

1 [Street Encroachment - Jeremy Ricks- 1281-1283 Greenwich Street; Hyde and Larkin  
2 Streets]

3 **Resolution granting revocable permission to Jeremy Ricks to occupy a portion of**  
4 **the public right-of-way to extend an unimproved portion of Greenwich Street with**  
5 **a privately maintained driveway to provide access to a new garage at 1281-1283**  
6 **Greenwich Street (Assessor's Block No. 0095, Lot Nos. 023-025); to install**  
7 **additional landscaping and public access improvements within the unimproved**  
8 **portion of the Greenwich Street public right-of-way between Hyde and Larkin**  
9 **Streets, conditioned upon the payment of an annual assessment fee of \$4433.00;**  
10 **and making environmental findings of consistency with the General Plan and the**  
11 **priority policies of Planning Code, Section 101.1.**

12  
13 WHEREAS, pursuant to Public Works Code Section 786, permission was  
14 requested by Reuben & Junius, LLP and Butler Armsden Architects, authorized agents  
15 for the owner, Jeremy Ricks, to occupy a portion of the public right-of-way to construct  
16 and maintain a new privately maintained driveway, landscaping, and public access  
17 improvements, as shown on the plans, a copy of which is on file in the office of the Clerk  
18 of the Board of Supervisors in File No. 130525; and

19 WHEREAS, The Department of City Planning, by letter dated July 10, 2012,  
20 declared that the proposed encroachment is in conformity with the General Plan and to  
21 the priority policies of Planning Code Section 101.1. A copy of said letter is on file with  
22 the Clerk of the Board of Supervisors in File No. 130525, and is incorporated herein by  
23 reference; and

24 WHEREAS, San Francisco Municipal Transportation Agency (SFMTA), in the  
25 minutes of the Transportation Advisory Staff Committee (TASC) dated September 13,

1 2012 recommended conditional approval provided that during construction, the  
2 contractor provides temporary traffic control.

3 WHEREAS, At a duly noticed public hearing on October 24, 2012, the  
4 Department of Public Works recommended approval of the proposed encroachment via  
5 DPW Order Number 180800, dated November 5, 2012; and a copy of which is on file in  
6 the office of the Clerk of the Board of Supervisors in File No. 130525; and

7 WHEREAS, Notwithstanding the determination set forth above, it is the decision  
8 of the Board of Supervisors that the proposed encroachment is in the best interest of  
9 the general public, is desirable and convenient with the owner's use and enjoyment of  
10 its property, and is appropriate use of the public right-of-way; and

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

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

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

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

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

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

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

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

11 WHEREAS, The Board of Supervisors shall implement an annual assessment  
12 fee of \$4433.00 for the use of said right-of-ways, which shall be increased at the  
13 beginning of each fiscal year based upon the Consumer Price Index quotient, and shall  
14 be re-evaluated by DPW every five (5) years; and

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

17 WHEREAS, Use of the encroachment permit area is not exclusive to the permittee  
18 and may be accessed by the general public and adjacent property owners. Should an  
19 adjacent property owner request a separate encroachment permit that affects said  
20 encroachment, the Board hereby delegates to the Department, in its discretion, the  
21 ability to amend or modify this permit to accommodate a separate permit(s). Under  
22 such circumstances, the Department shall adjust the requirements concerning permit  
23 maintenance, liability, annual occupancy fee, and any other applicable conditions to  
24 proportionately allocate responsibility among the permit holders; and

25

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

4           RESOLVED, That pursuant to Public Works Code Section 786, the Board of  
5 Supervisors hereby grants permission, revocable at the will of the Director of the  
6 Department of Public Works, to Jeremy Ricks to occupy a portion of the public right-of-  
7 way to extend an unimproved portion of Greenwich Street with a privately maintained  
8 driveway, and install and maintain additional landscaping and public access  
9 improvements at 1281-1283 Greenwich Street (Block 0095, Lots 023- 025), conditioned  
10 upon the payment of an annual assessment fee of \$4433.00, and other conditions set  
11 forth herein; and, be it

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

15  
16 APPROVED:

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18 \_\_\_\_\_  
19 Mohammed Nuru  
20 Director of Public Works