

1 [Street Encroachment - 1410 Stanyan Street]

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3 **Resolution granting revocable permission to Kieran J. Woods to occupy a portion of**
4 **the public right-of-way to construct and maintain various improvements, including a**
5 **driveway, associated retaining wall, a vehicular carousel to provide access to a**
6 **proposed new single family dwelling at 1410 Stanyan Street (Assessor's Block No.**
7 **2706, Lot No. 035), landscaping, stairs leading to a public sitting area, and other related**
8 **improvements within an existing unimproved portion of Stanyan Street between**
9 **Clarendon and Mountain Spring Avenues; conditioning the permit; affirming the**
10 **Planning Department's determination under the California Environmental Quality Act;**
11 **and making findings of consistency with the General Plan, and the eight priority**
12 **policies of Planning Code, Section 101.1.**

13

14 WHEREAS, Pursuant to Public Works Code Section 786, permission was requested by
15 Mark Brand Architecture, on behalf of the owner, Kieran J. Woods, to occupy a portion of the
16 public right-of-way to construct and maintain a driveway, an associated retaining wall, and
17 vehicle carousel to provide vehicular access to a proposed new single family dwelling at 1410
18 Stanyan Street (Block No. 2706, Lot No. 035). The occupancy request also includes
19 landscaping improvements, consisting of ground cover, shrubs, trees; concrete stairs leading
20 to public sitting area; and other related improvements. The proposed encroachments, which
21 would be located on an existing unimproved portion of Stanyan Street between Clarendon
22 and Mountain Spring Avenues, are shown on the permit plans, a copy of which is on file with
23 the Clerk of the Board in File No. 140148 and incorporated herein by reference; and

24 WHEREAS, The Transportation Advisory Staff Committee (TASC), at its meeting of
25 September 26, 2013, recommended the proposed encroachment for approval; and

1 WHEREAS, The Planning Department by letter dated August 26, 2013, found the
2 proposal, as modified, to be consistent with the General Plan. This letter also includes a
3 determination relating to the encroachment pursuant to the California Environmental Quality
4 Act (“CEQA”, the California Public Resources Code, Sections 21000, et seq.). A copy of said
5 letter is on file with the Clerk of the Board of Supervisors in File No. 140148 and is
6 incorporated herein by reference; and

7 WHEREAS, After a duly noticed public hearing on December 9, 2013, the Department
8 of Public Works recommended approval of the proposed encroachments and requested that
9 the Permittee continue to work with the neighborhood on the landscaping features and
10 incorporate, as much as possible their input on material and plant species as set forth in DPW
11 Order No. 182,071, approved January 8, 2014. A copy of the DPW Order is on file with the
12 Clerk of the Board in File No. 140148 and is incorporated herein by reference; and

13 WHEREAS, The permit and associated street encroachment agreement, copies of
14 which are on file with the Clerk of the Board in File No. 140148 and incorporated herein by
15 reference, shall not become effective until:

16 (a) The Permittee executes and acknowledges the permit and delivers said permit to
17 the City’s Controller;

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

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

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

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

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

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

13 WHEREAS, The permit shall be conditioned upon payment of an annual public right-of-
14 way occupancy assessment pursuant to Public Works Code, Section 786, and the initial
15 amount of said fee shall be \$3,488.26; and

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

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

1 WHEREAS, The Permittee shall assume all costs for the maintenance and repair of the
2 encroachments and no cost or obligation of any kind shall accrue to the City and County of
3 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 revocable permission to Kieran J. Woods to occupy a portion of the
6 public right-of-way to construct and maintain a driveway, an associated retaining wall, and
7 vehicle carousel to provide vehicular access to a proposed new single family dwelling at 1410
8 Stanyan Street (Block No. 2706, Lot No. 035). The revocable permission also includes
9 landscaping improvements, consisting of ground cover, shrubs, trees; concrete stairs leading
10 to public sitting area; and other related improvements. These encroachments shall be
11 installed on an existing unimproved portion of Stanyan Street between Clarendon and
12 Mountain Spring Avenues; and, be it

13 FURTHER RESOLVED, The permission granted herein is conditioned upon the
14 requirements set forth in this resolution, including payment of an annual occupancy
15 assessment fee; and, be it

16 FURTHER RESOLVED, That the Board adopts as its own the findings of consistency
17 with the General Plan, and Planning Code, Section 101.1 as set forth in the Planning
18 Department letter dated August 26, 2013, and affirms the CEQA determination contained in
19 this letter.

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21 APPROVED:

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23 _____

24 Mohammed Nuru
25 Director of Public Works