



San Francisco Public Works
General – Director’s Office
49 South Van Ness Ave., Suite 1600
San Francisco, CA 94103
(628) 271-3160 www.SFPublicWorks.org

Public Works Order No: 204906

DIRECTOR'S DECISION FOR MAJOR (STREET) ENCROACHMENT PERMIT 19ME-00021 TO INSTALL AND MAINTAIN IMPROVEMENTS WITHIN THE NORTHERN PORTION OF MARY STREET BETWEEN MISSION STREET AND MINNA STREET FOR A PEDESTRIAN-ONLY ALLEYWAY/PASEO, AND TO INSTALL A PRIVATE TELECOMMUNICATION LINE CONNECTING THE 434 MINNA AND 415 NATOMA BUILDINGS, TO BE LOCATED IN PORTIONS OF MINNA STREET, NATOMA STREET AND MARY STREET, AND TO INSTALL, OPERATE, MAINTAIN AND BE LIABLE FOR THE INSTALLATION OF A NON-PORTABLE WATER SYSTEM THAT INTERCONNECTS THE PROJECT ON MINNA AND NATOMA STREETS ALL AS PART OF THE DEVELOPMENT OF THE 5M PROJECT, LOCATED BETWEEN HOWARD STREET AND MISSION STREETS AND SOUTH OF 5TH STREET.

APPLICANT: FC M2 Exchange, LLC, a Delaware limited liability company

PROPERTY IDENTIFICATION: (i) Northern reach of Mary Street between Mission Street and Minna Street; and (ii) portions of Minna Street, Natoma Street and Mary Street (for private telecommunication line)

DESCRIPTION OF REQUEST: Major Encroachment Permit

BACKGROUND:

1. On July 13, 2015, BKF Engineers, A.R. Sanchez-Corea, agents for, FC M2 Exchange, LLC filed a request with Public Works (PW) to consider approval of a Major (Street) Encroachment Permit to install and maintain improvements on the northern reach of Mary Street between Mission Street and Minna Street, and to install a private telecommunication conduit line, in portions of Minna Street, Natoma Street and Mary Street, to connect the 434 Minna Street and 415 Natoma Street buildings.
2. The encroachments comprising the Major Encroachment Permit include the following: a curb-less pedestrian-only alley/paseo on North Mary Street with special and City-standard paving and City-standard streetlights; a separate private telecommunications conduit connecting the 434 Minna Street and 415 Natoma Street buildings; and a separate private underground non-potable water lines connecting to the 434 Minna Street and 415 Natoma Street buildings
3. The Planning Department, by letter dated February 10, 2020, that the encroachments are in conformity with the General Plan.
4. The Planning Department, in a letter dated August 27, 2020, determined that the actions contemplated in this resolution comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) and adopted findings that there is no new information of

substantial importance that would result in new or more severe significant impacts than were addressed in the certified environmental impact report and no subsequent environmental review is required.

5. The proposed encroachments identified under this Major Encroachment Permit have either been described in or are consistent with the project described in the Development Agreement for the 5M Project, dated as of December 17, 2015, recorded January 4, 2016, as Document No. 2016K183795, as subsequently amended by the Memorandum of Minor Modification of Development Agreement, dated as of February 21, 2020, recorded February 27, 2020, as Document No. 2020K909409.

6. On May 4, 2020, Public Works provided Notice for Public Hearing to all property owners within a 300-foot radius of the subject encroachments as well as posting said hearing within City Hall.

7. Public Works held a public hearing on the Major Encroachment Permit on May 18, 2020 in accordance with Public Works Code Sections 786 et seq..

8. On May 27, 2020, the Hearing Officer made a recommendation after hearing receiving or hearing any comments and reviewing the application, reports, plans, and other documents contained in the Public Works files.

9. The Director concurs with said recommendation, and is forwarding this Major Encroachment Application via legislation to the full Board of Supervisors for evaluation.

10. On June 1, 2021, the Municipal Transportation Agency Board unanimously adopted Resolution No. _____, closing the North Mary Street pedestrian-only alleyway portion of the encroachment permit to vehicular traffic.

RECOMMENDATION:

CONDITIONAL APPROVAL of the request for the Major Encroachment Permit, including the Street Encroachment Agreement, with transmittal to the Board of Supervisors for approval based on the following conditions and findings.

CONDITIONS OF APPROVAL:

1. The applicant shall submit a minimum \$2,000,000 General Liability Insurance naming the City and County of San Francisco as additionally insured.
2. The Permittee shall pay to Public Works an annual public right-of-way occupancy assessment fee of \$375.00 (calculated at \$5 per linear foot, times 75 feet total crossing of conduit) and as adjusted annually per Section 2.1.2 of the Public Works Code for the private telecommunications conduit connecting the 434 Minna Street and 415 Natoma Street buildings.

3. The Permit for the Encroachments shall not become effective until: (a) The Permittee executes and acknowledges the Permit and delivers said Permit and all required documents and fees to Public Works, and (b) Public Works records the Permit in the County Recorder's Office ensuring constructive notice of the maintenance of the Encroachments.

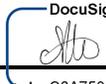
4. The Permittee, at its sole expense and as is necessary as a result of this permit, shall make the following arrangements: (a) To provide for the support and protection of facilities under the jurisdiction of Public Works, the San Francisco Public Utilities Commission, the San Francisco Fire Department, other City Departments, and public utility companies; (b) To provide access to such facilities to allow said entities to construct, reconstruct, maintain, operate, or repair such facilities as set forth in the Permit; (c) To remove or relocate such facilities if installation of Encroachments requires said removal or relocation and to make all necessary arrangements with the owners of such facilities, including payment for all their costs, should said removal or relocation be required; and (d) The Permittee shall assume all costs for the maintenance and repair of the Encroachments pursuant to the Permit and no cost or obligation of any kind shall accrue to Public Works by reason of this permission granted.

5. No structures shall be erected or constructed within the public right-of-way except as specifically authorized under the Permit.

ADDITIONAL FINDINGS:

Public Works Director determines under Public Works Code Section 786.7(f)(3) that the public right-of-way occupancy assessment fee for the North Mary Street pedestrian improvements is waived because said portion of the Encroachments are a condition of a City-approved development agreement for the 5M Project Development.

All required City Agencies provided review and have no further comment to the overall encroachments.

X DocuSigned by:


Ko, Albert J - C0A758C115B741C...
City Engineer

X DocuSigned by:


Degrafinried, Alan - A18178336C84404A5...
Acting Director

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Certificate Of Completion

Envelope Id: 21C4D48BDF347E9AFD586C386FEAF00	Status: Completed
Subject: Order 204906 - 5M - Major Encroachment	
Source Envelope:	
Document Pages: 6	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	DPW DocuSign
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	49 S Van Ness Ave
	San Francisco, CA 94103
	dpw-docusign.service@sfdpw.org
	IP Address: 208.121.36.177

Record Tracking

Status: Original 6/8/2021 9:00:55 AM	Holder: DPW DocuSign dpw-docusign.service@sfdpw.org	Location: DocuSign
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Signer Events

Nicolas Huff
Nicolas.Huff@sfdpw.org
Public Works
Security Level: Email, Account Authentication (None)

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City and County of San Francisco
Security Level: Email, Account Authentication (None)

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Signature Adoption: Drawn on Device
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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	6/8/2021 12:46:13 PM
Signing Complete	Security Checked	6/8/2021 12:50:59 PM

Envelope Summary Events	Status	Timestamps
Completed	Security Checked	6/8/2021 12:50:59 PM
Payment Events	Status	Timestamps
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- ii. send us an e-mail to dannie.tse@sfdpw.org and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> •Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify Public Works as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Public Works during the course of my relationship with you.