



Appeal Filing to the Board of Supervisors Major Street Encroachment Permit Appeal [Public Works Code, Section 786](#)

Major Street Encroachment Permits are approved by the Director of Public Works. There is an explicit process for appeals to the Board of Supervisors for Permit denial, or revocation of a street encroachment permit. These paragraphs are written to provide a summary of the process. Further details are contained in [Public Works Code, Section 786](#). In case of conflict between these paragraphs and the Public Works Code, the Public Works Code provisions control.

Who May File An Appeal:

Any of the three following, or agent thereof, may appeal the written decision of the Director of Public Works following an administrative hearing regarding the following:

1. An applicant whose street encroachment application was denied solely based on reasons unrelated to engineering design.
[Public Works Code, Section 786\(d\)](#)
2. A permittee who receives a recommendation of the Director of Public Works to revoke their street encroachment permit.
[Public Works Code, Section 786\(e\)\(1\)](#)
3. A lead petitioner, as defined in Public Works Code, Section 786(e)(2)(D), requesting revocation of a major street encroachment permit:
 - a. Who has received a letter of the decision from the Director of Public Works rejecting their petition;
[Public Works Code, Section 786\(2\)\(B\)\(iv\)](#)
4. Five Members of the Board of Supervisors may subscribe to hold an Administrative Hearing for a permit that has not been issued a final written decision from the Director of Public Works, pursuant to Public Works Code, Section 786(2)(B)(i) resolving its petition within 180 days of filing.
[Public Works Code, Section 786\(2\)\(B\)\(v\)](#)

Filing Deadline:

Letter of appeal signed by the appellant or the appellant's agent shall be filed no later than 30 days of the date of the Director's written decision.



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What to File:

(1 original and 2
hard-copies)

The following shall be filed with the Clerk of the Board of Supervisors:

- 1) Letter of appeal stating the specific grounds for the appeal and any other written materials in support of the appeal;
- 2) A copy of the written decision by the Director of Public Works; and
- 3) Appeal fees:
 - a. \$635, payable to the Office of the Clerk of the Board of Supervisors
 - b. \$400, payable to Public Works
[Public Works Code, Section 786\(d\)](#)

(Appeal fees do not apply to Administrative Hearings subscribed by five Members of the Board of Supervisors, pursuant to [Public Works Code, Section 786\(e\)\(2\)\(v\)](#))

- 4) ***If filing an appeal of the decision of the Director of Public Works to reject a public petition to revoke a permit, the appeal must be filed with the subscription of five Members of the Board of Supervisors. The form on Pages 5 and 6 must be completed.***
[Public Works Code, Section 786\(e\)\(2\)\(B\)\(iv\)](#)

NOTE: Such submission may be done by electronic means. Any materials will become public records, therefore, if any private information is included, Appellant is responsible for redacting such information prior to submission.

Where to File:

Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102



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Conditional Acceptance:

Upon filing, the Clerk will accept the appeal conditioned on the determination that the appeal is filed in a timely manner and complies with the submittal requirements. The Clerk will mail notice to the appellant(s) of the acceptance or rejection of the appeal within seven working days of the filing of the appeal.

[Public Works Code, Section 786\(d\)](#)

Hearing Date:

The Clerk will schedule an appeal hearing at a regular meeting of the full Board of Supervisors no less than 15 and no more than 45 days following expiration of the appeal period.

[Public Works Code, Section 786\(d\)](#).

Hearing Notice:

The Clerk will inform the appellant of the hearing date and time after the closure of appeal filing period.

The Clerk will send notices to the appellant, Director of Public Works, and all organizations and individuals who previously have requested such notice in writing no less than 10 days prior to the date the appeal is scheduled to be heard by the Board.

[Public Works Code, Section 786\(d\)](#).

Procedural Steps:

The appellant may submit written materials to the Clerk of the Board no later than noon, 11 days prior to the hearing.

For Administrative Hearings subscribed by five Members of the Board of Supervisors, the Director of Public Works shall provide to the Board, the lead petitioner, and the permit holder, a report estimating the cost of any revocation and associated restoration and identifying the responsible party that shall bear such cost if it is a party other than the permittee within ten days after the hearing is scheduled. The Director's failure to provide such a report shall not invalidate the Board of Supervisors' hearing nor its decision.

[Public Works Code, Section 786\(e\)\(2\)\(B\)\(v\)](#)



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Decision:

The Board by a majority vote of all its members may affirm or reverse the decision of the Director of Public Works.

The Board will act on the appeal within 30 days of the hearing date scheduled or within 60 days if the Board does not hold at least three regular Board meetings within 30 days of the scheduled hearing, or at the next regularly scheduled Board meeting should such deadline fall within a Board recess.

[Public Works Code, Section 786\(d\)](#).

Continuances:

Only the Board of Supervisors (not the Clerk of the Board) can continue or grant a written request for continuance of the appeal hearing.

A written request must be submitted by an appellant and the project sponsor, in advance, for the Board's consideration.

Contact:

Office of the Clerk of the Board
(415) 554-5184

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Effective March 25, 2019
Updated - February 27, 2020

**NOTICE TO BOARD OF SUPERVISORS OF APPEAL
FROM ACTION OF THE DIRECTOR OF PUBLIC WORKS
REGARDING A MAJOR STREET ENCROACHMENT PERMIT**

Notice is hereby given of an appeal to the Board of Supervisors from the following decision of the Director of Public Works (Director) regarding a Major Street Encroachment Permit.

The decision affects a location at_____.

Date of the Director's Decision
(Attach a Copy of Director's Decision)

Appeal Filing Date

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

b) Set forth the reasons in support of your appeal:

Person to Whom
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

Name

Name

Address

Address

Telephone Number

Telephone Number

Signature of Appellant or
Authorized Agent

**Check One of the Two
Options Below:**

Pursuant to Public Works Code, Section (e)(2)(B)(iv), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the decision of the Director of Public Works to reject a petition to revoke a major street encroachment permit at (address) _____, District _____. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

(Required: Attach copy of the decision of the Director of Public Works to reject the petition)

Pursuant to Public Works Code, Section (e)(2)(B)(v), due to a final written decision not issued by the Director of Public Works to resolve a petition to revoke a major street encroachment permit within 180 days of the date of filing, the undersigned members of the Board of Supervisors subscribe to this notice requesting an administrative hearing regarding a permit at (address) _____, District _____. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE

