

Amendment of the Whole
December 7, 2005

FILE NO. 051120

RESOLUTION NO.

1 [Street Encroachment at 624 Laguna Street.]

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3 **Resolution granting revocable permission to 624 Laguna LP, to occupy a portion of the**
4 **public right-of-way for the installation and operation of a new sub-sidewalk elevator**
5 **under the sidewalk fronting the subject property at 624 Laguna Street (Block 0807, Lot**
6 **012), ~~conditioned upon the payment of an annual assessment fee of \$1,000.00 and~~**
7 **making findings of consistency with the City's General Plan and Planning Code Section**
8 **101.1.**

9

10 WHEREAS, pursuant to Public Works Code Section 786, permission was requested by
11 A.R. Sanchez-Corea and Associates, Inc., agent for the owner, 624 Laguna LP to occupy a
12 portion of the public right-of-way for the installation and operation of a new sub-sidewalk
13 elevator under the sidewalk fronting the subject property, as shown on the plans, a copy of
14 which is on file in the office of the Clerk of the Board of Supervisors in File No. 051120; and

15 WHEREAS, The Department of City Planning, by letter dated February 27, 2005,
16 declared that the proposed encroachment does not conform with the General Plan and with
17 the priority policies of Planning Code Section 101.1. A copy of said letter is on file with the
18 Clerk of the Board of Supervisors in File No. 051120, and is incorporated herein by reference;
19 and

20 WHEREAS, The Planning Commission, on November 17, 2005, reversed the Planning
21 Department's decision and adopted Resolution No. 17148, which found that the proposed
22 encroachment is consistent with the General Plan and the priority policies of Planning Code
23 Section 101.1. A copy of said Resolution is on file with the Clerk of the Board of Supervisors
24 in File No. 051120, and is incorporated herein by reference; and

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1 WHEREAS, At a duly noticed public hearing on May 4, 2005, the Department of Public
2 Works recommended approval of the proposed encroachment; and

3 WHEREAS, The permit and associated encroachment agreement, which are
4 incorporated herein by reference and attached hereto as Exhibit A, shall not become effective
5 until:

6 (a) The Permittee executes and acknowledges the permit and delivers said permit to
7 the City's Controller, and

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

13 (c) The City Controller records the permit and associated agreement in the office of the
14 County Recorder; and

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

17 (a) To provide for the support and protection of facilities belonging to the Department of
18 Public Works, San Francisco Water Department, the San Francisco Fire Department and
19 other City Departments, and public utility companies; and

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

23 WHEREAS, The Permittee shall procure the necessary permits from the Central Permit
24 Bureau, Department of Building Inspection and/or Bureau of Street-Use and Mapping,

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1 Department of Public Works, and pay the necessary permit fees and inspection fees before
2 starting work; and

3 ~~WHEREAS, The Board of Supervisors shall implement an annual assessment fee of~~
4 ~~\$1,000.00 for the use of said right-of-ways, which shall be increased at the beginning of each~~
5 ~~fiscal year based upon the Consumer Price Index quotient, and shall be re-evaluated by DPW~~
6 ~~every five (5) years; and~~

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

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

12 RESOLVED, That pursuant to Public Works Code Section 786, the Board of
13 Supervisors hereby grants permission, revocable at the will of the Director of the Department
14 of Public Works, to Launce E. Gamble, Trustees, to occupy a portion of the public right-of-way
15 for the installation and operation of a new sub-sidewalk elevator under the sidewalk fronting
16 the subject property at 624 Laguna Street, fronting 624 Laguna Street (Block 0807, Lot 012);
17 conditioned upon the payment of an annual assessment fee of \$1,000.00 ; and conditioned on
18 implementation of the mitigation measures set forth in Planning Commission Resolution No.
19 17148, namely use of slip-resistant exterior to provide a smooth sidewalk surface for
20 pedestrians, a plate color and consistency that blends in with the surrounding sidewalk
21 surface, and restrictions on use of the sub-surface sidewalk elevator to non-peak hours of
22 pedestrian traffic for two scheduled half-hour periods per day, one for freight deliveries and
23 one for garbage removal; and, be it

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1 FURTHER RESOLVED, That this Board adopts the findings of the Planning
2 ~~Department~~Commission, which determined that said permit is ~~not~~ consistent with the General
3 Plan and the priority policies of Planning Code Section 101.1.

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5 RECOMMENDED:

APPROVED:

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7 see original for signatures

8 Robert P. Beck

Edwin M. Lee

9 Deputy Director for Engineering

Director of Public Works

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