

1 [Encroachment Permit - Hidden Garden Tiled Steps Project - 16<sup>th</sup> Avenue between  
2 Kirkham and Lawton Streets]

3 **Resolution granting revocable permission to The Hidden Garden Steps Organizing**  
4 **Committee to occupy a portion of the public right-of-way to install and maintain a**  
5 **mosaic tiled mural on the risers, and non-slip paving tiles on the treads of the existing**  
6 **City concrete stairway, and a garden habitat adjacent to the existing concrete City**  
7 **stairway, along 16th Avenue between Kirkham and Lawton Streets; accepting as a gift**  
8 **to the City said tiled steps, garden habitat, and a \$20,000 maintenance fund for the tiled**  
9 **steps; and making findings of consistency with the General Plan, and the eight priority**  
10 **policies of Planning Code, Section 101.1.**

11  
12 WHEREAS, Pursuant to Public Works Code Section 786, permission was requested by  
13 The Hidden Garden Steps Organizing Committee to occupy a portion of the public right-of-  
14 way to install a mosaic tiled mural on the risers and non-slip paving tiles on the treads of the  
15 existing City concrete stairway, a garden habitat adjacent to the existing concrete City  
16 stairway along 16<sup>th</sup> Avenue between Kirkham and Lawton Streets, as shown on the permit  
17 plans. The Hidden Garden Steps Organizing Committee has also offered as a gift to the City  
18 and County of San Francisco, the tiled steps project, the associated landscaping and a  
19 \$20,000 maintenance fund for the tiled steps. Copies of the permit plans and The Hidden  
20 Garden Steps Organizing Committee's gift offer are on file in the office of the Clerk of the  
21 Board of Supervisors in File No. 130979 and are incorporated herein by reference; and

22 WHEREAS, The Transportation Advisory Staff Committee (TASC) at its meeting of  
23 January 10, 2013, recommended approval of the proposed tiled steps and landscaping  
24 improvements; and  
25

1           WHEREAS, The Planning Department, by letter dated February 8, 2013, determined  
2 that the proposed improvements are in conformity with the General Plan and with the eight  
3 priority policies of Planning Code, Section 101.1. A copy of said letter is on file with the Clerk  
4 of the Board of Supervisors in File No. 130979 and is incorporated herein by reference; and

5           WHEREAS, The San Francisco Arts Commission by Resolution No. 0206-12-026  
6 approved the design of the Hidden Garden Steps project, and a tile mural by Aileen Barr and  
7 Colette Crutcher at 16<sup>th</sup> Avenue at Kirkham Street. A copy of said Resolution is on file with  
8 the Clerk of the Board of Supervisors in File No. 130979 and is incorporated herein by  
9 reference; and

10           WHEREAS, After a duly noticed public hearing on April 17, 2013, the Department of  
11 Public Works by Order No. 181272, approved May 9, 2013, recommended approval of the  
12 proposed encroachments. A copy of said Order is on file with the Clerk of the Board of  
13 Supervisors in File No. 130979 and is incorporated herein by reference; and

14           WHEREAS, The permit and associated encroachment agreement (the "Encroachment  
15 Agreement") shall not become effective until:

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

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

1           WHEREAS, The Encroachment Agreement is attached to the permit as Exhibit A.  
2 Copies of said Permit and the Agreement are on file with the Clerk of the Board of  
3 Supervisors in File No. 130979 and are incorporated herein by reference; and

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

6           (a) To provide for the support and protection of facilities belonging to the Department  
7 of Public Works, San Francisco Public Utilities Commission, the San Francisco Fire  
8 Department and other City Departments, and public utility companies; and

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

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

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

18           WHEREAS, The Department of Public Works recommends that the Board accept the  
19 tiled steps and garden habitat, along with a \$20,000 maintenance fund as a gift to the  
20 Department of Public Works on behalf of the City and County of San Francisco upon  
21 completion of the permit work. The Department further recommends that upon completion,  
22 inspection, and approval of the permit work, the maintenance requirements set forth herein  
23 shall become the responsibility of the Department of Public Works, and the Permittee shall be  
24 released from any duty or obligation whatsoever under the Encroachment Agreement,  
25

1 including without limitation, any and all indemnification, liability, and insurance obligations  
2 provided for therein (the "Encroachment Agreement Release"); and,

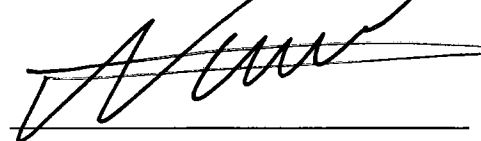
3 WHEREAS, Notwithstanding the Encroachment Agreement Release, after Department  
4 of Public Works final inspection and approval of the permit work, the Permittee, as part of the  
5 gift offer to the City, agrees to establish a \$20,000 fund for the purpose of maintaining the tiled  
6 steps project until such funds have been fully depleted; now, therefore be it;

7 RESOLVED, That pursuant to Public Works Code Section 786, the Board of  
8 Supervisors hereby approves permission, revocable at the will of the Director of the  
9 Department of Public Works, to The Hidden Garden Steps Organizing Committee to occupy a  
10 portion of the public right-of-way to install a mosaic tiled mural on the risers and non-slip  
11 paving tiles on the treads of the existing City concrete stairway and a garden habitat adjacent  
12 to the existing concrete City stairway along 16<sup>th</sup> Avenue between Kirkham and Lawton  
13 Streets; and, be it

14 FURTHER RESOLVED, The Board of Supervisors hereby accepts as a gift to the City  
15 and County of San Francisco the offer from The Hidden Garden Steps Organizing Committee  
16 for said tiled steps project and garden habitat along with a \$20,000 maintenance fund as set  
17 forth in the conditions that the Department of Public Works recommended; and, be it

18 FURTHER RESOLVED, That this Board finds the permit to be consistent with the  
19 General Plan and priority policies of Planning Code Section 101.1 for the reasons set forth in  
20 the City Planning Department letter.

21 APPROVED:

22   
23 \_\_\_\_\_

24 Mohammed Nuru

25 Director of Public Works

Department of Public Works  
**BOARD OF SUPERVISORS**



**City and County of San Francisco**  
**Tails**  
**Resolution**

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

**File Number:** 130979

**Date Passed:** October 22, 2013

Resolution granting revocable permission to The Hidden Garden Steps Organizing Committee to occupy a portion of the public right-of-way to install and maintain a mosaic tiled mural on the risers, and non-slip paving tiles on the treads of the existing City concrete stairway, and a garden habitat adjacent to the existing concrete City stairway, along 16th Avenue between Kirkham and Lawton Streets; accepting, as a gift to the City, said tiled steps, garden habitat, and a \$20,000 maintenance fund for the tiled steps; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

October 07, 2013 Land Use and Economic Development Committee - RECOMMENDED


October 22, 2013 Board of Supervisors - ADOPTED

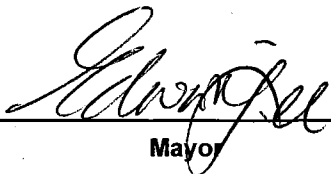
Ayes: 9 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Mar, Tang and Yee

Excused: 2 - Kim and Wiener

File No. 130979

I hereby certify that the foregoing  
Resolution was ADOPTED on 10/22/2013 by  
the Board of Supervisors of the City and  
County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

  
Mayor

  
Date Approved