

1 [A six-month extension of the occupancy of the south side of Howard Street during
2 construction operations at 405 Howard Street (Assessor's Block 3737, Lot 1).]
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4 **Resolution granting revocable permission to Webcor Builders for a six-month**
5 **extension to temporarily close and occupy a portion of the sidewalk and parking lane**
6 **on the southerly side of Howard Street, between 1st and Fremont Streets, during**
7 **construction operations at 405 Howard Street (Assessor's Block 3737, Lot 1).**
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9 WHEREAS, Board of Supervisors Resolution No. 565-01, approved July 20,
10 2001, granted revocable permission to Webcor Builders to temporarily close and occupy a
11 portion of the sidewalk and parking lane on the southerly side of Howard Street, between 1st
12 and Fremont Streets from November 6, 2000 through November 6, 2001; and,
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14 WHEREAS, pursuant to Public Works Code Section 724, 724.7 and 724.8, Webcor
15 Builders requested a six-month extension to temporarily close and occupy a portion of the
16 sidewalk and parking lane on the southerly side of Howard Street, between 1st and Fremont
17 Streets; and,
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19 WHEREAS, The Permittee shall maintain a minimum 4-foot clear path of travel at the
20 easternmost 115 feet of the subject site to accommodate car pool drop-offs Monday through
21 Friday from 6:00 AM to 10:00 AM; and,
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23 WHEREAS, The Permittee shall arrange with the San Francisco Police Department
24 (SFPD) to provide and post an SFPD Officer Monday through Friday from 6:00 AM to 10:00
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1 AM to monitor and control car pool drop-off activity at the easternmost 115 feet of the subject
2 site; and,

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4 WHEREAS, The permission for said extension of occupancy is granted for six (6)
5 months from November 6, 2001, and shall expire no later than May 6, 2002; and,

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7 WHEREAS, The Permittee shall provide flagpersons as necessary; shall place and
8 maintain reflectors and/or flasher lights at each end of construction barricades; shall provide
9 and post signs as follows: "SIDEWALK CLOSED/USE OTHER SIDE" on Howard at Fremont
10 Street, "SIDEWALK CLOSED" on Howard Street, 115' westerly of Fremont Street, and
11 "SIDEWALK CLOSED/USE OTHER SIDE" on Howard at 1st Street, and shall provide all other
12 necessary requirements; i.e. additional signs, equipment, etc. to control pedestrian and
13 vehicular traffic, all to the requirements of the department of Public Works (DPW) and the
14 Department of Parking & Traffic (DPT); and,

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16 WHEREAS, That in consideration of this Permit being issued for the work described in
17 the application, the Permittee on its behalf and that of any successor or assign, and on behalf
18 of any lessee, promises and agrees to perform all the terms of this Permit and to comply with
19 all applicable laws, ordinances and regulations; and,

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21 WHEREAS, The permittee agrees on its behalf and that of any successor or assign to
22 hold harmless, defend, and indemnify the City and County of San Francisco, including,
23 without limitation, each of its commissions, departments, officers, agents, and employees
24 (hereafter collectively referred to as the "City") from and against any and all losses, liabilities,
25 expenses, claims, demands, injuries, damages, fines, penalties, costs or judgements

1 including without limitation, attorneys' fees and costs (collectively, "claims") of any kind
2 allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, the
3 Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged
4 in the performance of the work authorized by this Permit, or while in or about the property
5 subject to this Permit for any reason connected in any way whatsoever with the performance
6 of the work authorized by this Permit or allegedly resulting directly or indirectly from the
7 maintenance or installation of any equipment, facilities or structures authorized under this
8 Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or
9 employee of either of them, while engaged in the performance of the work authorized by this
10 Permit, or while in or about the property, for any reason connected with the performance of
11 the work authorized by this Permit, or arising from liens or claims for services rendered or
12 labor or materials furnished in or for the performance of the work authorized by this Permit,
13 (iii) injuries or damages to real or personal property, goodwill, and persons in, upon or in any
14 way allegedly connected with the work authorized by this Permit from any cause or claims
15 arising at this time, and (iv) any release or discharge, or threatened release or discharge, of
16 any hazardous material caused or allowed by Permittee in, under, on, or about the property
17 subject to this Permit or into the environment. As used herein, "hazardous material" means
18 any substance, waste or material which, because of its quantity, concentration of physical or
19 chemical characteristic is deemed by any federal, state or local governmental authority to
20 pose a present or potential hazard to human health or safety or to the environment; and,
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22 WHEREAS, The Permittee must hold harmless, indemnify and defend the City
23 regardless of the alleged negligence of the City or any other party, except on for claims
24 resulting directly from the sole negligence or willful misconduct of the City. The Permittee
25 specifically acknowledges and agrees that it has an immediate and independent obligation to

1 defend the City from any claims which actually or potentially falls within this indemnify
2 provision, even if the allegations are or may be groundless, false or fraudulent, which
3 obligation arises at the time such claim is tendered to Permittee by the City and continues all
4 times thereafter. Permittee agrees that the indemnification obligations assumed under this
5 Permit shall survive expiration of the Permit or completion of work; and,
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7 WHEREAS, The Permittee shall obtain and maintain through the terms of this Permit
8 general liability, automobile liability or worker's compensation insurance as the City deems
9 necessary to protect the City against claims for damages for personal injury, accidental death
10 and property damage allegedly arising from any work done under this Permit. Such insurance
11 shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and
12 with insurers satisfactory to the City, evidencing all coverage above shall be furnished to the
13 City before commencing any operations under this Permit, with complete copies of policies
14 furnished promptly upon City request; and,
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16 WHEREAS, No structure shall be erected or constructed on said sidewalk except as
17 specifically permitted herein; and,
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19 WHEREAS, The Permittee shall pay a non-refundable fee of \$33,000 for the six-month
20 extension of said occupancy; and,
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22 WHEREAS, The Permittee shall, upon completion of all construction operations or
23 upon determination by the Director of Public Works that said sidewalk and street occupancy is
24 no longer required, restore the street areas to the satisfaction of the Department of Public
25 Works and reopen the area to public use; and,

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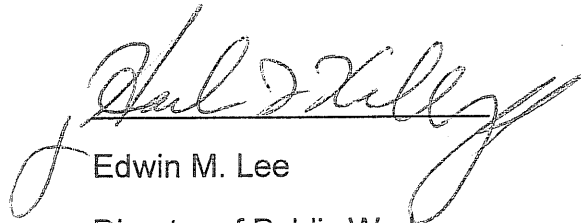
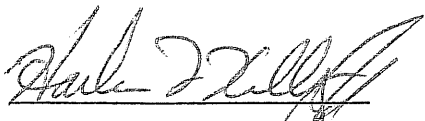
WHEREAS, This permission shall expire upon completion of said construction operations or upon determination by the Director of Public Works that said street occupancy is no longer required; and,

WHEREAS, That the Permittee shall procure the necessary permits from the Central Permit Bureau, Department of Building Inspection and/or the Bureau of Street-Use and Mapping, Department of Public Works and pay the necessary permit and inspection fees prior to occupying said area; now, therefore, be it

RESOLVED, That pursuant to Public Works Code Section 724, 724.7 and 724.8, permission revocable at the will of the Board of Supervisors, is hereby granted to Webcor Builders to temporarily close and occupy a portion of the sidewalk and parking lane on the southerly side of Howard Street, between 1st and Fremont Streets, except for a minimum 4' clear pedestrian path of travel at the easternmost 115 feet of the subject site, during construction operations at the aforementioned location.

RECOMMENDED:

APPROVED:



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

Edwin M. Lee
Director of Public Works



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Resolution

File Number: 011935

Date Passed:

Resolution granting revocable permission to Webcor Builders for a six-month extension to temporarily close and occupy a portion of the sidewalk and parking lane on the southerly side of Howard Street, between 1st and Fremont Streets, during construction operations at 405 Howard Street (Assessor's Block 3737, Lot 1).

December 10, 2001 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin,
Sandoval, Yee

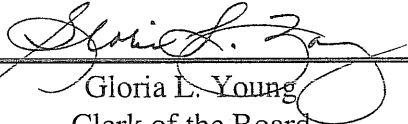
Absent: 1 - Newsom

File No. 011935

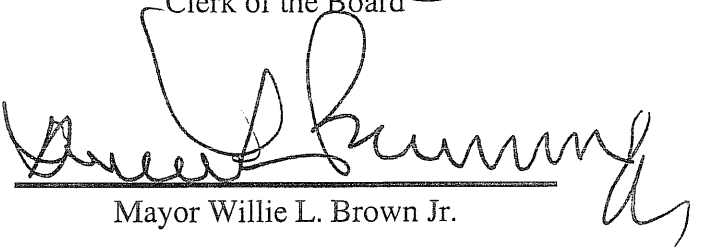
I hereby certify that the foregoing Resolution was ADOPTED on December 10, 2001 by the Board of Supervisors of the City and County of San Francisco.

DEC 21 2001

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.