12 use of the sidewalk requires an encroachment permit issued under the Public Works Code.

13 (e) Through this ordinance, the Board of Supervisors waives the applicable sidewalk
14 encroachment permit fees and any associated annual public right-of-way occupancy
15 assessment fees in order to support a project that serves a clear public purpose and improves
16 public convenience.

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18 Section 2. Environmental Findings.

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

1 Section 3. Waiver of Public Works Encroachment Permit Fees and Associated Public
2 Right-of-Way Occupancy Assessment Fees for the Harry Street Steps Waste Bin Enclosure.

3 In recognition of the benefits to the community of the Harry Street Steps waste bin
4 receptacle enclosure, the Board of Supervisors hereby waives any permit fees associated
5 with any encroachment permit issued under Article 15 of the Public Works Code as well as
6 any applicable annual public right-of-way occupancy assessment fee as set forth in Public
7 Works Code Sections 2.1.1 et seq. for the project. Public Works estimates that the
8 approximate amount of fees to be waived would be a one-time encroachment permit fee of
9 \$1,989.00 and an annual occupancy assessment fee of \$250.00.

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11 Section 4. Effective Date. This ordinance shall become effective on the 31st day after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board
14 of Supervisors overrides the Mayor’s veto of the ordinance.

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16 APPROVED AS TO FORM:
17 DAVID CHIU, City Attorney

18 By: /s/ Christopher T. Tom
19 CHRISTOPHER T. TOM
20 Deputy City Attorney

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