

1 [Street Encroachment at 365 Main Street.]

2

3 **Resolution granting revocable permission to Harrison 160, LLC, for a street**
4 **encroachment comprised of two (2) existing previously installed vaults that encroach**
5 **into the public sidewalk right-of-way, located at 365 Main Street (Block 3745, Lot 008)**
6 **and making environmental findings and findings of consistency with the General Plan**
7 **and the priority policies of Planning Code Section 101.1.**

8 WHEREAS, Pursuant to Public Works Code Section 786, Harrison 160 LLC, requested
9 permission to occupy a portion of the public sidewalk right-of-way for two (2) existing
10 previously installed vaults, as shown on a plan a copy of which is on file with the Clerk of the
11 Board of Supervisors in File No. ; and,

12 WHEREAS, The Planning Department, by letter dated January 5, 2005, made a
13 determination under the California Environmental Quality Act (California Public Resources
14 Code Sections 21000 et seq.) and declared that the proposed encroachment is in conformity
15 with the General Plan and with the priority policies of Planning Code Section 101.1. A copy of
16 said letter is on file with the Clerk of the Board of Supervisors in File No. , and is
17 incorporated herein by reference; and,

18 WHEREAS, After a duly noticed public hearing on February 16, 2005, the Department
19 of Public Works recommended approval of the proposed street encroachment; and,

20 WHEREAS, The permit and associated encroachment agreement, copies of which are
21 on file with the Clerk of the Board of Supervisors in File No. and are incorporated
22 herein by reference, shall not become effective until:

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

25

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

6 (c) The City Controller records the permit and associated agreement in the office of the
7 County Recorder; and,

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

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

13 (b) To provide access to such facilities for the purpose of constructing, reconstructing,
14 maintaining, operating, or repairing such facilities; and,

15 WHEREAS, The Permittee shall procure the necessary permits from the Central Permit
16 Bureau, Department of Building Inspection and/or Bureau of Street-Use and Mapping,
17 Department of Public Works, pay the necessary permit fees and inspection fees before
18 starting work, and pay the annual right-of-way occupancy assessment fee of \$1,500 as
19 adjusted annually per section 786.7 of the Public Works Code and,

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

22 WHEREAS, The Permittee shall assume all costs for the maintenance and repair of the
23 encroachments and no cost or obligation of any kind shall accrue to the City and County of
24 San Francisco by reason of this permission granted; now, therefore be it
25

1 RESOLVED, That pursuant to Public Works Code Section 786, the Board of
2 Supervisors hereby grants permission, subject to the conditions set forth herein and revocable
3 at the will of the Director of the Department of Public Works, to Harrison 160, LLC, to occupy
4 a portion of the public sidewalk right-of-way with an encroachment comprised of two (2)
5 existing previously installed vaults located at 365 Main Street (Block 3745, Lot 008); and, be it

6 FURTHER RESOLVED, That this Board adopts the Planning Department's
7 environmental findings and findings of consistency with the General Plan and the priority
8 policies of Planning Code Section 101.1.

9

10 RECOMMENDED:

APPROVED:

11

12

13 Robert P. Beck

Edwin M. Lee

14 Deputy Director for Engineering

Director of Public Works

15

16

17

18

19

20

21

22

23

24

25