

1 [Approving Tiled Steps Project Street Encroachment at 16<sup>th</sup> Avenue and Moraga Street.]

2

3 **Resolution granting revocable permission to The 16<sup>th</sup> Avenue Tiled Steps Project to**  
4 **occupy a portion of the public right-of-way to install and maintain mosaic tiles on the**  
5 **risers and non-slip paving tiles on the treads of the existing concrete City stairway on**  
6 **Moraga Street between 16<sup>th</sup> and 15<sup>th</sup> Avenues and making findings of consistency with**  
7 **the General Plan and priority policies of Planning Code Section 101.1.**

8 WHEREAS, Pursuant to Public Works Code Section 786, permission was requested by  
9 Friends of Recreation and Parks, on behalf of the Director of The 16<sup>th</sup> Avenue Tiled Steps  
10 Project, to occupy a portion of the public right-of-way to install and maintain mosaic tiles on  
11 the risers and non-slip paving tiles on the treads of the existing City concrete stairway, as  
12 shown on the plans, a copy of which is on file in the office of the Clerk of the Board of  
13 Supervisors in File No. \_\_\_\_\_; and

14 WHEREAS, The Department of City Planning, by letter dated April 28, 2004, declared  
15 that the proposed encroachment is in conformity with the General Plan and with the priority  
16 policies of Planning Code Section 101.1. A copy of said letter is on file with the Clerk of the  
17 Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference; and

18 WHEREAS, At a duly noticed public hearing on June 30, 2004, the Department of  
19 Public Works recommended approval of the proposed encroachment; and

20 WHEREAS, The permit and associated encroachment agreement (the "Encroachment  
21 Agreement") shall not become effective until:

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

24 (b) Permittee delivers to the City Controller a policy of insurance provided for in said  
25 agreement and the Controller shall have had approved the same as complying with the

1 requirement of said agreement. The Controller may, in his discretion, accept, in lieu of said  
2 insurance policy, the certificate of an insurance company certifying to the existence of such a  
3 policy; and,

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

6 WHEREAS, The Encroachment Agreement is attached to the permit as Exhibit A. A  
7 copy of said Agreement is on file with the Clerk of the Board of Supervisors in File  
8 No. \_\_\_\_\_ and is incorporated herein by reference; and

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

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

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

17 WHEREAS, The Permittee shall procure the necessary permits from the Central Permit  
18 Bureau, Department of Building Inspection, Department of Public Works Bureau of Street-Use  
19 and Mapping, or both, and pay the necessary permit fees and inspection fees before starting  
20 work; and

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

23 WHEREAS, The San Francisco Arts Commission, by Resolution No. 0308-04-047,  
24 dated March 8, 2004, agreed to formally accept the subject encroachment as a gift into the  
25 collection of public art to the City and County of San Francisco upon completion of the

1 installation of the approved tiles by the Permittee (the "Arts Commission Acceptance"). A  
2 copy of said Resolution is on file with the Clerk of the Board of Supervisors in File  
3 No. \_\_\_\_\_ and is incorporated herein by reference. Upon Arts Commission Acceptance,  
4 the maintenance requirements set forth herein shall become the responsibility of the Arts  
5 Commission, and the Permittee shall be released from any duty or obligation whatsoever  
6 under the Encroachment Agreement, including without limitation, any and all indemnification,  
7 liability, and insurance obligations provided for therein (the "Encroachment Agreement  
8 Release"); provided, however, that the Permittee shall assume all costs for the maintenance  
9 and repair of the encroachments until Arts Commission Acceptance; and

10 WHEREAS, Notwithstanding the Encroachment Agreement Release, after Arts  
11 Commission Acceptance, the Permittee agrees to establish and administer a \$5,000 fund for  
12 the purpose of maintaining the tiled steps project until such funds have been fully depleted;  
13 now, therefore be it;

14 RESOLVED, That pursuant to Public Works Code Section 786, the Board of  
15 Supervisors hereby approves permission, revocable at the will of the Director of the  
16 Department of Public Works, to The 16<sup>th</sup> Avenue Tiled Steps Project to occupy a portion of the  
17 public right-of-way to install and maintain mosaic tiles on the risers and non-slip paving tiles  
18 on the treads of the existing concrete City stairway on Moraga Street between 16<sup>th</sup> and 15<sup>th</sup>  
19 Avenues; and, be it

20 FURTHER RESOLVED, That this Board finds the permit to be consistent with the  
21 General Plan and priority policies of Planning Code Section 101.1 for the reasons set forth in  
22 the City Planning Department letter.

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1 RECOMMENDED:

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4 Robert P. Beck

5 Deputy Director for Engineering

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APPROVED:

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Edwin M. Lee

Director of Public Works