

LEGISLATIVE DIGEST

[Public Works Code - Public Right of Way Occupancy Fee Exemption]

Ordinance amending the Public Works Code to provide that floodwater management projects that are located within public rights of way, requiring a minor encroachment permit and funded by San Francisco Public Utilities Commission grant funds, are exempt from payment of public right-of-way occupancy assessment fees.

Existing Law

Public Works Code Section 723.2 authorizes the Director of Public Works to grant permission, revocable at his or her will, to an owner of property abutting any public right of way to install and maintain minor encroachments such as fences, retaining walls, steps or stairways and other minor structures in the sidewalk fronting such property, where such encroachments are desirable or convenient in conjunction with the owner's use and enjoyment of the property, or required for the safety, convenience and comfort of the public using the sidewalk. Section 723.2 provides that such permission may be granted subject to several conditions, including payment of public right-of-way occupancy assessment fee for the use of the sidewalk or other public right-of-way space permitted under the provisions of this Section.

Amendments to Current Law

The proposed amendment modifies Public Works Code Section 723.2 to provide that no public right-of-way occupancy assessment fee shall be charged for floodwater management projects requiring a minor encroachment permit and funded with San Francisco Public Utilities grant funds.

Background Information

Under a program adopted by the San Francisco Public Utilities Commission, San Francisco property owners with an active account for wastewater services can apply for floodwater management project grant assistance for his/her San Francisco property. An applicant may apply for multiple projects of multiple types, depending on the relevant property needs, with a total reimbursement for all projects not to exceed \$30,000 per property. Eligible activities could include installation of flood barriers, backflow preventers, flood walls and other special projects. To qualify, the floodwater management activity must be ready for implementation within six (6) months of funding approval, and must lower the applicant's risk of damage/harm due to flooding caused by rainstorms. Such activities may involve encroaching on public rights

FILE NO. 150758

of way. Minor encroachments may be authorized by the Director of Public Works, but this amendment to Public Works Code Section 723.2 would exempt such property owners from paying the annual public right-of-way occupancy assessment fee required under Section 723.2(k).

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