

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS
ORDER NO. 173,862**

ESTABLISHING AND ADOPTING GUIDELINES FOR THE PROCESSING AND APPROVAL OF ADDITIONAL STREET SPACE PERMITS IN THE PUBLIC RIGHT-OF-WAYS.

I. DEFINITION:

Pursuant to Public Works Code (PWC) Article 15, Sections 724.7 and 724.8, any person seeking to close off more than the limits designated by PWC Article 15, Section 724; i.e. the designated parking lane width and ½ of the official sidewalk width along the boundary of the fronting property, must apply for an additional temporary street occupancy permit and pay an application fee and a public right-of-way assessment cost, as set forth in said Section 724.8.

II. APPLICATION:

Requests to occupy additional temporary street occupancy shall include the following:

1. An application stating the name, address, contact person(s) and telephone of the applicant; sidewalk(s)/street(s) to be occupied; a reasonable estimate of the duration of construction; and an explanation of why an additional temporary street occupancy permit of the particular dimensions requested is necessary. The application may be submitted no sooner than thirty (30) days to the expected date of occupation. **(Note: No additional temporary street occupancy shall have a term of more than six (6) months nor less than one (1) month from the date of issuance. Upon expiration of the original term or of any subsequent extension, an application may be submitted for an extension not to exceed six (6) months.)**
2. A non-refundable permit application fee of \$353 for the initial request; requests for extensions shall be treated as new applications except that the permit application fee shall be \$200. Requests for modifications to the additional street space occupation shall also be treated and processed as new applications.
3. A copy of the Street Space Occupancy Permit for the subject construction site, issued pursuant to PWC Article 15, Section 724. Please note that DPW will not accept or consider an application to occupy additional temporary street occupancy until a Street Space Occupancy Permit has been obtained, and all fees paid as set forth in PWC Article 15, Section 724.1.
4. Four (4) sets of a completely dimensioned site and traffic striping plan showing the proposed additional temporary street area(s) to be occupied. Please refer to attached Department of Parking & Traffic (DPT) Submittal Guidelines for Additional Street Space for instructions. Please contact DPT at (415) 554-2326 for further information and for obtaining copies of traffic striping plans.

III. PROCEDURE

1. If/when an applicant is seeking an Additional Street Space Permit, a pre-construction site meeting may be requested to discuss site issues related to the requested Additional Street Space Permit and to determine an Additional Street Space Permit may or may not be necessary. This meeting may be scheduled by contacting Senior Street Inspector Mary Ellen (Meme) Casey at (415) 554-7149 or by fax at (415) 554-5843. Prior to DPW's scheduling of this meeting with the applicant/contractor, the applicant/contractor must submit a copy of a valid Street Space Permit for the subject site.
2. After applicant's submittal of the application, permit application fee, plans and copy of Street Space Occupancy Permit, DPW will send applicant's materials to DPT for consideration, review and comment. Upon recommendation of approval by DPT, the application request will be referred to and heard by the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT).
3. Upon recommendation of approval by ISCOTT, DPW will prepare the permit for additional temporary street occupancy and inform the applicant of the required right-of-way assessment costs (See below).
4. Upon expiration of the original term of occupancy, if the permittee makes a request for extension of the additional temporary street occupancy, provided that the amount of requested additional occupancy has not increased in size, the permit will not be referred to DPT/ISCOTT.

IV. RIGHT-OF-WAY ASSESSMENT COSTS

An additional public right-of-way assessment cost shall be paid upon the issuance of an additional temporary street occupancy permit, as follows:

1. For a building in Planning Code's height and bulk district of 80 feet or less, the cost shall be \$4 per additional square foot of occupancy per month; and,
2. For a building in Planning Code's height and bulk district greater than 80 feet, the cost shall be \$10 per additional square foot of occupancy per month.
3. For the purpose of calculating the assessment costs, DPW shall use one-month increments even though the permittee may occupy said space for less than a one-month term.
4. Beginning with fiscal year 2003-2004, the permit fee and street occupancy assessment as set forth above, may be adjusted each year to reflect changes in the relevant Consumer Price Index, as determined by the Controller.

V. VIOLATIONS (EXCEEDING PERMISSIBLE USE OR OCCUPANCY WITHOUT A PERMIT)

1. If the Director of Public Works determines that the permittee has exceeded the scope of the (additional) temporary street occupancy permit, either in terms of duration or area, or determines that any other violation of the permit terms has occurred, the Director of Public Works shall order the permittee to correct the violation within a specified time period.
2. If any person has occupied the public right-of-way without permission for purposes of building construction operation, or for any other purpose, the Director shall immediately order the violator to vacate the occupied area.
3. Should the violation not be corrected as ordered, or in the case of occupancy without a permit, the permittee or person shall pay a penalty fee of up to \$1,000 per day for each day of violation.
4. Failure to pay any fee assessed under these provisions shall constitute good cause for immediate revocation of the (additional) temporary street occupancy permit or removal of unpermitted obstructions.
5. Any person who shall violate any of the provisions of PWC Article 15, Section 724.5 shall be guilty of an infraction at each location where such violation occurs; and when a governmental official authorized to enforce this Section has reasonable cause to believe that any person has committed an infraction in the official's presence that is a violation of this Section, the official may issue a citation to that person pursuant to California Penal Code, Part II, Title 3, Chapters 5, 5C, and 5D.

VI. HOLD HARMLESS CLAUSE:

1. In consideration of this Permit being issued for the work described herein, the Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.

2. The Permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including without limitation, attorneys' fees and costs (collectively "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by or negligence of, Permittee or its subcontractors, or the officers, agents, or employees of either while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facilities, or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, goodwill, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and (iv) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Permittee in, under, on or about the property subject to this Permit or into the environment. As used herein, "hazardous material" means any substance, waste or material which, because of its quantity, concentration of physical or chemical characteristics is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety to the environment.
3. The Permittee must hold harmless, indemnify and defend the City regardless of the alleged negligence of the City or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of the City. The Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. The Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.

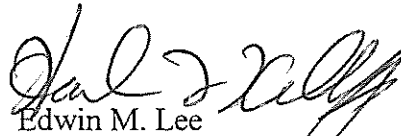
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December 18, 2002

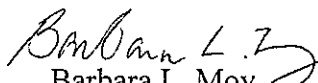
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4. The Permittee shall obtain and maintain through the terms of this Permit general liability, automobile liability or workers' compensation insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.

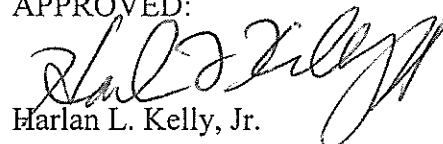
This DPW Order supercedes and rescinds DPW Order No. 135,640, approved February 20, 1985.


Edwin M. Lee
Director of Public Works

RECOMMENDED:


Barbara L. Moy
Bureau Manager
Street-Use and Mapping

APPROVED:



Harlan L. Kelly, Jr.
Deputy Director of Engineering
and City Engineer

Outside of BSM

Dept. Files (2)
Central Permit Bureau
Street Repair - 2323 Cesar Chavez
S.F.P.D. - Chief Sanders
DPT - H. Quan
Deputy City Atty. - J. Malamut

Inside of BSM

Inspector - M.E. Casey
1660 Mission - B. Gaime
Nick Elsner (1-signed)

 DPW/BSM/NE/ne

APPROVED: DECEMBER 18, 2002

EDWIN M. LEE, DIRECTOR