

1 [Street Encroachment - Ivy Street Fronting 401 Grove Street]

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3 **Resolution granting revocable permission to Ivy Grove Partners, LLC, to occupy a**
4 **portion of the public right-of-way to install and maintain planter bulb-outs and irrigation**
5 **lines on Ivy Street fronting 401 Grove Street (Block No. 0808, Lot No. 036), conditioning**
6 **the permit, affirming the Planning Department’s determination under the California**
7 **Environmental Quality Act, and making findings of consistency with the General Plan,**
8 **and the eight priority policies of Planning Code, Section 101.1.**

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10 WHEREAS, Pursuant to Public Works Code, Section 786, A.R. Sanchez-Corea &
11 Associates, Inc., on behalf of Ivy Grove Partners, LLC, requested permission to occupy a
12 portion of the public right-of-way to install and maintain five (5) tree planter bulb-outs and
13 irrigation lines fronting 401 Grove Street (Block No. 0808, Lot No. 036). The encroachments,
14 which would be located on Ivy Street between Gough and Octavia Streets, are shown on
15 plans filed with the Department of Public Works. Copies of such plans are on file with the
16 Clerk of the Board of Supervisors in File No. _____; and,

17 WHEREAS, The Transportation Advisory Staff Committee (TASC), at its meeting of
18 August 8, 2013, recommended the proposed encroachment for approval; and,

19 WHEREAS, The Planning Department by letter dated August 30, 2013, found the
20 proposal, on balance, to be in conformity with the General Plan. This letter also includes a
21 determination relating to the encroachments pursuant to the California Environmental Quality
22 Act (CEQA, California Public Resources Code, Sections 21000, et seq.). A copy of said letter
23 is on file with the Clerk of the Board in File No. _____, and is incorporated herein by
24 reference; and,

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1 WHEREAS, After a duly noticed public hearing on November 13, 2013, the Department
2 of Public Works recommended approval of the proposed encroachments as set forth in DPW
3 Order No. 182020, approved December 20, 2013. A copy of the DPW Order is on file with the
4 Clerk of the Board in File No. _____ and is incorporated herein by reference; and,

5 WHEREAS, The permit and associated street encroachment agreement, copies of
6 which are on file with the Clerk of the Board in File No. _____, shall not become effective
7 until:

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

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

15 (c) The City Controller records the permit and associated agreement in the office of the
16 County Recorder; and,

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

19 (a) To provide for the support and protection of facilities belonging to the Department
20 of Public Works, Public Utilities Commission, the San Francisco Fire Department and other
21 City Departments, and public utility companies; and,

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

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

5 WHEREAS, The permit shall be conditioned upon payment of an annual public right-of-
6 way occupancy assessment pursuant to Public Works Code, Section 786, and the initial
7 amount of said fee shall be \$100; and,

8 WHEREAS, No structures shall be erected or constructed within said street right-of-
9 way except as specifically permitted herein; and,

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

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

21 RESOLVED, That pursuant to Public Works Code, Section 786, the Board of
22 Supervisors hereby grants revocable permission to occupy a portion of the public right-of-way
23 to install and maintain planter bulb-outs and irrigation lines, fronting 401 Grove Street (Block
24 No. 0808, Lot No. 036). The encroachments shall be installed on Ivy Street between Gough
25 and Octavia Streets as set forth in the permit; and, be it

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

4 FURTHER RESOLVED, That the Board adopts as its own the findings of consistency
5 with the General Plan and Planning Code, Section 101.1, as set forth in the Planning
6 Department letter dated August 30, 2013, and affirms the CEQA determination contained in
7 this letter.

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