

LEGISLATIVE DIGEST

[Public Works, Administrative Codes - Café Tables and Chairs, Display Merchandise, Appurtenant Building Features, and Sidewalk Shared Spaces]

Ordinance amending the Public Works Code to streamline the approval of certain encroachments in the public right-of-way, to establish a registration requirement in place of all permit requirements and fees for café tables and chairs and display merchandise, and to eliminate minor encroachment permit requirements and right-of-way occupancy fees for appurtenant building features; amending the Administrative Code to exempt café tables and chairs and display merchandise from the Shared Spaces Program; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

The Public Works Code includes a variety of permit programs for discrete types of encroachments on the public right-of-way. Article 5.2, Sections 176 et seq. establishes a permit program and associated fees, including annual occupancy fees, for café tables and chairs. Article 5.3, Sections 183 et seq. establishes a permit program and associated fees, including annual occupancy fees, for Display of Fruits, Vegetables, and Nonfood Merchandise. Article 15, Section 723.2 establishes a program for minor sidewalk encroachments that meet certain dimensional requirements and are installed on, above, or in the sidewalk. These minor sidewalk encroachments also are associated with fees, including annual occupancy fees. Administrative Code Chapter 94A establishes a permitting framework for the Shared Spaces Program. A component of this Program is sidewalk shared spaces that are placed on the sidewalk.

Amendments to Current Law

This ordinance would establish a registration requirement in lieu of a permit for café tables and chairs and display merchandise placed on the public right-of-way, and consolidate this program in Article 5.2 of the Public Works Code. The legislation also would eliminate the permit requirement for certain minor sidewalk encroachments, defined in the ordinance as appurtenant building features, where the City approves the encroachment as part of a building permit. These features would include, but are not limited to, encroachments that are needed exclusively for compliance with the Americans with Disabilities Act, such as a wheel chair lift. The ordinance would waive the annual occupancy assessment fee for these three categories of encroachments. The legislation also would delete references to café tables and chairs and display merchandise permits in Administrative Code Chapter 94A as they relate to sidewalk shared spaces.

Background Information

This legislation is part of the PermitSF streamlining effort.

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