



San Francisco Public Works  
General – Director’s Office  
49 South Van Ness Ave., Suite 1600  
San Francisco, CA 94103  
(628) 271-3160 [www.SFPublicWorks.org](http://www.SFPublicWorks.org)

**Public Works Order No: 207438**

DIRECTOR’S RECOMMENDATION APPROVAL OF MAJOR (STREET) ENCROACHMENT PERMIT TO CONSTRUCT IMPROVEMENTS WITHIN 12<sup>th</sup> STREET BETWEEN OTIS STREET AND SOUTH VAN NESS AVENUE FRONTING THE SUBJECT PROPERTY AT 30 OTIS STREET (BLOCK 3505, LOTS 010, 012, 013, 016 AND 018).

**APPLICANT:** Otis Property Owner, LLC, a Delaware limited liability company  
c/o Align Real Estate,  
255 California Street, Suite 525,  
San Francisco, CA 94111

**PROPERTY IDENTIFICATION:** LOTS 010, 012, 013, 016 AND 018 in Assessor’s Block 3505  
30 Otis Street  
San Francisco, CA 94103

**DESCRIPTION OF REQUEST:** Major (Street) encroachment permit No. 19ME-00006 to occupy a portion of the public right-of-way to improve, construct and maintain a public plaza that will include irrigation lines, a warped sidewalk, reflection pool, concrete hardscape finishes, concrete sculptural features, planting areas and railing within the public right-of-way area at the northwest corner of the intersection of 12th Street, South Van Ness Avenue, and Otis Street, and as shown in Street Improvement Permit 18IE-0815.

**LOCATION:** Corner of the intersection of 12th Street, South Van Ness Avenue, and Otis Street, and as show in Street Improvement Permit 18IE-0815.

**BACKGROUND:**

1. The applicant filed a letter with San Francisco Public Works (SFPW) to consider approval of a Major (Street) Encroachment Permit to improve and construct a new public open space/Plaza. The proposed public plaza is part of the development of 30 Otis Street and is an in-kind agreement.
2. The street encroachment area is generally defined as the right of way located at westerly corner of the intersection of Otis St., 12<sup>th</sup> St., and South Van Ness Ave. as shown in Street Improvement Permit 18IE-0815.
3. The Street Encroachment Permit includes the following encroachments: a public plaza, irrigation lines, a warped sidewalk, a reflection pool, concrete hardscape finishes, concrete sculptural features, planting areas and railing.
4. Construction of the proposed encroachments is permitted under Street Improvement Permit 18IE-0815
5. The Planning Department, by letter dated July 16, 2019, found the project, on balance, and in conformity with the General Plan.
6. The Transportation Advisory Staff Committee (TASC), at its meeting of August 27, 2020, had no objection and recommended the proposed encroachment for approval.
7. The proposed encroachments identified under this Street Encroachment Permit have either been described in or are consistent with the project described in the Street Improvement Permit 18IE-0815.

8. SFPW scheduled a public hearing for November 23, 2022, to consider the proposed encroachment. On November 11, 2022, the applicant mailed and posted hearing notices for the Public Hearing to all property owners within a 300-foot radius of the subject location.
9. One public comment was received during the notification period.
10. Public Works held a public hearing on the Major Street Encroachment Permit on 11//23/2022 in accordance with Public Works Code Sections 786 et seq.
11. Hearing Officer Jon Swae conducted the public hearing on the merits of the Major (Street) Encroachment Permit
12. Logan William representing Otis Property Owner, LLC, the developer/owner of the subject property attended the public hearing. Mr. William testified that the renderings have been updated since the original submittal and Hearing Office Jon Swae request that Mr. William submit the revised renderings.
13. Mr. Phillip Wong in supports of the project attended the hearing.
14. No other testimony was presented at the public hearing in favor or in opposition to the encroachment.
15. On **12/2/2022**, the Hearing Officer made his recommendation after the hearing and reviewing application, plans, and other documents contained in the Public Works files and receiving updated rendering.
16. The Hearing Officer considered and reviewed all SFPW's files on this encroachment, revised rendering. Based on the information the Hearing Officer made his decision on December 2, 2022, to recommend the proposed Major (Street) Encroachment to the Board of Supervisors for approval.

**HEARING OFFICER RECOMMENDATION:** APPROVAL of the request for a Major (Street) Encroachment Permit based on the following findings:

**FINDING 1.** Recommendation for approval by TASC.

**FINDING 2.** Finding by Planning Department's and its Commission that the proposed infrastructure improvements are consistent with objectives and policies of the General Plan.

**FINDING 3.** Said encroachments comply with the Market Street Hub Public Realm Plan.

**FINDING 4.** Said encroachments will create a large public plaza outside the new 30 Otis Street building at the corner of South van ness and 12<sup>th</sup> Street. The project will create a new public space and beautify the area with decorative paving landscaping and a water future provides a safe and comfortable public right-of-way for shared use and improves the quality of life in the neighborhood.

**FINDING 5.** Said encroachments will be fully maintained in perpetuity by the Permittee, subject to the terms of the 12<sup>th</sup> Street Plaza (90 12<sup>th</sup> Street) encroachment agreement and the maintenance agreement.

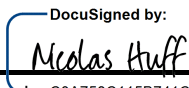
**Director's Recommendation:**

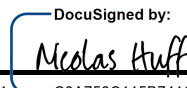
The Director concurs with the Hearing Officer and conditionally recommends to the Board of Supervisors to approve the subject Major Encroachment Permit with consideration of the following conditions and findings, and waive the public right-of-way occupancy assessment fee pursuant to Public Works Code Section 786.7(f)(4).  
**CONDITION OF RECOMMENDATION:** The Applicant shall submit and fulfill all Major Encroachment Permit requirements to the Department, including but not limited to the following conditions.

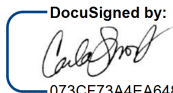
**CONDITION 1:** The Applicant shall sign encroachment agreement accepting responsibility for the construction, maintenance, and liability of the proposed and conditionally approved encroachment.

CONDITION 2: The Applicant shall submit evidence of General Commercial Liability Insurance as required by the Department.

CONDITION 3: Following approval by the Board of Supervisors, the Applicant shall construct the encroachments with a separate Street Improvement Permit issued by Public Works.

X   
Huff, Nicolas C0A758C115B741C...  
Bureau Manager

X   
Ko, Albert J C0A758C115B741C...  
Deputy Director and City Engineer

X   
Short, Carla 073CF73A4EA6486...  
Interim Director of Public Works)