

File No. 160590

Committee Item No. 5

Board Item No. \_\_\_\_\_

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date July 18, 2016

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

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|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 - Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/> | Vacancy Notice                               |
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OTHER (Use back side if additional space is needed)

- |                                     |                          |                                  |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CEQA Determination 6/3/16</u> |
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Completed by: Victor Young Date July 15, 2016

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Public Works Code - Street Space Occupancy Permits]

2  
3 **Ordinance amending the Public Works Code to place additional limits on the duration**  
4 **of street space occupancy permits, and to limit the number of such permits including**  
5 **permit extensions that can be issued at the same address during a three-year period in**  
6 **Residential, Urban Mixed-Use, and Neighborhood Commercial Districts, and precluding**  
7 **the issuance of such permits at the same address for two years after that three-year**  
8 **period; and affirming the Planning Department's determination under the California**  
9 **Environmental Quality Act.**

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

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

18 Section 1. CEQA Finding. The Planning Department has determined that the actions  
19 contemplated in this ordinance comply with the California Environmental Quality Act  
20 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with  
21 the Clerk of the Board of Supervisors in File No. 160590 and is incorporated herein by  
22 reference. The Board affirms this determination.

23 Section 2. The Public Works Code is hereby amended by revising Section 724, to read  
24 as follows:  
25

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

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

6 \* \* \* \*

7 (5) For purposes of Sections 724 et seq., building construction operations  
8 shall include all work related to the construction, demolition, maintenance, repair, or  
9 replacement of a building.

10 (b) **Permit Applications.**

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

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

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

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

6           (5) ~~(4)~~ The permittee shall mail a courtesy notice within five business days from  
7 the start of each phase to all impacted fronting property owners. Said notice shall include  
8 information about the number and linear feet of parking spaces that will be impacted and/or  
9 removed as well ~~at~~ as a 24-hour, ~~seven~~ 7-days per week contact for the project, including name  
10 and telephone number. For purposes of this ~~§~~sub~~section~~ (b)(5), "fronting property owner" shall  
11 mean a property owner that owns property along the frontage where on-street parking will be  
12 impacted and/or removed. If the fronting property owner is a condominium project, the  
13 permittee need only mail the notice to the condominium association and not each individual  
14 unit owner.

15           (c) **Permit Decisions.**

16           (1) The Director of the Department, in his or her discretion, may approve,  
17 conditionally approve, or disapprove a street space occupancy permit. When issuing permits,  
18 permit modifications, or extending the duration of permits, the Director may impose any  
19 conditions consistent with the public health, safety, welfare, and convenience, including, but  
20 not limited to, appropriate time, place, and manner restrictions and considerations to minimize  
21 neighborhood impacts. If the Director of the Department approves or conditionally approves a  
22 permit, said permit shall be issued on a monthly basis with a minimum term of one month and  
23 a maximum term of six months. In the absence of special conditions, a permit shall entitle the  
24 permittee to occupy the specified street space for a period no longer than 7:00 a.m.-6:00 p.m.,  
25 seven days a week for the term of the permit.

1  
2 (2) **Appeals.** The Director's decision on a permit shall be appealable to the  
3 Board of Appeals.

4 (d) **Permit Modification.**

5 (1) On seven days' prior written notice to the Department, a permittee may  
6 seek to modify any terms or conditions of an existing valid permit except to extend the  
7 duration of a permit pursuant to ~~§~~ subsection (e) or to obtain an additional street space  
8 occupancy permit pursuant to Sections 724.7 and 724.8.

9 (2) A request for a permit modification shall be accompanied by a \$50.~~00~~  
10 processing fee.

11 (e) **Permit Extension.**

12 (1) No later than 15 ~~fifteen~~ days prior to expiration of a permit, a permittee  
13 may request in writing that a permit extension be granted to extend the duration of the street  
14 space occupancy.

15 (2) In no event may the Director grant an extension of a street space occupancy  
16 permit for the purpose of building construction operations without confirmation by the Department of  
17 Building Inspection, or other proof to the satisfaction of the Director, that there is ongoing work at the  
18 site under an active building or site permit.

19 (3) The Director shall treat a permit extension request like a new permit, and  
20 the Director, in his or her discretion, may issue or deny the extension or impose new or  
21 modified conditions on the permit extension.

22 (4) The total inclusive duration of one or more extensions of a street space  
23 occupancy permit may not exceed 12 months. Any occupation of street or sidewalk space after that time  
24 shall require a new permit that is subject to appeal to the Board of Appeals pursuant to Subsection  
25 724(c)(2).

1 (f) **Permit Revocation.** All street space occupancy permits are revocable at the will of  
2 the Director. In addition, when, in the judgment of the Director of Public Works, the public  
3 interest or convenience will be served by the removal of the dirt, debris, materials, and  
4 equipment, or any portion thereof, from the street or sidewalk space, the Director shall modify,  
5 condition, or revoke the permit accordingly.

6 (g) **Limit on the Number of Street Space Occupancy Permits and Extensions Issued for**  
7 **the Same Address.**

8 (1) In any Residential, Urban Mixed Use, named Neighborhood Commercial, or  
9 named Neighborhood Commercial Transit District as defined in the Planning Code, the Director may  
10 not grant more than six street space occupancy permits or permit extensions covering a continuous  
11 three-year period for the same address. Upon expiration of this three-year period, the Director may not  
12 grant a new street space occupancy permit for that same address, or an extension of such a permit for a  
13 period of two years thereafter.

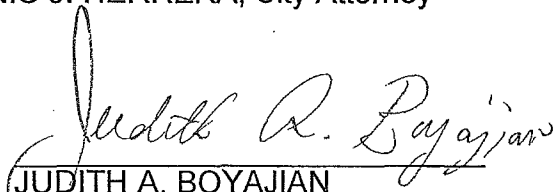
14 (2) The time limit specified in subsection (g)(1) is retroactive and applies to permits  
15 issued and permit extensions granted prior to the effective date of subsection (g)(1), whether or not  
16 there is ongoing work at the site under an active building or site permit; provided, however, that the  
17 Director may grant a one-time extension for a period of time no longer than three months if the  
18 permittee demonstrates to the satisfaction of the Director, and the Department of Building Inspection  
19 confirms, that a building project at the site will receive its final inspection and sign-off within the  
20 extension of time granted.

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

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Section 4. 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:  
DENNIS J. HERRERA, City Attorney

By:   
JUDITH A. BOYAJIAN  
Deputy City Attorney  
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**LEGISLATIVE DIGEST**

[Public Works Code - Street Space Occupancy Permits]

**Ordinance amending the Public Works Code to place additional limits on the duration of street space occupancy permits, and to limit the number of such permits including permit extensions that can be issued at the same address during a three-year period in Residential, Urban Mixed-Use, and Neighborhood Commercial Districts, and precluding the issuance of such permits at the same address for two years after that three-year period; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Existing Law

Public Works Code Section 724 regulates occupancy of part of the street or sidewalk by the owner or lessee of a fronting property for building construction operations or other purposes. A street space occupancy permit issued by the Director of Public Works, which is appealable to the Board of Appeals, is required for such occupancy. The permit, which has a maximum term of six months but may be extended, entitles the permittee to occupy the specified street space for a period of no longer than 7:00 a.m. to 6:00 p.m. seven days a week for the term of the permit.

The Director of Public Works has the discretion to approve, deny, modify, or revoke a street space occupancy permit. The Director may also impose conditions on the permit in order to minimize neighborhood impacts. However, there is no limit on the number of street space occupancy permits or permit extensions that can be granted for the same address.

Amendments to Current Law

Section 724 of the Public Works Code is amended to provide that the duration of a street space occupancy permit for building construction operations, including any permit extensions, cannot be longer than the Building Code allows for completion of work under the original building or site permit. The Director of Public Works may not grant an extension of a street space occupancy permit without confirmation by the Department of Building Inspection or other proof satisfactory to the Director that there is ongoing work on the site under an active building or site permit, and the total duration of any permit extensions may not exceed 12 months. If the Department of Building Inspection extends the original building or site permit or the 12-month limit on permit extensions has been reached, a new street space occupancy permit that is appealable to the Board of Appeals is required for continued occupancy of the street or sidewalk. The Department of Building Inspection's extension of the building or site permit is not binding on the Director of Public Works; it is within the Director's discretion whether to approve, approve with conditions, or deny a new street space occupancy permit.

A limit on the number of street space occupancy permits and permit extensions for the same address for any purpose is imposed in any Residential, Urban Mixed Use, named



Neighborhood Commercial, or named Neighborhood Commercial Transit Districts, as those districts are defined in the Planning Code. In those districts, the Director of Public Works may not grant more than six such permits or permit extensions within a continuous three-year period for the same address. After expiration of this three-year time limit, the Director may not grant a new street space occupancy permit or an extension of a permit for a period of two years thereafter. These time limits are retroactive and apply to existing permits whether or not there is ongoing work at the site under an active building or site permit. However, the Director may grant a one-time extension for a period of no longer than three months if the permit applicant demonstrates to the satisfaction of the Director, and the Department of Building Inspection confirms, that a building project at the site will receive its final inspection and sign off within the extension of time granted.

#### Background Information

The occupancy of part of a street or sidewalk can be very disruptive in neighborhoods where people live and shop, especially in cases where there are one or more building construction projects that go on for long, continuous periods of time. The proposed amendments to the street space occupancy regulations balance the needs of owners or lessees to occupy temporarily street or sidewalk space in front of their property with the needs of other residents or visitors to the area

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BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

June 1, 2016

File No. 160590

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Jones

On May 24, 2016, Supervisor Farrell introduced the following proposed legislation:

**File No. 160590**

**Ordinance amending the Public Works Code to place additional limits on the duration of street space occupancy permits, and to limit the number of such permits including permit extensions that can be issued at the same address during a three-year period in Residential, Urban Mixed-Use, and Neighborhood Commercial Districts, and precluding the issuance of such permits at the same address for two years after that three-year period; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk  
Land Use and Transportation Committee

Attachment

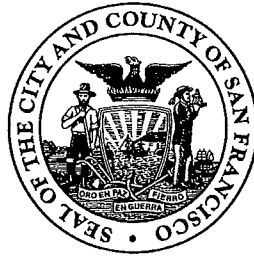
c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy  
Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org, c=US  
Date: 2016.06.03 12:14:31 -07'00'

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Regina Dick-Endrizzi, Director  
**Small Business Commission, City Hall, Room 448**

FROM: Andrea Ausberry, Assistant Clerk  
Land Use and Transportation Committee

DATE: June 8, 2016

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 160590**

**Ordinance amending the Public Works Code to place additional limits on the duration of street space occupancy permits, and to limit the number of such permits including permit extensions that can be issued at the same address during a three-year period in Residential, Urban Mixed-Use, and Neighborhood Commercial Districts, and precluding the issuance of such permits at the same address for two years after that three-year period; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

\*\*\*\*\*

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: \_\_\_\_\_

\_\_\_\_\_ No Comment

\_\_\_\_\_ Recommendation Attached

\_\_\_\_\_  
Chairperson, Small Business Commission

BOARD of SUPERVISORS



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Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

June 1, 2016

File No. 160590

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Jones

On May 24, 2016, Supervisor Farrell introduced the following proposed legislation:

**File No. 160590**

**Ordinance amending the Public Works Code to place additional limits on the duration of street space occupancy permits, and to limit the number of such permits including permit extensions that can be issued at the same address during a three-year period in Residential, Urban Mixed-Use, and Neighborhood Commercial Districts, and precluding the issuance of such permits at the same address for two years after that three-year period; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

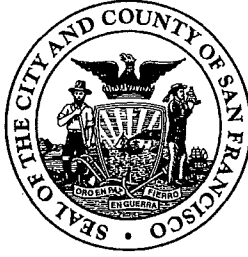
A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection  
Mohammed Nuru, Director, Public Works

FROM: Andrea Ausberry, Assistant Clerk  
Land Use and Transportation Committee

DATE: June 1, 2016

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Farrell on May 24, 2016.

**File No. 160590**

**Ordinance amending the Public Works Code to place additional limits on the duration of street space occupancy permits, and to limit the number of such permits including permit extensions that can be issued at the same address during a three-year period in Residential, Urban Mixed-Use, and Neighborhood Commercial Districts, and precluding the issuance of such permits at the same address for two years after that three-year period; and affirming the Planning Department's determination under the California Environmental Quality Act.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [andrea.ausberry@sfgov.org](mailto:andrea.ausberry@sfgov.org)

c: Sonya Harris, Building Inspection Commission  
William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection  
Frank Lee, Public Works  
Fuad Sweiss, Public Works

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date \_\_\_\_\_

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

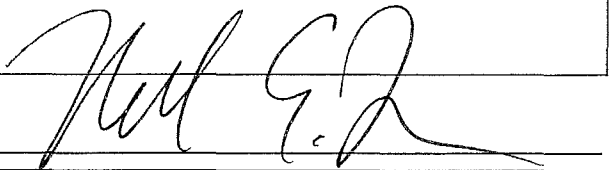
Supervisor Mark E. Farrell

**Subject:**

Public Works Code - Street Space Occupancy Permits

**The text is listed below or attached:**

Attached.

Signature of Sponsoring Supervisor: 

**For Clerk's Use Only:**