

1 [Sidewalk Width Changes - Establishing a Streamlined Process for Certain Changes]

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3 **Ordinance: 1) amending Ordinance No. 1061 to grant authorization to the Director of**
4 **the Public Works Department to approve certain changes to official sidewalk widths, as**
5 **specified herein, that would streamline reviews and approvals for such changes and**
6 **ensure consistency with the General Plan; 2) establishing fees for processing**
7 **administrative sidewalk width changes; 3) adopting environmental findings; and 4)**
8 **authorizing official acts in connection with this Ordinance.**

9 Note: Additions are single-underline italics Times New Roman;
10 deletions are ~~strikethrough italics Times New Roman~~.
11 Board amendment additions are double underlined.
12 Board amendment deletions are ~~strikethrough normal~~.

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

14 Section 1. Findings.

15 (a) On March 10, 2006, the City and County of San Francisco adopted Ordinance No.
16 33-06, the Better Streets Policy, for designing streets in keeping with the Urban Design
17 Element, Transportation and other Elements and Area Plans of the City's General Plan, the
18 City's Transit-First Policy, and best practices in environmental planning and pedestrian
19 oriented, multi-modal street design. A copy of this Ordinance is on file with the Clerk of the
20 Board of Supervisors in File No. 051715 and is incorporated herein by reference.

21 (b) On December 7, 2010, the Board of Supervisors approved Ordinance Nos. 309-10
22 and 310-10, adopting the Better Streets Plan, City General Plan amendments related thereto,
23 and regulations governing its implementation by all City Departments with jurisdiction over
24 public rights-of-way and certain private development projects. Copies of these Ordinances
25 and the Better Streets Plan are on file with the Clerk of the Board of Supervisors in File Nos.
101193 and 101194 and are incorporated herein by reference. The Better Streets Plan

1 established a unified set of standards, guidelines, and implementation strategies to govern
2 how the City designs, builds, and maintains its pedestrian environment. The Better Streets
3 Plan describes a vision for the future of San Francisco's pedestrian environment and is
4 intended to result in adoption of a set of citywide streetscape and pedestrian policies and
5 guidelines to help accomplish this vision. The Plan seeks to balance the needs of all City
6 street users. Accordingly, the Plan identifies goals, objectives, policies and design guidelines,
7 as well as future strategies to improve the pedestrian environment in San Francisco.

8 (c) It is the policy of the City and County of San Francisco General Plan to encourage
9 widened sidewalks (bulb-outs) in areas of high pedestrian volume and in downtown areas
10 where wider sidewalks adjacent to office buildings, multi-unit residential structures and/or
11 other buildings that generate high pedestrian volumes can provide additional pedestrian
12 space that may create a plaza-like atmosphere, with café seating, landscaping, and/or other
13 pedestrian-friendly improvements.

14 (d) Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width of
15 Sidewalks," a copy of which is in the Clerk of the Board of Supervisors Book of General
16 Ordinances, in effect May 11, 1910, established sidewalk widths for many of the public right-
17 of-ways throughout the City and County of San Francisco. Since the initial adoption of this
18 Ordinance, the City processed all requests for official sidewalk width changes, including minor
19 alterations such as bulb-outs as amendments to said Ordinance. This resulted in a very
20 lengthy legislative process and often led to delays for various public and private improvement
21 projects and developments.

22 (e) The City and County of San Francisco is currently the only municipality in the State
23 that requires approval by the Board of Supervisors for all changes to official sidewalk widths.
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1 (f) Under the streamlined sidewalk width change review procedure set forth in this
2 legislation, the Director of the Department of Public Works (DPW) and the City Engineer could
3 administratively approve (1) widened sidewalk bulbs, (2) corner bulbs, and (3) sidewalk
4 widening not in excess of one linear block, subject to first obtaining approval from all affected
5 City agencies.

6 (g) In accordance with this streamlined procedure, DPW would refer plans for the
7 abovementioned sidewalk width changes to all affected City agencies, including the Planning
8 Department, for their approval. The Planning Department would review such plans and
9 determine whether a particular sidewalk width change is consistent with applicable plans,
10 including the General Plan.

11 (h) In making its determination, the Planning Department, to the maximum extent
12 practicable subject to applicable law, shall rely on: (1) the General Plan or (2) the General
13 Plan consistency findings adopted as part of: (A) the Better Streets Plan, (B) approved
14 neighborhood streetscape plans, or (C) other Planning Department or Planning Commission
15 approvals associated with a project or plan that addressed the sidewalk width change.

16 (i) Notwithstanding Subsection (h) above, in instances where the Planning Department
17 determines that an individual sidewalk widening project presents potential conflicts with the
18 General Plan, the Better Streets Plan, an approved neighborhood streetscape plans, or other
19 Planning Department or Planning Commission approvals associated with a project or plan that
20 addressed the sidewalk width change, the Planning Department may: (1) find the proposal
21 inconsistent with the General Plan or (2) subject the proposal to the General Plan referral
22 process in accordance with the San Francisco Charter Section 4.105 and Administrative Code
23 Section 2A.53. To the extent an applicant is subject to Subsection (i)(2) above, the payment
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1 of fees to the Planning Department shall be reduced by the portion of Planning Department
2 fees identified in this Ordinance.

3 (j) This streamlined procedure will allow for more expedient and efficient approval of
4 the type of minor sidewalk width changes that implement the Policies contained in the General
5 Plan, the Better Streets Plan, the City's Transit-First Policy, and various neighborhood
6 streetscape plans.

7 (k) As occurs under existing procedures and in accordance with San Francisco
8 Charter Section 4.105 and Administrative Code Section 2A.53, DPW would continue to refer
9 all other proposals to change sidewalks and public right-of-ways to affected City agencies and
10 the Planning Department for General Plan consistency determinations. After obtaining such
11 approvals, DPW would prepare an Ordinance for Board of Supervisors approval of the
12 sidewalk width change and such change would not be final and effective until the Board of
13 Supervisors approves said Ordinance.

14 (l) The Planning Department has completed environmental review of this Ordinance
15 pursuant to the California Environmental Quality Act ("CEQA"), California Public Resources
16 Code Sections 21000 et seq. and Chapter 31 of the San Francisco Administrative Code.
17 Documentation of that review is on file with the Clerk of the Board of Supervisors in File No.
18 111281 and is incorporated herein by reference.

19 (m) In DPW Order No. 179,900, approved January 30, 2012,
20 the Director of DPW (the Director) and the City Engineer, in conjunction with the Director of
21 the Planning Department, certify that the guidelines for streamlining official sidewalk width
22 changes are in conformance with the Bettebor Streets Policy, the Better Streets Plan, the
23 Downtown Streetscape Plan, the Rincon Hill Streetscape Plan and other applicable
24 neighborhood streetscape plans, DPW standard Plans and Specifications, California State
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1 Title 24, and Americans with Disabilities Act Accessibility Guidelines (ADAAG). A copy of the
2 DPW Order is on file with the Clerk of the Board of Supervisors in File No. 111281
3 and is incorporated by reference herein.

4 Section 2. (a) Notwithstanding the historical practice established to implement and
5 amend sidewalk width changes in Board of Supervisors Ordinance No. 1061, entitled
6 "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the Board of
7 Supervisors Book of General Ordinances, in effect May 11, 1910, the Board of Supervisors
8 hereby amends Ordinance No. 1061 to authorize the Director of the Department of Public
9 Works and City Engineer to administratively approve the following sidewalk width changes
10 without the need to amend Ordinance No. 1061:

- 11 (1) widened sidewalk bulbs,
12 (2) corner bulbs, and
13 (3) sidewalk widening not in excess of one linear block.

14 (b) Prior to any such sidewalk width change, the Director of the Department of Public
15 Works shall obtain approval from all affected City agencies and a General Plan consistency
16 determination from the Planning Department.

17 (c) In making its determination, the Planning Department, to the maximum extent
18 practicable subject to applicable law, shall rely on: (1) the General Plan or (2) the General
19 Plan consistency findings adopted as part of: (A) the Better Streets Plan, (B) approved
20 neighborhood streetscape plans, or (C) other Planning Department or Planning Commission
21 approvals associated with a project or plan that addressed the sidewalk width change.

22 (d) Notwithstanding Subsection (c) above, in instances where the Planning
23 Department determines that an individual sidewalk widening project presents potential
24 conflicts with the General Plan, the Better Streets Plan, an approved neighborhood
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1 streetscape plans, or other Planning Department or Planning Commission approvals
2 associated with a project or plan that addressed the sidewalk width change, the Planning
3 Department may: (1) find the proposal inconsistent with the General Plan or (2) subject the
4 proposal to the General Plan referral process in accordance with the San Francisco Charter
5 Section 4.105 and Administrative Code Section 2A.53. To the extent an applicant is subject
6 to Subsection (d)(2), the payment of fees to the Planning Department shall be reduced by the
7 portion of Planning Department fees identified in this Ordinance.

8 Section 3. In furtherance of the administrative procedure for approving certain
9 sidewalk width changes as set forth in this Ordinance, the Board of Supervisors directs the
10 Department of Public Works to record any sidewalk width changes approved through this
11 procedure in the City's Official Records of sidewalk width changes.

12 Section 4. The San Francisco Public Works Code is hereby amended by amending
13 Section 2.1.1, to read as follows:

14 **SEC. 2.1.1. FEES.**

15 Notwithstanding the permit fee provisions listed elsewhere in this Code, the permit fee
16 and assessment schedule for the permit categories and uses specifically listed below shall be:

17 (a) Street Flower Market Permit pursuant to Article 5 (Sections 155 et seq.):
18 \$103.36 administrative fee and inspection fee of \$6.75 per square foot of occupancy;

19 (b) Tables and Chairs Permit pursuant to Article 5.2 (Sections 176 et seq.):
20 administrative fee of \$52.00 for permit renewal without prior Department enforcement action
21 and \$104.00 for new permits or permit renewal resulting from prior Department enforcement
22 action; and inspection fee of \$4.80 per square foot of occupancy for renewal permits without
23 prior Departmental enforcement action, \$5.67 per square foot of occupancy for new permits,
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1 and \$6.77 per square foot of occupancy for permit renewal resulting from prior Departmental
2 enforcement action;

3 (c) Display Merchandise Permit pursuant to Article 5.3 (Sections 183 et
4 seq.): \$112.95 administrative fee and inspection fee of \$7.34 per square foot of occupancy;

5 (d) Street Improvement Permit in an accepted or unaccepted right-of-way in
6 order to satisfy requirements under Sections 416, 706, 708, and 724.2: \$1010.03 permit fee;

7 (i) Street Improvement Permit for Sidewalk Repair that is not the
8 subject of a Departmental Notice to Repair: \$15.99 per 100 square feet permit fee;

9 (e) Special Sidewalk Permit pursuant to Section 703.1: \$376.14 permit fee;

10 (f) Automobile Runway (Driveway) Permits (also known as Curb
11 Reconfiguration Permits) pursuant to Sections 715 et seq.

12 (i) Standard Permit: \$120.43 permit fee; and

13 (ii) Over-wide Driveway Permit: \$969.30 permit fee;

14 (g) Pipe Barrier Permit pursuant to Section 723.1

15 (i) Standard Permit: \$969.30 permit fee; and

16 (ii) Security Bollard Barrier: \$1,943.80 permit fee;

17 (h) Minor Sidewalk Encroachment Permit (also known as a Minor
18 Encroachment Permit) pursuant to Section 723.2

19 (i) Standard Permit: \$938.39 permit fee, and, if applicable pursuant to
20 Section 723.2(m), the annual public right-of-way occupancy assessment fee;

21 (ii) Underground Storage Tank Abandonment: \$275.80 permit fee;

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1 (iii) Underground Vault, which shall be comprised of (A) a permit fee of
2 \$973.80 and (B) an annual public right-of-way occupancy assessment fee of \$12.58 per
3 square foot of occupied space;

4 (i) Debris Box Permit pursuant to Section 725

5 (i) 7-day Permit: \$83.12 permit fee; and

6 (ii) Annual Permit: \$551.62 permit fee;

7 (j) Street Encroachment Permit (also known as a Major Encroachment
8 Permit) pursuant to Section 786: \$3,643.66 permit fee and the annual public right-of-way
9 occupancy assessment fee in Section 786.7;

10 (k) Commemorative Plaque Permit pursuant to Section 789.2: \$1,162.63
11 permit fee;

12 (l) If any of the abovementioned permits are associated with a Street
13 Improvement Permit, the permit fee is the Street Improvement Permit fee plus \$133.20 for
14 each additional permit unless the fee for said permit is less, in which case the additional fee is
15 the lower permit fee amount;

16 (m) Under permit categories in Subsections (d), (e), or (f), if the permit is
17 associated with a Department of Public Works Notice to Repair, the permit fee is \$330.32 per
18 permit; *and*

19 (n) Under permit categories in Subsections (e), (g), or (h)(i), if the permit is
20 associated with a subdivision map approval, the permit fee is \$133.20 per permit.; *and*

21 (o) Sidewalk width change fee: \$3,875.00, with \$1,375.00 of this fee allocated to the
22 Planning Department for its review.

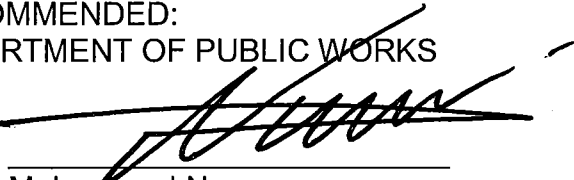
23 Section 5. The Board of Supervisors hereby authorizes and directs the Director of the
24 Department of Public Works to take any and all actions that he or she or the City Attorney
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1 may deem necessary or advisable in order to effectuate the purpose and intent of this
2 Ordinance, including, but not limited to, the adoption of regulations to implement the
3 administrative procedures for certain sidewalk width changes.

4 Section 6. Effective Date. This ordinance shall become effective 30 days from the
5 date of passage.

6 RECOMMENDED:
7 DEPARTMENT OF PUBLIC WORKS

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9 By:


Mohammed Nuru
Interim Director of Public Works

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13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By:


John D. Malamut
Deputy City Attorney



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 111281

Date Passed: February 14, 2012

Ordinance: 1) amending Ordinance No. 1061 to grant authorization to the Director of the Public Works Department to approve certain changes to official sidewalk widths, as specified herein, that would streamline reviews and approvals for such changes and ensure consistency with the General Plan; 2) establishing fees for processing administrative sidewalk width changes; 3) adopting environmental findings; and 4) authorizing official acts in connection with this Ordinance.

January 30, 2012 Land Use and Economic Development Committee - RECOMMENDED

February 07, 2012 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

Excused: 1 - Campos

February 14, 2012 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 111281

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/14/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor
Date Approved