

LEGISLATIVE DIGEST

[Public Works and Administrative Codes - Encroachment Permit for the 530 Sansome Mixed-Use Tower and Fire Station 13 Development Project and Public Infrastructure Acceptance]

Ordinance approving a major encroachment permit for EQX Jackson SQ Holdco LLC to occupy portions of Merchant Street between Sansome and Battery Streets adjacent to 425 Washington Street, 439-445 Washington Street, and 530 Sansome Street (Assessor's Parcel Block No. 0206, Lot Nos. 013, 014, and 017) for the purpose of installing and maintaining decorative roadway and sidewalk paving, tabletop crosswalks, overhead string lighting, various pedestrian- and bike-oriented improvements, other non-standard infrastructure, and new street trees; waiving certain requirements under Public Works Code, Sections 724.7 (construction occupancy fee), 786.3 (final review of City departments prior to Public Works hearing), and 806 (street tree removal notice and appeal and replacement at or exceeding requirements), and Administrative Code, Section 1.51 (acceptance of public infrastructure), in connection with Permittee's implementation of the encroachment permit and project development; delegating to the Public Works Director the authority to accept an irrevocable offer for the public infrastructure in Merchant Street, dedicate such infrastructure to public use, designate it for street and roadway purposes, and accept it for City maintenance and liability purposes, subject to specified limitations; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; accepting a Public Works Order that recommends the major encroachment and delegation to the Public Works Director of the acceptance and related actions for the public improvements; and authorizing official acts, as defined, in connection with this Ordinance.

Existing Law

Public Works Code Sections 786 et seq. govern the process for City approval of major (street) encroachment permits for private entities to construct and maintain encroachments installed in the public right-way. Section 786.3 of that law provides procedures for City departments with jurisdictional authority over streets and street use to review and comment on proposed encroachment permits. Public Works Code Section 724.7 establishes a fee for the period that private entities occupy the public right-of-way for construction purposes. Public Works Code Article 16, Sections 800 et seq. is known as the Urban Forestry Ordinance. Section 806 includes the procedures for private entities to remove and replace street trees along with appeal procedures for such removal. Administrative Code Sections 1.51 et seq. set forth the process for the City to review and accept public infrastructure for City maintenance and liability.

Amendments to Current Law

This ordinance would approve a major encroachment permit to allow EQX Jackson SQ Holdco LLC to construct and maintain various improvements on Merchant Street between Sansome and Battery Streets as part of the 530 Sansome Mixed-Use Tower and Fire Station 13 Development Project. The removal and replacement of street trees would be part of the permit. This legislation would waive Public Works Code Section 786.3 to eliminate the need for final review of the encroachment permit by certain City departments prior to the Public Works' administrative hearing on the permit and waive parts of Section 806 regarding the street tree removal, replacement, and appeal procedures because those actions are addressed as part of the Board of Supervisors' approval of the encroachment permit. The ordinance would waive Public Works Code Section 724.7 to exempt the Project sponsor from the occupancy fee related to the sponsor's use of Merchant Street to stage Project construction. The legislation also would waive Administrative Code Sections 1.51 et seq. to delegate the authority to the Public Works Director to take all actions related to City acceptance of new public infrastructure in Merchant Street for City maintenance and liability. The ordinance also would adopt environmental findings and findings of consistency with the City's General Plan and the eight priority policies of Planning Code, Section 101.1.

Background Information

As part of 530 Sansome Mixed-Use Tower and Fire Station 13 Development Project, the Project sponsor will improve Merchant Street between Sansome and Battery Streets to include decorative roadway and sidewalk paving, tabletop crosswalks, overhead string lighting, various pedestrian- and bike-oriented improvements, other non-standard infrastructure, and new street trees. These amenities are addressed as part of the major encroachment permit approval that is the subject of this ordinance.

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