

1 [Approving Street Encroachment at 601-605 Market Street.]

2

3 **Resolution reversing the recommendation of the Director of Public Works and**
4 **approving permission to CA SF NO. 1, LP, to occupy a portion of the public right-of-**
5 **way to replace an existing sub-sidewalk elevator enclosure with a new decorative**
6 **enclosure and construct and maintain a new stairway at sidewalk level to provide a**
7 **means of secondary egress from the existing sub-sidewalk basement at the 2nd Street**
8 **frontage of 601-605 Market Street (Block 3707, Lot 001) and making findings of**
9 **consistency with the General Plan priority policies and Planning Code Section 101.1.**

10 WHEREAS, Pursuant to Public Works Code Section 786, permission was requested by
11 was requested by TRH, Inc., agents for the owners, CA SF NO. 1, LP, to occupy a portion of
12 the public right-of-way to replace an existing sub-sidewalk elevator enclosure with a new
13 decorative enclosure and construct and maintain a new stairway at sidewalk level to provide a
14 secondary means of egress from the existing sub-sidewalk basement at the subject property,
15 as shown on the plans, a copy of which is on file in the office of the Clerk of the Board of
16 Supervisors in File No. _____; and

17 WHEREAS, The Department of Parking and Traffic (DPT), in a message dated
18 December 19, 2003, stated that encroachments of this nature would impede the already high
19 volume of pedestrian traffic and may set a precedent for these types of structures to be
20 constructed elsewhere in the downtown area; and

21 WHEREAS, The Department of City Planning, by letter dated March 31, 2003, declared
22 that the proposed encroachments are not in conformity with the General Plan and with the
23 priority policies of Planning Code Section 101.1. A copy of said letter is on file with the Clerk
24 of the Board of Supervisors in File No. _____, and is incorporated herein by reference;
25 and

1 WHEREAS, It is and has been the policy of the Department of Public Works (DPW)
2 that ingress and/or egress to an existing sub-sidewalk basement should be accommodated
3 within the owner's private property; and,

4 WHEREAS, After a duly noticed public hearing on May 19, 2004, continued to June 16,
5 2004 at the request of the applicant, the Department of Public Works recommended
6 disapproval of the proposed encroachments as set forth in DPW Order No. 174,868, approved
7 June 23, 2004. A copy of said DPW Order is on file with the Clerk of the Board of Supervisors
8 in File No. _____, and is incorporated herein by reference; and

9 WHEREAS, Notwithstanding the determinations set forth above, it is the decision of the
10 Board of Supervisors that the proposed encroachments are in the best interest of the general
11 public, are desirable and convenient with the owner's use and enjoyment of its property, and
12 is appropriate use of the public right-of-way; and

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

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

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

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

25

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

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

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

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

13 WHEREAS, The Board of Supervisors reserves the right to assess a permit fee or
14 rental for the use of said street area; and

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

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

20 RESOLVED, That pursuant to Public Works Code Section 786, the Board of
21 Supervisors hereby approves permission, revocable at the will of the Director of the
22 Department of Public Works, to CA SF NO. 1, LP, to occupy a portion of the public right-of-
23 way to replace an existing sub-sidewalk elevator enclosure with a new decorative enclosure
24 and construct and maintain a new stairway at sidewalk level to provide a secondary means of
25

1 egress from the existing sub-sidewalk basement at 601-605 Market Street (Block 3707, Lot
2 001); and, be it

3 FURTHER RESOLVED, That this Board adopts its own findings that said permit is
4 consistent with the priority policies of Planning Code Section 101.1. A copy of said findings is
5 on file with the Clerk of the Board of Supervisors in File No. _____.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25