

1 [Street Encroachment at 815 Francisco Street.]

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3 **Resolution granting revocable permission to Launce E. Gamble, Trustees, to occupy a**
4 **portion of the public right-of-way to construct and maintain a new two-car garage, to**
5 **encroach approximately 28 feet into the unimproved public sidewalk right-of-way, as**
6 **per existing neighborhood pattern, fronting 815 Francisco Street (Block 0048, Lot 019),**
7 **conditioned upon the payment of an annual assessment fee of \$4,800, and making**
8 **findings of consistency with the General Plan and the priority policies of Planning**
9 **Code Section 101.1.**

10 WHEREAS, pursuant to Public Works Code Section 786, permission was requested by
11 Gary Bell & Associates, agent for the owner, Launce E. Gamble, Trustees, to occupy a portion
12 of the public right-of-way to construct and maintain a new two car garage to encroach
13 approximately 28 feet into the unimproved public sidewalk right-of-way, as per existing
14 neighborhood pattern, fronting the subject property, as shown on the plans, a copy of which is
15 on file in the office of the Clerk of the Board of Supervisors in File No. ; and

16 WHEREAS, The Department of City Planning, by letter dated June 22, 2004, declared
17 that the proposed encroachment is in conformity with the General Plan and with the priority
18 policies of Planning Code Section 101.1. A copy of said letter is on file with the Clerk of the
19 Board of Supervisors in File No. , and is incorporated herein by reference; and

20 WHEREAS, At a duly noticed public hearing on August 11, 2004, the Department of
21 Public Works recommended approval of the proposed encroachment; and

22 WHEREAS, The permit and associated encroachment agreement, which are
23 incorporated herein by reference and attached hereto as Exhibit A, shall not become effective
24 until:

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1 (a) The Permittee executes and acknowledges the permit and delivers said permit to
2 the City's Controller, and

3 (b) Permittee delivers to the City Controller a policy of insurance provided for in said
4 agreement and the Controller shall have had approved the same as complying with the
5 requirement of said agreement. The Controller may, in his discretion, accept, in lieu of said
6 insurance policy, the certificate of an insurance company certifying to the existence of such a
7 policy; and,

8 (c) The City Controller records the permit and associated agreement in the office of the
9 County Recorder; and

10 WHEREAS, The Permittee, at the Permittee's sole expense and as is necessary as a
11 result of this permit, shall make the following arrangements:

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

15 (b) To remove or relocate such facilities and provide access to such facilities for the
16 purpose of constructing, reconstructing, maintaining, operating, or repairing such facilities;
17 and

18 WHEREAS, The Permittee shall procure the necessary permits from the Central Permit
19 Bureau, Department of Building Inspection and/or Bureau of Street-Use and Mapping,
20 Department of Public Works, and pay the necessary permit fees and inspection fees before
21 starting work; and

22 WHEREAS, The Board of Supervisors shall implement an annual assessment fee of
23 \$4,800 for the use of said right-of-ways, which shall be increased at the beginning of each
24 fiscal year based upon the Consumer Price Index quotient, and shall be re-evaluated by DPW
25 every five (5) years; and

1 WHEREAS, No structure shall be erected or constructed within said street right-of-way
2 except as specifically permitted herein; and,

3 WHEREAS, The Permittee shall assume all costs for the maintenance and repair of the
4 encroachments and no cost or obligation of any kind shall accrue to the City and County of
5 San Francisco by reason of this permission granted; now, therefore be it

6 RESOLVED, That pursuant to Public Works Code Section 786, the Board of
7 Supervisors hereby grants permission, revocable at the will of the Director of the Department
8 of Public Works, to Launce E. Gamble, Trustees, to occupy a portion of the public right-of-way
9 to construct and maintain a new two-car garage, to encroach approximately 28 feet into the
10 unimproved public sidewalk right-of-way, as per existing neighborhood pattern, fronting 815
11 Francisco Street (Block 0048, Lot 019), conditioned upon the payment of an annual
12 assessment fee of \$4,800; and, be it

13 FURTHER RESOLVED, That this Board adopts the findings of the Planning
14 Department, which determined that said permit is consistent with the General Plan and the
15 priority policies of Planning Code Section 101.1.

16

17 RECOMMENDED:

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20 Robert P. Beck
21 Deputy Director for Engineering

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APPROVED:

Edwin M. Lee
Director of Public Works