

1 [Minor Sidewalk Encroachment Permit]

2 APPROVING THE DECISION OF THE DIRECTOR OF PUBLIC WORKS' APPROVAL OF A  
3 MINOR ENCROACHMENT PERMIT AT 955 GREEN STREET, SOUTH SIDE BETWEEN  
4 JONES AND LEAVENWORTH STREETS, WITH ADDITIONAL CONDITIONS BEING  
5 IMPOSED UPON THE PERMITTEE BY THE BOARD OF SUPERVISORS, AND DENYING  
6 THE APPEAL.

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8           MOVED, That pursuant to applicable provisions of Section 723.2 of the Public Works  
9 Code, the decision of the Director of Public Works, through DPW Order No. 172,123, dated  
10 January 19, 2000, and issued on February 2, 2000, granting Mr. Ned Topham a minor  
11 sidewalk encroachment permit to excavate and to construct two (2) planters, retaining walls  
12 and rails, automatic gate control, and to excavate and re-grade portion of public right-of way  
13 to gain access to 955 Green Street property as detailed in DPW Order No. 171,730, which  
14 was approved and issued on January 5, 1993 by the Department of Public Works, be and the  
15 same is hereby approved, subject to all of the conditions approved in DPW Order No.  
16 172,123, and further subject to additional conditions imposed upon the permittee by the Board  
17 of Supervisors, as listed below. The appeal, based upon the permittee's compliance with all  
18 of the imposed conditions, is denied.  
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20           FURTHER MOVED, That the permit approval is conditioned upon satisfaction of the  
21 conditions listed as follows:

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- 23 1. The permittee shall comply with all of the conditions imposed in DPW Order No. 172,123.
  - 24 2. Excavation pursuant to this permit shall not occur until satisfaction of the following  
25 conditions.

1                   **A. REPORTS FROM CITY AGENCIES:**

2     DPW shall obtain reports that address emergency response times, including fire, police, and  
3     medical services, access to the fire hydrant at 960 Green Street and a standpipe at 947  
4     Green Street, and other encroachment construction period issues from ISCOTT, Fire  
5     Department, and Police Department. Such reports shall be submitted to DPW and be  
6     available for public inspection.

7                   **B. PUBLIC SAFETY:**

- 8     1. Project sponsor shall hire a full-time traffic manager on-site to ensure Green Street  
9     remains open at all times, including periods of garbage collection.
- 10    2. Project sponsor shall perform the following neighborhood communication activities during  
11    construction of the encroachment:
- 12       a. Circulate a monthly newsletter concerning the project to all property owners within  
13       300 feet of the project and to any neighborhood organization that requests such  
14       newsletter.
  - 15       b. Hire an on-site traffic manager and community liaison officer.
  - 16       c. Schedule meetings with neighborhood representatives to review any substantive  
17       planning changes.
  - 18       d. Provide status reports to DPW on satisfaction of the following conditions:
    - 19           i. No loading or unloading of trucks on the street after creation of the staging  
20           area.
    - 21           ii. No materials or equipment on the street after creation of the staging area.
    - 22           iii. All parking, storage etc. to be contained within the prescribed staging area  
23           after creation of the staging area.
    - 24           iv. Radio-equipped flagmen present to ensure that no standing vehicles on the  
25           900 block of Green or intersection during periods of repeat traffic.

- 1 v. No debris in the right-of-way. Daily clean-up.
- 2 vi. No work or worker traffic except during normal weekday traffic.
- 3 vii. No worker parking on the block or adjacent blocks.

4 **C. HILLSIDE STABILITY:**

- 5 1. DPW shall obtain an assessment of slope stability and construction-related impacts from
- 6 the City Engineer. This assessment also shall include a calculation of the proposed slopes as
- 7 they will appear after construction.
- 8 2. All excavation shall be in accordance with the recommendations of geo-technical engineer,
- 9 Harding Lawson.
- 10 3. The geo-technical engineer shall make regular visits to the site to monitor the condition of
- 11 earth materials as it is exposed.
- 12 4. The project sponsor shall make the site available to a qualified geo-technical engineer
- 13 representing concerned neighbors to examine excavation in the public right-of-way.

14 **D. TREE PRESERVATION:**

- 15 1. The project sponsor shall obtain a tree survey prior to initiating any excavation work and
- 16 present such survey to the City's Urban Forester. If such survey indicates that the trees on
- 17 the hillside may be damaged by the permitted work, the Urban Forester shall recommend
- 18 alternative designs to protect such trees. Based on the Urban Forester's recommendations,
- 19 DPW is authorized to protect the trees on the hillside, even if such protective measures result
- 20 in modification of the retaining wall's size or location or the on-street parking spaces' number
- 21 or location.
- 22 2. The project sponsor shall follow all recommendations contained in the report of consulting
- 23 arborist Dennis Yniquez dated March 27, 2000.

1 3. The Developer shall notify the City's Urban Forester of the dates it plans to excavate close  
2 to the cypress trees in the Green Street right-of-way, and make the site available for his  
3 inspection.

4 **E. BOND:**

5 Project sponsor shall provide and maintain, for the life of the encroachment, a \$2,000,000  
6 insurance policy to protect the City and County of San Francisco from claims, liability, and  
7 loss resulting from the installation or maintenance of the encroachment.

8 **F. INDEMNIFICATION:**

9 1. The City recognizes, as part of this permit approval, that the project sponsor has agreed to  
10 provide a written guarantee to adjacent property owners that the project sponsor shall be  
11 responsible for the cost of repair for any damage resulting during construction to:

12 a. Green Street and infrastructure in the public-right-of-way resulting from its building  
13 activities.

14 b. Private property resulting from its building activity.

15 2. The City further recognizes that the project sponsor has agreed to defend and indemnify  
16 those property owners whose property fronts the encroachment as follows: Defense and  
17 indemnification shall be identical to those protections provided to the City as set forth in the  
18 encroachment permit, except that the project sponsor shall not be obligated to defend and  
19 indemnify such fronting property owners for their own negligence.

20 3. The City also recognizes that the project sponsor has agreed to provide Certificates of  
21 Insurance of General Contractor and all major subcontractors to interested neighbors.

22 **G. SEWER:**

23 The City recognizes that the sewer for the proposed project has been submitted to the City for  
24 review and approval. However, the City requests that prior to approval of the sewer  
25 connection, the project sponsor provide a schedule that shows the project construction

1 activities of the project sponsor and an analysis of emergency service provision and ingress  
2 and egress to Green Street for the general public during the excavation, trenching, and  
3 installation of the sewer.

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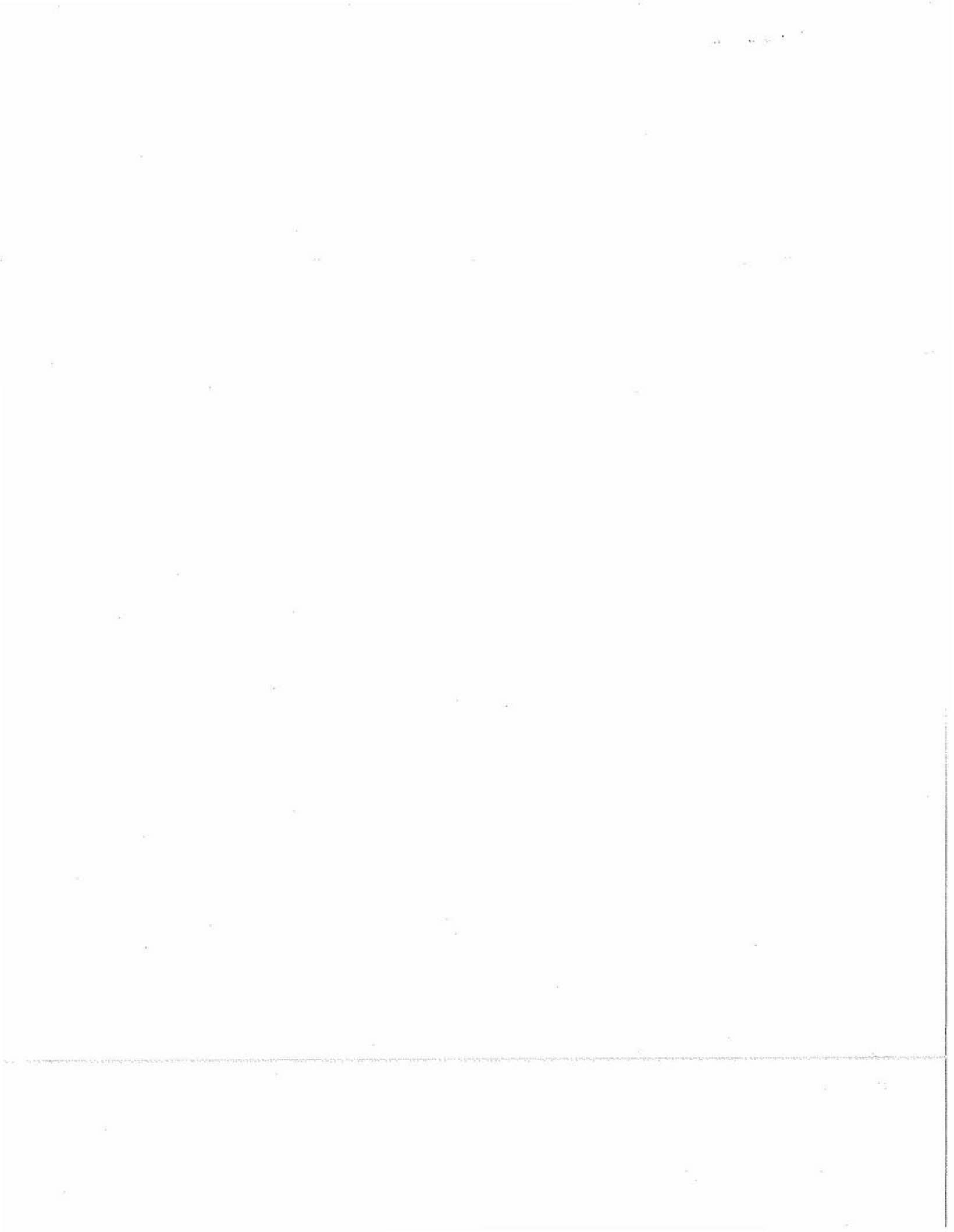
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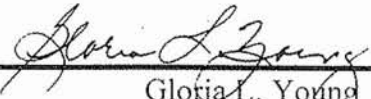
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File No. 000376

I hereby certify that the foregoing Motion  
was APPROVED AS AMENDED on April  
10, 2000 by the Board of Supervisors of the  
City and County of San Francisco.

  
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Gloria L. Young  
Clerk of the Board