

1 [Public Works – Encroachment under Halleck Street between Battery and Front Streets.]

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3 **Ordinance granting revocable permission pursuant to Public Works Code Section 786**
4 **to Steven M. David to occupy a portion of the public right-of-way to install an**
5 **underground encroachment under Halleck Street between Battery and Front Streets to**
6 **provide electrical service to 212 California Street (Assessor's Block 0237, Lot 007)**
7 **conditioned upon the payment of an annual assessment fee as set forth in Public**
8 **Works Code Section 2.1.1(h)(iii) for underground vaults and making environmental**
9 **findings and findings of consistency with the General Plan and the priority policies of**
10 **Planning Code Section 101.1.**

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12 Note: Additions are *single-underline italics Times New Roman*;
13 deletions are *strikethrough italics Times New Roman*.
14 Board amendment additions are double underlined.
15 Board amendment deletions are ~~strikethrough normal~~.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. Findings.

18 (a) Pursuant to Public Works Code Section 786, MHC Engineers requested
19 permission, on behalf of the property owner, Steven M. David, to occupy a portion of the
20 public right-of-way to install an underground 2000 amp transformer vault under Halleck Street
21 as shown on the plans, a copy of which is on file with the Clerk of the Board of Supervisors in
22 File No. . Said vault shall provide electrical service to 212 California Street
(Assessor's Block 0237, Lot 007).

23 (b) The Planning Department, by letter dated January 18, 2006, declared that the
24 proposed encroachment is in conformity with the General Plan and the priority policies of
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1 Planning Code Section 101.1. A copy of said letter is on file with the Clerk of the Board of
2 Supervisors in File No. , and is incorporated herein by reference.

3 (c) In the abovementioned letter, the Planning Department also determined that the
4 actions contemplated in this Resolution are in compliance with the California Environmental
5 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
6 incorporated herein by reference.

7 (d) At a duly noticed public hearing on May 10, 2006, the Department of Public Works
8 recommended approval of the proposed encroachments.

9 (e) The permit and associated encroachment agreement shall not become effective
10 until the Permittee executes and acknowledges the permit and delivers said permit to the
11 Department of Public Works. A copy of the permit and agreement are on file with the Clerk of
12 the Board of Supervisors in File No. , and are incorporated herein by reference.

13 Section 2. Street Encroachment Permit Issuance and Conditions of Approval.

14 (a) Pursuant to Public Works Code Section 786, the Board of Supervisors hereby
15 grants permission, revocable at the will of the Director of the Department of Public Works, to
16 property owner, Steven M David, to occupy a portion of the public right-of-way to install to an
17 underground encroachment under Halleck Street.

18 (b) The Permittee, at the Permittee's sole expense and as is necessary as a result of
19 this permit, shall make the following arrangements:

20 (1) To provide for the support and protection of facilities belonging to the
21 Department of Public Works, San Francisco Water Department, the San Francisco Fire
22 Department and other City Departments, and public utility companies;

23 (2) To provide access to such facilities to allow said entities to construct,
24 reconstruct, maintain, operate, or repair such facilities; and,
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1 (3) To remove or relocate such facilities if installation of the encroachment
2 requires said removal or relocation and to make all necessary arrangements with the owners
3 of such facilities, including payment for all their costs, should said removal or relocation be
4 required.

5 (c) The Permit also is subject to the following conditions:

6 (1) Permittee shall procure the necessary permits from the Central Permit
7 Bureau, Department of Building Inspection and/or Bureau of Street-Use and Mapping,
8 Department of Public Works, and pay all permit fees and inspection fees before starting work.

9 (2) No structures shall be erected or constructed within said street right-of-way
10 except as specifically permitted herein.

11 (3) The Permittee shall become a member of, participate in and share in the
12 costs associated with Underground Service Alert (U.S.A.) Northern California Region.

13 (4) The Permittee shall assume all costs for the maintenance and repair of the
14 encroachments and no cost or obligation of any kind shall accrue to the Department of Public
15 Works or any other City entity by reason of this permission granted.

16 (d) Notwithstanding the annual public right-of-way occupancy assessment fee set forth
17 in Public Works Code Section 786, the occupancy assessment fee for this encroachment shall
18 be the fee charged for underground vaults pursuant to Public Works Code Section 2.1.1(h)(iii).
19 The Permittee shall pay said annual public right-of-way occupancy assessment fee as set
20 forth on the fee schedule adopted in accordance with the Public Works Code.

21 (e) This Board adopts as its own the findings of the Planning Department, which
22 determined that said permit is consistent with the City's General Plan and the priority policies
23 of Planning Code Section 101.1.

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25 APPROVED AS TO FORM:

1 DENNIS J. HERRERA, City Attorney

2 By: _____
3 John D. Malamut
4 Deputy City Attorney

7 RECOMMENDED:

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9 _____
10 Robert P. Beck
11 Deputy Director for Engineering

APPROVED:

Fred V. Abadi, Ph.D.
Director of Public Works