

1 [Street Encroachment at 199 Geary Street / Security Pacific Place.]

2

3 **Resolution granting revocable permission to CHH Realty, Inc. c/o Neiman Marcus to**
4 **occupy a portion of the public right-of-way located on Security Pacific Place, off**
5 **O'Farrell Street between Stockton Street and Grant Avenue, to construct and maintain**
6 **a service ramp/driveway, to access and connect to a loading dock at the rear frontage**
7 **of the Neiman Marcus store at 199 Geary Street (Block 0313, Lot 018) and making**
8 **findings of consistency with the priority policies of Planning Code Section 101.1.**

9 WHEREAS, pursuant to Public Works Code Section 786, permission was requested by
10 Neiman Marcus store to occupy a portion of the public right-of-way on Security Pacific Place
11 to construct and maintain a service ramp/driveway to access and connect to a loading dock at
12 the rear of the store, as shown on the plans, a copy of which is on file in the office of the Clerk
13 of the Board of Supervisors in File No. 041385; and

14 WHEREAS, The Department of City Planning, by letter dated July 16, 2004, declared
15 that the proposed encroachments are 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. 041385, and is incorporated herein by reference; and

18 WHEREAS, At a duly noticed public hearing on September 1, 2004, the Department of
19 Public Works recommended approval of the proposed encroachment; and

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

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

25

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

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

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

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

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

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

20 WHEREAS, The Permittee shall pay a rental fee in the amount of \$1,000 (one thousand
21 dollars) per anum, which fee shall be adjusted by the Consumer Price Index bi-annually but in
22 no even shall be less than \$1,000 (one thousand dollars); and

23 WHEREAS, The Board of Supervisors reserves the right to adjust ~~exact~~ a permit fee or
24 rental for the use of said street area; and

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

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

6 RESOLVED, That pursuant to Public Works Code Section 786, the Board of
7 Supervisors hereby grants permission, revocable at the will of the Director of the Department
8 of Public Works, to Neiman Marcus store to occupy a portion of the public right-of-way located
9 on Security Pacific Place, a the adjacent Neiman Marcus store at 199 Geary Street (Block
10 0313, Lot 018); and, be it

11 FURTHER RESOLVED, that this Board adopts the findings of the Planning Department
12 which determined that said permit is consistent with the priority policies of Planning Code
13 Section 101.1.

14
15 RECOMMENDED:
16 See file for signature
17 _____
18 Robert Beck
19 Deputy Director
20 for Engineering

APPROVED:
See file for signature

Edwin M. Lee
Director of Public Works