

[Public Works Code - Elimination of Contractor Parking Plan Requirements and Fees]

Ordinance amending the Public Works Code to eliminate the requirement for a contractor parking plan as a condition precedent for approval of excavation permits for major work that is 30 consecutive calendar days or longer and as a condition precedent of specified temporary street space occupancy permits for construction work, as well as the associated parking plan notice requirement and the parking plan review and inspection fees; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

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

Section 1. Environmental Findings.

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

Section 2. General Findings.

(a) San Francisco's fragmented and protracted permitting processes hinder small

1 businesses and impede housing development. A fast, predictable, and transparent permitting
2 process will create new jobs, businesses, and homes, as well as facilitate the City's economic
3 recovery from the COVID-19 pandemic. Commonly referred to as "PermitSF," the City's effort
4 to reform permitting consists of improving the customer experience by streamlining approval
5 processes, providing more certainty about the delivery of government services, and
6 centralizing technology to create a single point of permitting access.

7 (b) This ordinance streamlines and reduces the cost of obtaining certain excavation
8 permits from the Department of Public Works by eliminating the requirement for a contractor
9 parking plan as a condition precedent for approval of excavation permits for major work that is
10 30 consecutive calendar days or longer and as a condition precedent of specified temporary
11 street space occupancy permits for construction work. This ordinance also eliminates the
12 public notice and fees for review and inspection related to the aforementioned contractor
13 parking plans.

14
15 Section 3. The Public Works Code is hereby amended by revising Article 2.4, Sections
16 2.4.20, 2.4.41, and 2.4.42, and Article 15, Sections 724 and 724.1, to read as follows:

17
18 **SEC. 2.4.20. ACTION ON APPLICATIONS FOR PERMITS TO EXCAVATE;**
19 **PARKING REQUIREMENTS.**

20 (a) After receipt of an application for a permit to excavate, the Department, within a
21 reasonable time period, shall determine whether an application is complete.

22 (b) ~~Any application for an excavation permit for major work that is 30 consecutive calendar~~
23 ~~days or longer shall include a contractor parking plan. The plan shall include the following along with~~
24 ~~an explanation to support the request for on-street parking:~~

25 ~~——— (1) Number and total linear feet of on-street parking spaces that would be impacted;~~

1 ~~——— (2) The number and total linear feet of parking spaces on side streets proposed for~~
2 ~~staging and other construction purposes that would be impacted. The plan shall address the amount~~
3 ~~and type of equipment placed on streets to be excavated and side streets. The plan also shall propose~~
4 ~~solutions to stockpiling construction materials in locations other than the proposed permit area in~~
5 ~~order to minimize impacted street area;~~

6 ~~——— (3) The average number of employees anticipated each day at the work site;~~

7 ~~——— (4) Timeline and phasing of the project, including the duration of each phase, and how~~
8 ~~it will affect the number and total linear feet of on street parking spaces set aside for the excavation~~
9 ~~project at each phase;~~

10 ~~——— (5) A proposal to provide the Department with updates in writing, by phone, or an in-~~
11 ~~person visit regarding any changes to the status of the project, on a regular basis as appropriate, but~~
12 ~~no later than at the mid point of the permit term or any extension thereof If the permittee provides~~
13 ~~updates by phone or in person visit, the permittee shall provide this same information in writing to the~~
14 ~~Department within two business days of the phone or in person communication;~~

15 ~~——— (6) Information about the availability of on site or nearby parking garages or other off-~~
16 ~~street parking opportunities in the vicinity. As part of this required information, the applicant shall~~
17 ~~submit a list of all available public and private parking garages within a 300 foot radius of the project~~
18 ~~limits and information on whether those garages include carpooling parking spaces. In addition, the~~
19 ~~applicant shall specify if he/she contacted any off street parking opportunities and the name and date of~~
20 ~~such contact;~~

21 ~~——— (7) A proposal concerning opportunities for reducing parking demand in the vicinity of~~
22 ~~the project site, such as car pooling, van transportation, transit, or other off site parking~~
23 ~~arrangements;~~

24 ~~——— (8) A proposal on how the applicant will make the on street parking available to the~~
25 ~~general public if no work is scheduled and/or no equipment or material storage is required on the~~

1 ~~street(s) or portion thereof by 4:00 pm if project work is complete for the day. The permittee shall~~
2 ~~include this information in the courtesy notice to property owners required under Section 2.4.20(d)~~
3 ~~below;~~

4 ~~———(9) Any other information the Department or other affected City departments, such as~~
5 ~~the Municipal Transportation Agency, deems valuable for understanding the impact of the project on~~
6 ~~the neighborhood and neighborhood parking supply.~~

7 ~~(c) Within a reasonable time period in advance of initiating excavation, the Public Utilities~~
8 ~~Commission and Municipal Transportation Agency shall provide copies of their contractor parking~~
9 ~~plan for their major excavation projects that are 30 consecutive calendar days or longer to the~~
10 ~~Department for informational purposes only.~~

11 ~~(d) The permittee shall mail a courtesy notice within five business days from the start of each~~
12 ~~phase to all impacted fronting property owners. Said notice shall include information about the number~~
13 ~~and linear feet of parking spaces that will be impacted and/or removed as well as a 24-hour, 7-day per~~
14 ~~week contact for the project, including name and telephone number. For purposes of this Subsection,~~
15 ~~"fronting property owner" shall mean a property owner that owns property along the frontage where~~
16 ~~on-street parking will be impact and/or removed. If the fronting property owner is a condominium~~
17 ~~project, the permittee need only mail the notice to the condominium association and the building~~
18 ~~manager, if one exists, not each individual unit owner.~~

19 ~~(e) If there is an emergency excavation as defined in Section 2.4.22 that also will be major~~
20 ~~work that is 30 consecutive calendar days or longer, the excavator shall submit the contractor parking~~
21 ~~plan to the Department no later than five business days after initiating the work.~~

22 ~~(f) In no case shall a permittee impact 60 or more parking spaces or an area consisting of three~~
23 ~~block segments, excluding intersections and side streets, at any one time for a single project.~~

24 ~~(g) If the application is deemed to be incomplete, the Department promptly shall advise~~
25 ~~the applicant in a written, electronic, or facsimile communication of the reasons for rejecting~~

1 the application as incomplete.

2 (c~~h~~) If the application is deemed to be complete, the Department, in its discretion, may
3 deny, approve, or conditionally approve the application.

4 (1) If the application is approved or conditionally approved, the Department
5 shall issue a permit to the applicant. The Department may condition a permit with specified
6 requirements that preserve and maintain the public health, safety, welfare, and convenience.
7 The Department shall inform the permittee of the basis for such requirements. In no case shall
8 a permittee impact 60 or more parking spaces or impact the parking spaces in an area consisting of
9 three or more block segments, excluding intersections and side streets, at any one time for a single
10 project.

11 (2) If the application is denied, the Department shall advise the applicant in a
12 written, electronic, or facsimile communication of the basis for denial.

13 * * * *

15 **SEC. 2.4.41. ADMINISTRATIVE FEE.**

16 Each applicant shall pay to the Department a fee of \$66 for each permit issued for a
17 small excavation project, a fee of \$83 for each block contained in a medium excavation
18 project, or a fee of \$110 for each block contained in a large excavation project. Said fees
19 shall compensate the Department for the cost incurred to administer the provisions of this
20 Article. If the Director grants a permit extension or amendment pursuant to Sections 2.4.20.2
21 or 2.4.20.3, the permittee shall pay a fee of \$66 for any block for which the permit has been
22 extended or amended to cover the cost of additional permit review and administration. ~~In~~
23 ~~instances where a contractor parking plan is required, the applicant shall pay a non-refundable fee of~~
24 ~~\$138.00 per permit for Departmental review of the plan, and an additional \$55.00 per permit each time~~
25 ~~the permittee requests a modification to the permit that will impact on-street parking unless the~~

~~modified permit results in a reduction of the amount of on-street parking that is impacted.~~

SEC. 2.4.42. INSPECTION FEE.

Each applicant shall pay to the Department a fee of \$16 for each permit issued for a small excavation project, a fee of \$55 for each calendar day of a medium excavation project, or a fee of \$81 for each calendar day of a large excavation project. Said fee shall compensate the Department for the cost of the inspection and regulatory services provided to such applicant when he or she becomes a permittee pursuant to this Article. No inspection fees shall be collected from a municipal excavator when: (a) the municipal excavator pays the Department to manage and inspect the construction or (b) the excavation is to construct, replace, or repair Municipal Railway tracks. If the Director grants a permit extension pursuant to Section 2.4.20.2, the permittee shall pay \$16 for a small excavation project or the appropriate fees for a medium or large excavation project for each additional calendar day for which the permit is extended to cover the cost of additional permit inspection. If the Director grants a permit amendment pursuant to Section 2.4.20.3 that results in additional permit inspection, the permittee shall pay the fees specified above for permit extensions. ~~In instances where a contractor parking plan is required, the permittee shall pay a non-refundable fee of \$339.00 per permit for Departmental inspection regarding implementation of the plan and per modified permit unless the permit results in a reduction of the amount of on-street parking that is impacted.~~

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SEC. 724. TEMPORARY OCCUPANCY OF STREET – PERMITS REQUIRED.

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

1 (1) Material and equipment shall not occupy more than the designated parking
2 lane width and not more than ½ of the official sidewalk width along the boundary of the
3 fronting property unless permission is granted pursuant to Sections 724.7 and 724.8 for
4 temporary occupancy of additional street space. For purposes of this Subsection, material
5 and equipment shall mean only construction material used at the site, construction equipment,
6 vehicles bearing the logo or other identifying information so that the City could verify that it
7 belongs to the contractor or a subcontractor working at the site and refuse containers for
8 construction debris. For purposes of Section 724.1(b), material and equipment also shall
9 include any material or equipment related to the proposed use. For purposes of this
10 Subsection, parking lane width shall not exceed eight feet in width, and if such lane also is
11 designated as a commute lane, such lane may not be occupied unless permission is granted
12 pursuant to Sections 724.7 and 724.8 for temporary occupancy of additional street space.

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

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

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

25 (5) For purposes of Sections 724 et seq., building construction operations shall

1 include all work related to the construction, demolition, maintenance, repair, or replacement of
2 a building.

3 (b) **Permit Applications.**

4 (1) An applicant for a permit shall submit to the Department a written request for
5 a permit no sooner than 15 days prior to the initiation of the proposed occupation of street
6 space. The permit request shall specify the duration and extent of the proposed occupancy
7 and all other information as set forth in Departmental orders or regulations.

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

11 (3) If the request is to occupy part of the street or sidewalk for building
12 construction operations, in no event may the duration of the proposed occupancy under the
13 street space occupancy permit or any extensions thereof be longer than the Building Code
14 allows for completion of work under the original building or site permit. A decision by the
15 Department of Building Inspection to extend a building or site permit is not binding on the
16 Director of Public Works for purposes of issuing a new street space occupancy permit or
17 extending an existing permit. A new Director's authorization is required pursuant to Section
18 724(e) for continued occupation of the street or sidewalk space under such circumstances.

19 ~~———— (4) Any application for a permit in any residential, Urban Mixed Use, PDR 1-D, PDR-~~
20 ~~1-G, and each named Neighborhood Commercial district as defined in the Planning Code that requests~~
21 ~~more than one on-street parking space and a permit duration of three months or longer shall include a~~
22 ~~contractor parking plan. The plan shall include the contractor parking plan information as required in~~
23 ~~Public Works Code Section 2.4.20(b).~~

24 ~~———— (5) The permittee shall mail a courtesy notice within five business days from the start of~~
25 ~~each phase to all impacted fronting property owners. Said notice shall include information about the~~

1 ~~number and linear feet of parking spaces that will be impacted and/or removed as well as a 24-hour,~~
2 ~~seven days per week contact for the project, including name and telephone number. For purposes of~~
3 ~~this subsection (b)(5), “fronting property owner” shall mean a property owner that owns property~~
4 ~~along the frontage where on-street parking will be impacted and/or removed. If the fronting property~~
5 ~~owner is a condominium project, the permittee need only mail the notice to the condominium~~
6 ~~association and not each individual unit owner.~~

7 * * * *

9 **SEC. 724.1. TEMPORARY OCCUPANCY OF STREET – FEES TO BE PAID.**

10 (a) No permit shall be issued to a private or public entity for the temporary occupancy
11 of the street for building construction operations unless a fee and public right-of-way
12 occupancy assessment are paid. The fee shall be \$26.11, per month, per 20 linear feet, or
13 fraction thereof, occupied as measured parallel with the face of curb. In addition to the fee,
14 the permit applicant shall pay a public right-of-way occupancy assessment of \$173.26, per
15 month, per 20 linear feet, or fraction thereof, occupied as measured parallel with the face of
16 curb. For purposes of calculating fees and assessment costs, the Department shall use one-
17 month increments even though the permittee may occupy for less than a one-month term. ~~In~~
18 ~~instances where a contractor parking plan is required, the applicant shall pay the following non-~~
19 ~~refundable fees:~~

20 ~~— (1) an administrative fee of \$135 per permit for Departmental review of the plan, and an~~
21 ~~additional \$55 each time the permittee requests a modification to the permit that will impact on-street~~
22 ~~parking unless the permit results in a reduction of the amount of on-street parking that is impacted; and~~

23 ~~— (2) an inspection fee of \$446 per permit for Departmental inspection regarding~~
24 ~~implementation of the plan and per modified permit unless the modified permit results in a reduction of~~
25 ~~the amount of on-street parking that is impacted.~~

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Section 4. Uncodified. Notwithstanding Section 3 (uncodified) of Ordinance No. 163-15 (Board of Supervisors File No. 150270), approved September 23, 2015, the Board of Supervisors relieves the Department of Public Works of any obligations pursuant to Ordinance No. 163-15 to submit annual parking plan reports to the Clerk of the Board of Supervisors.

Section 5. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

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

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