

1 [Street Encroachment - Avalon Bay Communities - Hickory Street Frontage of 307-323-325  
2 Octavia Street]

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4 **Resolution granting revocable permission to Avalon Bay Communities to occupy a**  
5 **portion of the public right-of-way to construct and maintain improvements within**  
6 **Hickory Street between Octavia and Laguna Streets fronting 307-323-325 Hickory Street**  
7 **(Assessor’s Block No. 0831, Lot No. 023) and making environmental findings, and**  
8 **findings of consistency with the General Plan, and the eight priority policies of**  
9 **Planning Code, Section 101.1.**

10

11 WHEREAS, Pursuant to Public Works Code, Section 786, permission was requested  
12 by AGS, Inc., on behalf of Avalon Bay Communities, to occupy a portion of the public right-of-  
13 way to construct and maintain improvements within Hickory Street between Octavia and  
14 Laguna Streets; the improvements include connecting Hickory Street between Octavia and  
15 Laguna Streets, consistent with the Better Streets Plan, the construction of a shared street,  
16 landscaping and landscaped swales with a bio-retention facility in conformance with the San  
17 Francisco Stormwater Design Guidelines, and driveways to provide vehicular access to the  
18 new dwelling units at the subject property, as shown on the plans, a copy of which is on file in  
19 the office of the Clerk of the Board of Supervisors in File No. \_\_\_\_\_; and

20 WHEREAS, The Transportation Advisory Staff Committee, at its meeting of August 28,  
21 2014, recommended approval of the proposed encroachments; and

22 WHEREAS, The Planning Department, by letter dated May 9, 2013, declared that the  
23 proposed encroachments are in conformity with Market Octavia Area Plan of the General Plan  
24 Objectives and consistent with the eight priority policies of Planning Code, Section 101.1; a  
25 copy of said letter is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and  
is incorporated herein by reference; and

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

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

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

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

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

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

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

21           WHEREAS, The Permittee shall procure the necessary permits from the Central Permit  
22 Bureau, Department of Building Inspection and/or Bureau of Street-Use and Mapping,  
23 Department of Public Works, and pay the necessary permit fees and inspection fees before  
24 starting work; and

1           WHEREAS, The public right-of-way occupancy assessment fee shall be waived based  
2 on the subject improvements being a requirement under Planning Code, Section 138.1, that  
3 the subject improvements satisfy and are in compliance with the Better Streets Plan and per  
4 Section 786.7(f) subsection (b), of the Public Works Code; and

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

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

10           RESOLVED, That pursuant to Public Works Code, Section 786, the Board of  
11 Supervisors hereby grants permission, revocable at the will of the Director of the Department  
12 of Public Works, to Avalon Bay Communities to construct and maintain improvements within  
13 Hickory Street between Octavia Street and Laguna Streets fronting 307-323-325 Hickory  
14 Street (Assessor's Block No. 0831, Lot No. 023); and, be it

15           FURTHER RESOLVED, That this Board adopts the findings of the Planning  
16 Department which determined that said permit is consistent with the eight priority policies of  
17 Planning Code, Section 101.1.

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20 APPROVED:

21  
22 \_\_\_\_\_

23 Mohammed Nuru  
24 Director of Public Works

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