

1 [Street Encroachments - Van Ness Avenue, Cedar Street, and Geary Boulevard - California  
2 Pacific Medical Center: Cathedral Hill Campus]

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4 **Resolution granting revocable permission to the California Pacific Medical Center to**  
5 **occupy a portion of the public right of way on Van Ness Avenue, in order to construct**  
6 **and maintain a pedestrian tunnel under Van Ness Avenue (State Highway 101), to**  
7 **connect the new medical office building and the new hospital located at 1100 and 1101**  
8 **Van Ness Avenue, respectively; to construct and maintain off-site improvements on the**  
9 **north side of Cedar Street, between Van Ness Avenue and Polk Street, across the street**  
10 **from the medical office building and on the south side of Cedar Street contiguous to**  
11 **the property at 1001 Polk Street (Assessor's Block No. 0694, Lot No. 004), including**  
12 **reconstructing and widening the existing sidewalk, installing new landscaping and**  
13 **reconstructing the existing roadway with pavers; and to install and maintain two 30,000**  
14 **gallon diesel fuel tanks within the public right of way under Geary Boulevard, between**  
15 **Franklin Street and Van Ness Avenue, in order to serve the hospital at 1101 Van Ness**  
16 **Avenue; and making environmental findings, and findings of consistency with the**  
17 **General Plan and the priority policies of Planning Code, Section 101.1.**

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19 WHEREAS, Pursuant to Public Works Code Section 786, California Pacific Medical  
20 Center ("CPMC") requested permission to occupy (1) a portion of the public right-of way on  
21 Van Ness Avenue in order to construct and maintain a pedestrian tunnel under Van Ness  
22 Avenue (State Highway 101) to connect the new medical office building and the new hospital  
23 located at 1100 and 1101 Van Ness Avenue respectively; (2) to construct and maintain off-site  
24 improvements on the north side of Cedar Street between Van Ness Avenue and Polk Street,  
25 across the street from the medical office building and on the south side of Cedar Street

1 contiguous to the property at 1001 Polk Street (Block 0694, Lot 004), including reconstructing  
2 and widening the existing sidewalk, installing new landscaping and reconstructing the existing  
3 roadway with pavers; and (3) to install and maintain two 30,000 gallon diesel fuel tanks within  
4 the public right of way under Geary Boulevard between Franklin Street and Van Ness Avenue,  
5 in order to serve the hospital at 1101 Van Ness Avenue. These encroachments are shown on  
6 plans filed with the Department of Public Works. Copies of such plans are on file in the office  
7 of the Clerk of the Board of Supervisors in File No. 120362 and are incorporated herein by  
8 reference; and

9 WHEREAS, The Transportation Advisory Staff Committee (TASC), at its meeting of  
10 February 23, 2012, recommended the proposed encroachments for approval; and

11 WHEREAS, On May 23, 2013, the San Francisco Planning Commission conducted a  
12 duly noticed public hearing on various actions related to the Near-Term Projects proposed in  
13 California Pacific Medical Center's Long Range Development Plan ("CPMC LRDP"), including  
14 on the proposed encroachment permits. Pursuant to San Francisco Charter Section 4.105,  
15 the Planning Commission found by Motion Nos. 18883 and 18891, that the CPMC LRDP and  
16 the proposed encroachments permits were consistent with the City's General Plan, as  
17 proposed to be amended, and the eight priority policies of Planning Code Section 101.1.  
18 Copies of said Motions are on file with the Clerk of the Board of Supervisors in File No.  
19 120362; and

20 WHEREAS, At a hearing on April 26, 2012, by Motion No. 18588, the Planning  
21 Commission certified as adequate, accurate and complete the Final Environmental Impact  
22 Report ("FEIR") for the CPMC LRDP. On March 12, 2013, the Board of Supervisors, in  
23 Motion No. M13-042, affirmed the decision of the Planning Commission to certify the FEIR  
24 and rejected the appeal of the FEIR certification. Copies of Planning Commission Motion No.  
25 18588 and Board of Supervisors Motion No. M13-042 are on file with the Clerk of the Board of

1 Supervisors in File Nos. 120459 and 120550. In accordance with the actions contemplated  
2 herein, this Board has reviewed the FEIR, and the FEIR Addendum for the revised CPMC  
3 LRDP Project, and adopts and incorporates by reference, as though fully set forth herein, the  
4 findings, including a statement of overriding considerations and the mitigation monitoring and  
5 reporting program, pursuant to the California Environmental Quality Act (California Public  
6 Resources Code Sections 21000 et seq.) ("CEQA"), the CEQA Guidelines (14 Cal. Code Reg.  
7 Sections 15000 et seq.) and Chapter 31 of the San Francisco Administrative Code adopted by  
8 the Planning Commission on May 23, 2013 in Motion No. 18880. A copy of Planning  
9 Commission Motion No. 18880 is on file with the Clerk of the Board of Supervisors in File No.  
10 120357; and

11 WHEREAS, After a duly noticed public hearing on May 9, 2012, the Department of  
12 Public Works recommended approval of the proposed encroachment in DPW Order Number  
13 180262 on file with the Clerk of the Board of Supervisors in File No. 120362 and incorporated  
14 herein by reference; and

15 WHEREAS, The street encroachment agreements, which are incorporated herein by  
16 reference and are on file with the Clerk of the Board of Supervisors in File No. 120362, and  
17 any associated permits shall not become effective until:

18 (a) The Permittee executes and acknowledges the permits and delivers said permits to  
19 the City's Controller,

20 (b) Permittee delivers to the City Controller a policy of insurance provided for in said  
21 agreements and the Controller shall have approved the same as complying with the  
22 requirement of said agreements. The Controller may, in his discretion, accept, in lieu of said  
23 insurance policy, the certificate of an insurance company certifying to the existence of such a  
24 policy; and

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1 (c) The Department of Public Works records the permits and associated agreements in  
2 the office of the County Recorder; and

3 WHEREAS, The Permittee, at the Permittee's sole expense and as necessary as a  
4 result of these permits, shall make the following arrangements:

5 (a) To provide for the support and protection of facilities belonging to the Department  
6 of Public Works, San Francisco Water Department, the San Francisco Fire Department and  
7 other City Departments, and public utility companies;

8 (b) To provide access to such facilities to allow said entities to construct, reconstruct,  
9 maintain, operate, or repair such facilities; and,

10 (c) To remove or relocate such facilities if installation of the encroachments require  
11 said removal or relocation and to make all necessary arrangements with the owners of such  
12 facilities, including payment for all their costs, should said removal or relocation be required;  
13 and,

14 WHEREAS, No structures shall be erected or constructed within said street right-of-  
15 way except as specifically permitted herein; and,

16 WHEREAS, The Permittee shall assume all costs for the maintenance and repair of the  
17 encroachments and no cost or obligation of any kind shall accrue to the City and County of  
18 San Francisco by reason of this permission granted; and

19 WHEREAS, The Permit is subject to the fee provisions of Public Works Code 786.7;  
20 now, therefore be it

21 RESOLVED, That pursuant to Public Works Code Section 786, the Board of  
22 Supervisors hereby grants revocable permission to CPMC to occupy a portion of the public  
23 right-of-way to (1) construct and maintain a pedestrian tunnel under Van Ness Avenue (State  
24 Highway 101) to connect the new medical office building and the new hospital located at 1100  
25 and 1101 Van Ness Avenue respectively; (2) construct and maintain off-site improvements on

1 the north side of Cedar Street between Van Ness Avenue and Polk Street, across the street  
2 from the medical office building, and on the south side of Cedar Street contiguous to the  
3 property at 1001 Polk Street (Block 0694, Lot 004), including reconstructing and widening the  
4 existing sidewalk, installing new landscaping, and reconstructing the existing roadway with  
5 pavers; and (3) install and maintain two 30,000 gallon diesel fuel tanks within the public right  
6 of way under Geary Boulevard between Franklin Street and Van Ness Avenue, in order to  
7 serve the hospital at 1101 Van Ness Avenue; and, be it

8 FURTHER RESOLVED, That the Board adopts as its own and incorporates by  
9 reference as though fully set forth herein, the findings of consistency with the General Plan, as  
10 it is proposed to be amended, and Planning Code Section 101.1 as set forth in both Planning  
11 Commission Motion Nos. 18883 and 18891; and, be it

12 FURTHER RESOLVED, That in accordance with the actions contemplated herein, this  
13 Board has reviewed the FEIR, and the FEIR Addendum for the revised CPMC LRDP Project,  
14 and adopts and incorporates by reference as though fully set forth herein the findings,  
15 including the statement of overriding considerations and mitigation monitoring and reporting  
16 program, adopted by the Planning Commission on May 23, 2013, pursuant to CEQA, in  
17 Motion No. 18589. Said Motion is on file with the Clerk of the Board of Supervisors in File  
18 No. 120357; and, be it

19 FURTHER RESOLVED, That this Resolution shall become effective 30 days from the  
20 date of passage. This Resolution shall become operative only on (and no rights or duties are  
21 affected until) the later of (a) 30 days from the date of its passage, or (b) the date that  
22 Ordinance \_\_\_\_\_ and Ordinance \_\_\_\_\_ have both become effective. Copies  
23 of said Ordinances are on file with the Clerk of the Board of Supervisors in File Nos. 130508  
24 and 130509.

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