

1 [Master Encroachment Permit - Potrero HOPE SF]

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3 **Resolution granting revocable permission under Public Works Code, Sections 786 et**
4 **seq. to Bridge-Potrero Community Associates LLC to maintain encroachments in the**
5 **public right-of-way, including but not limited to custom paving materials, benches,**
6 **landscaping, irrigation, drainage facilities, walkways, and retaining walls; delegating**
7 **authority to the Public Works Director to assign responsibility for sidewalk**
8 **maintenance and liability to various entities; adopting environmental findings under**
9 **the California Environmental Quality Act; making findings of consistency with the**
10 **General Plan, and the eight priority policies of Planning Code, Section 101.1; and to**
11 **authorize the Public Works Director to enter into amendments or modifications to the**
12 **Permit that do not materially increase the obligations or liabilities to the City and are**
13 **necessary to effectuate the purposes of the Permit or this Resolution.**

14
15 WHEREAS, This Resolution addresses the Board of Supervisors ("Board") approval for
16 certain improvements in the public right-of-way within the Potrero HOPE SF Project ("Potrero
17 HOPE" or the "Project") site to be maintained by Bridge-Potrero Community Associates LLC,
18 a California limited liability company ("Developer"), the master developer of this Potrero HOPE
19 project; and

20 WHEREAS, The Potrero HOPE project site is approximately 38 acres and is generally
21 bounded by 22nd Street to the north, Texas Street to the east, 26th Street to the south, and
22 Wisconsin Street and Missouri Street to the west (in the southern and northern portions of
23 Project, respectively); and

24 WHEREAS, The improvements included within Phase 1 and 2 of the Project are
25 located within portions of 25th, 26th, Arkansas, Connecticut, and Wisconsin Streets (the

1 “Phase 1 and 2 Streets”), as more specifically shown in the maps and diagrams on file with
2 the Clerk of the Board in File No. 250831; and

3 WHEREAS, This Resolution addresses approval of a Global Master Encroachment
4 Permit and Maintenance Agreement between the Department of Public Works (“Public
5 Works”) and Developer (collectively, “Permit”), for the Developer to maintain improvements in
6 the public right-of-way for the entire Project site, including improvements constructed for
7 Phase 1 and 2 of the Project, and providing for potential assignment of sidewalk maintenance
8 responsibility from the Developer to another entity, a draft of which is on file with the Clerk of
9 the Board in File No. 250831 along with other related materials and incorporated herein by
10 reference; and

11 WHEREAS, The Project site is owned by the Housing Authority of the City and County
12 of San Francisco (“SFHA”), which is providing various approvals and real estate transfers to
13 facilitate the Project; and

14 WHEREAS, The Project includes the complete rebuilding of the existing SFHA Potrero
15 Terrace and Annex sites and the surrounding streets through the City’s HOPE SF Program,
16 and will consist of up to 1,700 residential units (including approximately 800 affordable
17 and 800 market-rate units), retail and community spaces, open space, new streets, utilities,
18 and other infrastructure; and

19 WHEREAS, Potrero HOPE is proceeding in multiple phases in a generally northward
20 progression; and

21 WHEREAS, Potrero HOPE is subject to a Development Agreement between the City
22 and County of San Francisco (the “City”), SFHA, and Developer, recorded in the Official
23 Records of the City on March 3, 2017, as Document No. 2017-K416603-00 and approved by
24 the Board in Ordinance No. 15-17 (“Development Agreement”), a copy of which is on file with
25 the Clerk of the Board in File No. 161161 and incorporated herein by reference; and

1 WHEREAS, The Development Agreement includes, as Exhibit P, the Potrero HOPE
2 Master Infrastructure Plan (“Infrastructure Plan”), which describes the scope and phases of
3 the public infrastructure to be constructed by the Developer; and

4 WHEREAS, The Development Agreement provides for Developer to construct street,
5 utility, and other infrastructure that the City would accept as public right-of-ways and public
6 infrastructure, Phase 2 of which is being considered for Board acceptance in companion
7 legislation on file with the Clerk of the Board in File No. 250656; and

8 WHEREAS, The Development Agreement also provides for Developer to construct
9 improvements in the public right-of-way that the City will not accept and instead will be
10 Developer-maintained encroachments; and

11 WHEREAS, The Project-wide improvements that the Developer will maintain as
12 encroachments include: cobblestones and pavers; benches; cobblestones at tree wells;
13 landscaping, irrigation, and related facilities; temporary walkways and related elements;
14 drainage facilities; retaining walls; community gardens; and other improvements as specified
15 in Development Agreement documents (collectively, the “Encroachments”); and

16 WHEREAS, The Encroachments constructed for Phase 1 and 2 of the Project
17 (collectively, “Phase 1 and 2 Encroachments”) were constructed in accordance with the plans
18 and specifications shown in Street Improvement Permit Nos. 16IE-1082 (Phase 1)
19 and 21IE-00075 (Phase 2), as amended (“Phase 1 and 2 SIPs”); and

20 WHEREAS, The Encroachments for Phase 2 were also constructed in accordance with
21 Final Subdivision Map No. 9610 and its Public Improvement Agreement dated April 23, 2021;
22 and

23 WHEREAS, The Phase 1 and 2 Encroachments include the Project-wide
24 improvements mentioned above and other improvements as specified in the Phase 1 and 2
25 SIPs; and

1 WHEREAS, Pursuant to Public Works Code, Sections 786 et seq., the Developer
2 requested permission to maintain the Encroachments, including the Phase 1 and 2
3 Encroachments, in the public right-of-way for the life of a master encroachment permit, which
4 is the subject of this Resolution; and

5 WHEREAS, The Project improvements also include sidewalks on each of the streets
6 within the Project; and

7 WHEREAS, Pursuant to Public Works Code, Section 706, sidewalk maintenance is
8 generally the responsibility of the fronting property owner; and

9 WHEREAS, Pursuant to Public Works Code, Section 786(b), the master encroachment
10 permit authorizes the shifting of the responsibility for sidewalk maintenance and liability from
11 the fronting property owners to the Permittee, or the Permittee's agent or assignee, such as a
12 homeowners' association ("HOA"), subject to Board approval; and

13 WHEREAS, Pursuant to Public Works Code, Section 786(b), Developer requested
14 permission to allow for the assignment of such responsibility to an HOA, or other entity in the
15 future; and

16 WHEREAS, The Permit will include a provision that would allow the Public Works
17 Director to assign or approve the assignment of sidewalk responsibility and liability to an HOA,
18 or other entity in the future; and

19 WHEREAS, In Public Works Order No. 211938 dated July 24, 2025, the Public Works
20 Director recommended that the Board approve the subject Permit; a copy of the Public Works
21 Order is on file with the Clerk of the Board in File No. 250831 and incorporated herein by
22 reference; and

23 WHEREAS, In this Order, the Public Works Director determined under Public Works
24 Code, Section 786.7(f)(3) that the public right-of-way occupancy assessment fees for the
25

1 Encroachments are waived because all the encroachments are a condition of the
2 Development Agreement; and

3 WHEREAS, In a letter dated April 9, 2025 (the "Planning Department Letter"), the
4 Planning Department determined that the actions contemplated in this Resolution comply with
5 the California Environmental Quality Act ("CEQA", California Public Resources Code,
6 Sections 21000 et seq.) and that the contemplated actions do not trigger the need for
7 subsequent environmental review (the "Environmental Findings"), which determination is on
8 file with the Clerk of the Board in File No. 250831 and incorporated herein by reference; and

9 WHEREAS, The Planning Department also found in its Planning Department Letter
10 that the actions contemplated in this Resolution are consistent, on balance, with the City's
11 General Plan, and eight priority policies of Planning Code, Section 101.1; now, therefore, be it

12 RESOLVED, The Board affirms the Planning Department's CEQA determination and
13 adopts the Environmental Findings as its own; and, be it

14 FURTHER RESOLVED, That the Board finds that the Permit is consistent with the
15 General Plan, and the eight priority policies of Planning Code, Section 101.1 for the reasons
16 set forth in the Planning Department Letter; and, be it

17 FURTHER RESOLVED, The Board accepts the recommendations of Public Works
18 Order No. 211938 and approves the Permit, as set forth below; and, be it

19 FURTHER RESOLVED, Pursuant to Public Works Code, Sections 786 et seq., the
20 Board hereby grants revocable, non-exclusive, and non-possessory permission to Developer
21 to occupy the public right-of-way for purposes of maintaining the Encroachments, including
22 the Phase 1 and 2 Encroachments, under the terms of the Permit; and, be it

23 FURTHER RESOLVED, Pursuant to Public Works Code, Section 786(b), the Board
24 hereby delegates to the Public Works Director the authority under the Permit to assign or
25 approve the assignment of the Permit, including sidewalk responsibility and liability under the

1 Permit, to Developer, an HOA, or other entity in the future; and, be it

2 FURTHER RESOLVED, The Permit for the encroachments shall not become effective
3 until each Permittee executes and acknowledges the Permit and delivers said Permit and all
4 required documents to Public Works; and, be it

5 FURTHER RESOLVED, Permittee, at its sole expense and as is necessary as a result
6 of this Permit, shall make the following arrangements:

7 (1) To provide for the support and protection of facilities under the jurisdiction of
8 Public Works, the Public Utilities Commission, the Fire Department, other City departments,
9 and public utility companies;

10 (2) To provide access to such facilities to allow said entities to construct,
11 reconstruct, maintain, operate, or repair such facilities as set forth in the Permit;

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

16 (4) To assume all costs for the maintenance and repair of the Encroachments
17 pursuant to the Permit; no cost or obligation of any kind shall accrue to Public Works by
18 reason of this permission granted; and, be it

19 FURTHER RESOLVED, No structures shall be erected or constructed within the public
20 right-of-way except as specifically permitted herein; and, be it

21 FURTHER RESOLVED, The Board delegates to the Public Works Director the
22 authority to: (1) approve and, if required, record said Permit and its associated agreement on
23 substantially the same terms as the drafts on file with the Clerk of the Board in File
24 No. 280831; (2) divide the Permit into separate master encroachment permits, major
25 encroachment permits, or individual street encroachment permits; (3) approve contiguous and

1 non-contiguous annexation of new areas of the project site into the Permit; and (4) approve
2 assignments of rights and obligations from the original permittee to the permittee's agent or
3 assignee; and, be it

4 FURTHER RESOLVED, That the Board directs the Public Works Director to submit a
5 copy of the final Permit within 30 days of final issuance or execution, whichever last occurs, to
6 the Clerk of the Board; and, be it

7 FURTHER RESOLVED, The Board also authorizes the Public Works Director to
8 perform and exercise the City's rights and obligations under the Permit and to enter into
9 amendments or modifications to the Permit and associated agreement; and, be it

10 FURTHER RESOLVED, That such actions may include without limitation, those
11 amendments or modifications that the Public Works Director, in consultation with the City
12 Attorney, determines are in the best interest of the City, do not materially increase the
13 obligations or liabilities of the City or materially decrease the obligations of the Permittee or its
14 successors, are necessary or advisable to effectuate the purposes of the Permit or this
15 resolution with respect to the encroachments, and are in compliance with all applicable laws;
16 and, be it

17 FURTHER RESOLVED, The Board, under Public Works Code, Section 786.7(f),
18 acknowledges waiver of the public right-of-way occupancy assessment fee in accordance with
19 the Development Agreement and the Public Works Director's determination for the Permit.

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