

LEGISLATIVE DIGEST

[Public Works Code - Major Encroachment Permit Revocation Hearings]

Ordinance amending the Public Works Code to allow five members of the Board of Supervisors to schedule an administrative hearing before the Board regarding potential revocation of a major encroachment permit when the Director of Public Works has not taken timely steps to schedule and hold a hearing or issue a decision regarding the revocation; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Public Works Code Sections 786 et seq. establish the procedures for Public Works review and approval of street encroachment permits, also commonly referred to as major encroachment permits, and for the revocation of those permits. The Public Works Director, in his or her discretion, may recommend revocation of a street encroachment permit, and the permittee can appeal the Director's decision to revoke to the Board of Supervisors.

Members of the public also can petition the Public Works Director to revoke a permit. If the petition meets the requirements of the Public Works Code, the Director must schedule an administrative hearing on the proposed revocation. After the hearing, the Director must issue a written decision to reject the petition, approve the petition, or initiate revocation of the permit on grounds other than those identified in the petition. If the Director rejects the petition for reasons other than engineering design or the permittee's successful cure of problems associated with the permit, then five members of the Board of Supervisors may file a notice of appeal to reverse the Director's decision. If five Supervisors file the notice of appeal, the Board will hold a hearing on the proposed permit revocation.

Amendments to Current Law

The ordinance would allow five members of the Board of Supervisors to file an appeal if the Public Works Director does not issue a final decision resolving a revocation petition within 180 days after the petition is filed. If five Supervisors file such a notice of appeal, the Board will hold a hearing on the proposed permit revocation.