

BOARD of SUPERVISORS



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MEMORANDUM

Date: June 3, 2024
To: Planning Department / Commission
From: Brent Jalipa, Clerk of the Budget and Finance Committee
Subject: Board of Supervisors Legislation Referral - File No. 240601 - Public Works Code - Fee Modification

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Brent Jalipa at Brent.Jalipa@sfgov.org.

1 [Public Works Code - Fee Modification]

2

3 **Ordinance amending the Public Works Code to modify certain permit fees and other**
4 **charges and affirming the Planning Department’s determination under the California**
5 **Environmental Quality Act.**

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

10

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

12

13 Section 1. Environmental Findings and Fee Study.

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

19 (b) Public Works prepared a fee study that analyzed various permit fees and other fee
20 charges. A copy of said study is on file with the Clerk of the Board of Supervisors in File No.
21 _____.

22

23 Section 2. The Public Works Code is hereby amended by amending Sections 2.1.1 (in
24 Article 2.1) and 724.1 (in Article 15), to read as follows:

25 SEC. 2.1.1. FEES.

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

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

5 (b) Tables and Chairs Permit pursuant to Article 5.2 (Sections 176 et seq.):
6 administrative fee of ~~\$52.00~~ for permit renewal without prior Department enforcement action
7 and ~~\$104.00~~ for new permits or permit renewal resulting from prior Department enforcement
8 action; and inspection fee of \$4.80 per square foot of occupancy for renewal permits without
9 prior Departmental enforcement action, \$5.67 per square foot of occupancy for new permits,
10 and \$6.77 per square foot of occupancy for permit renewal resulting from prior Departmental
11 enforcement action;

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

14 (d) Street Improvement Permit in an accepted or unaccepted right-of-way in order to
15 satisfy requirements under Sections 416, 706, 708, and 724.2: \$1,010.03 permit fee;

16 (~~#1~~) Street Improvement Permit for Sidewalk Repair that is not the subject of a
17 Departmental Notice to Repair: ~~\$15.99~~29.67 per 100 square feet permit fee;

18 (e) Special Sidewalk Permit pursuant to Section 703.1: ~~\$376.14~~704.90 permit fee;
19 \$250.39 for existing special sidewalk or if needed in conjunction with a street improvement permit;

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

22 (~~#1~~) Standard Permit: \$120.43 permit fee; and

23 (~~#2~~) Over-wide Driveway Permit (30+ feet): \$969.30 for new permit fee; \$250.39
24 for existing driveway or if needed in conjunction with a street improvement permit;

25 (g) ~~{Reserved}~~Additional street space permit under Section 724:

1 (1) New Permit: \$704.90;

2 (2) Permit Renewal/Extension: \$398.73;

3 (h) Minor Sidewalk Encroachment Permits (also known as Minor Encroachment
4 Permits) pursuant to Section 723;

5 (i) Standard Minor Encroachment Permit: ~~\$938.39~~1,683.45 permit fee; ~~if~~
6 existing or if needed in conjunction with a street improvement (except shoring) \$239.84; and, if
7 applicable pursuant to Section 723.2(n), the annual public right-of-way occupancy
8 assessment fee;

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

10 (iii) Underground Vault, which shall be comprised of (A) a permit fee of
11 ~~\$973.80~~1,745.97 and (B) an annual public right-of-way occupancy assessment fee ~~of \$12.58~~ per
12 square foot of occupied space;

13 (iv) Permits for Tier 2 Love Our Neighborhoods Projects pursuant to Section
14 723.1: \$500 permit application fee for a permit applicant that is a community-based
15 organization, nonprofit organization, community benefits district, or merchants' association;

16 (v) Pipe Barrier Permit pursuant to Section 723.1;

17 (A) Standard Permit: \$969.30 permit fee; and

18 (B) Security Bollard Barrier: \$1,943.80 permit fee;

19 (i) Debris Box Permit pursuant to Section 725;

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

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

22 (j) Street Encroachment Permit (also known as a Major Encroachment Permit)
23 pursuant to Section 786:

24 (i) ~~\$3,643.666~~5,533.75 permit fee and the annual public right-of-way occupancy
25 assessment fee in Section 786.7; and

1 (ii~~2~~) Permits for Tier 3 Love Our Neighborhoods Projects pursuant to Section
2 723.1: \$1,000 permit application fee for a permit applicant that is a community-based
3 organization, nonprofit organization, community benefits district, or merchants' association;
4 (k) Commemorative Plaque Permit pursuant to Section 789.2: \$1,162.63 permit fee;
5 (l) If any of the abovementioned permits are associated with a Street Improvement
6 Permit, the permit fee is the Street Improvement Permit fee plus \$133.20 for each additional
7 permit unless the fee for said permit is less, in which case the additional fee is the lower
8 permit fee amount;
9 (m) Under permit categories in ~~S~~subsections (d), (e), or (f), if the permit is associated
10 with a Department of Public Works Notice to Repair, the permit fee is \$330.32 per permit;
11 (n) Under permit categories in ~~S~~subsections (e), ~~(g)~~, or (h)(~~1~~), if the permit is
12 associated with a subdivision map approval, the permit fee is \$133.20 per permit;
13 (o) Sidewalk width change fee: \$3,875.00, with \$1,375.00 of this fee allocated to the
14 Planning Department for its review;
15 (p) Nighttime work permit fee: ~~\$123~~171.64;
16 (q) Preapplication meeting or staff consultation fee: \$404.76 for the first two hours or
17 portion thereof and \$202.38 for each additional hour or portion thereof; ~~and~~
18 (r) Autonomous Delivery Device Testing fees pursuant to Section 794:
19 (i~~1~~) Application fee: for one device - \$860; for two devices - \$1,540; and for
20 three devices - \$1,995;
21 (ii~~2~~) Permit extension fee: for one device - \$555; for two devices - \$1,010; and
22 for three devices - \$1,465; and
23 (iii~~3~~) Referrals to Department of Public Health: The Department of Public
24 Health may charge up to \$191 per hour for referrals sent by Public Works pursuant to Section
25 794.;

1 (s) Curbside Parklet Fee. The permit and license fees for the types of Curbside
2 Shared Space Permits issued pursuant to Administrative Code Chapter 94A and Public Works
3 Code Section 793 et seq. are as follows, with one-half of the fees allocated to the San
4 Francisco Municipal Transportation Authority, and one-half of the fees allocated to Public
5 Works. The permit and license fees shall be due and payable as provided in Chapter 94A of
6 the Administrative Code.:

7 (i) Public Parklet fees:

8 (A) Permit fee of \$1,000 for the first parking space and \$250 for each
9 additional parking space;

10 (B) Annual license fee of \$100 per parking space.;

11 (ii) Movable Commercial Parklet fees:

12 (A) Permit fee of \$2,000 for the first parking space and \$1,000 for each
13 additional parking space;

14 (B) Annual license fee of \$1,500 per parking space.;

15 (iii) Fixed Commercial Parklet fees:

16 (A) Permit fee of \$3,000 for the first parking space and \$1,500 for each
17 additional parking space;

18 (B) Annual license fee of \$2,000 per parking space. *and*

19 (t) *Temporary Curbside Parklet Fee Waiver. For any Curbside Shared Space Permit approved*
20 *before June 30, 2024, including any Parklet Permittee or pandemic Shared Spaces Permittee that seeks*
21 *to convert to a Curbside Shared Space Permit, the following fees shall apply:*

22 ~~— (i) Public Parklet fees:~~

23 ~~— (A) No permit fee;~~

24 ~~— (B) Annual license fee of \$100 per parking space.~~

25 ~~— (ii) Movable Commercial Parklet fees:~~

1 ~~— (A) No permit fee;~~

2 ~~— (B) Annual license fee of \$1,500 per parking space.~~

3 ~~— (iii) Fixed Commercial Parklet fees:~~

4 ~~— (A) No permit fee;~~

5 ~~— (B) Annual license fee of \$2,000 per parking space.~~

6 ~~— (iv) Sunset. Subsection (t) of Section 2.1.1 shall expire by operation of law on June 30,~~
7 ~~2024, unless the duration of the subsection has been extended by ordinance effective on or before that~~
8 ~~date. Upon expiration, the City Attorney shall cause subsection (t) to be removed from the Public~~
9 ~~Works Code.~~

10 Review of Contractor Parking Plan:

11 (1) Under Section 724 (Temporary Occupancy of Street/Street Space): \$869.58;

12 (2) Under Section 2.4.20 (Excavation): \$712.71.

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

15 (a) No permit shall be issued to a private or public entity for the temporary
16 occupancy of the street for building construction operations unless a fee and public right-of-
17 way occupancy assessment are paid. The fee shall be ~~\$15.42~~26.11, per month, per 20 linear
18 feet, or fraction thereof, occupied as measured parallel with the face of curb. In addition to the
19 fee, the permit applicant shall pay a public right-of-way occupancy assessment of
20 ~~\$100.00~~173.26, per month, per 20 linear feet, or fraction thereof, occupied as measured
21 parallel with the face of curb. For purposes of calculating fees and assessment costs, the
22 Department shall use one-month increments even though the permittee may occupy for less
23 than a one-month term. In instances where a contractor parking plan is required, the applicant
24 shall pay the following non-refundable fees:

1 (1) an administrative fee of \$135.00 per permit for Departmental review of the
2 plan, and an additional \$55.00 each time the permittee requests a modification to the permit
3 that will impact on street parking unless the permit results in a reduction of the amount of on-
4 street parking that is impacted; and

5 (2) an inspection fee of \$446.00 per permit for Departmental inspection regarding
6 implementation of the plan and per modified permit unless the modified permit results in a
7 reduction of the amount of on-street parking that is impacted.

8 (b) For temporary street space occupancy for any purpose other than a building
9 construction operation, the fee shall be ~~\$57.62~~295.48 per day with no assessment cost. Unless
10 specified otherwise, such occupation is subject to all provisions of Sections 724 et seq.

11 (c) Nonprofit organizations with tax exempt status under the Internal Revenue Code
12 shall be exempt from payment of the fee where the street occupancy is necessary for the
13 development of low- and moderate-income housing as defined by the United States Department
14 of Housing and Urban Development.

15 (d) Refund. If a permittee elects to relinquish all or a portion of the occupied street
16 space prior to termination of the permit, the permittee may seek a refund of fees and
17 occupancy assessment from the Department. There shall be no fee charged for a refund
18 request. Refunds shall be issued based only on one-month increments.

19 (e) Fee and Assessment Review. Beginning with fiscal year 2012-2013, the permit
20 fee and street occupancy assessment set forth in this Section 724.1 may be adjusted each
21 year, without further action by the Board of Supervisors, to reflect changes in the relevant
22 Consumer Price Index, as determined by the Controller. No later than April 15~~th~~ of each year,
23 the Director shall submit ~~its~~the current fee and occupancy assessment schedule to the
24 Controller, who shall apply the price index adjustment to produce a new fee schedule and
25 occupancy assessment for the following year. No later than May 15~~th~~ of each year, the

1 Controller shall file a report with the Board of Supervisors reporting the new fee schedule and
2 occupancy assessment and certifying that: (a) the permit fees produce sufficient revenue to
3 support the costs of providing the services for which the permit fee is assessed, and (b) the
4 permit fees do not produce revenue which is significantly more than the costs of providing the
5 services for which each permit fee is assessed. Notwithstanding the above, the Board of
6 Supervisors, in its discretion, may modify the street occupancy assessment at any time.

7 (f) Additional Fees. In instances where administration of this permit program or
8 inspection of a street space occupancy is or will be unusually costly to the Department, the
9 Director, in ~~his or her~~ the Director's discretion, may require an applicant or permittee to pay any
10 sum in excess of the amounts charged above. This additional sum shall be sufficient to
11 recover actual costs incurred by the Department and shall be charged on a time and materials
12 basis. The Director also may charge for any time and materials costs incurred by other
13 agencies, boards, commissions, or departments of the City in connection with the
14 administration or inspection of the street space occupancy. Whenever additional fees are
15 charged, the Director, upon request of the applicant or permittee, shall provide in writing the
16 basis for the additional fees and an estimate of the additional fees.

17
18 Section 3. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor's veto of the ordinance.

22
23 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the “Note” that appears under
3 the official title of the ordinance.

4

5 APPROVED AS TO FORM:
6 DAVID CHIU, City Attorney

7 By: /s/ JOHN D. MALAMUT
8 JOHN D. MALAMUT
9 Deputy City Attorney

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LEGISLATIVE DIGEST

[Public Works Code - Fee Modification]

Ordinance amending the Public Works Code to modify certain permit fees and other charges and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

The Public Works Code contains various permit fees and other charges. Most of these fees and charges adjust annually based on the applicable consumer price index after Public Works staff and the Controller's Office conduct a Board of Supervisors established fee analysis process. If there is a proposal to increase permit fees and other charges in excess of the consumer price index formula, then the Board of Supervisors legislatively considers such increased fees and charges.

Amendments to Current Law

This ordinance would amend the Public Works Code to increase certain Public Works permit fees and other charges. This legislation also adopts environmental findings under the California Environmental Quality Act.

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