

1 [Street Encroachment - Recology, Inc. - Automated Waste Collection System within
2 Candlestick Point-Hunters Point Phase 2 Redevelopment Project Areas]

3 **Resolution granting revocable permission to Recology, Inc. to occupy a portion of the**
4 **public right-of-way to construct and maintain various improvements for the below-**
5 **grade Automated Waste Collection System (AWCS), which will be located within the**
6 **Candlestick Point-Hunters Point Phase 2 Redevelopment Project Areas, to transport**
7 **streams of solid waste in the AWCS pipe network from multiple private indoor and**
8 **public outdoor waste inlets to separate enclosed centralized waste collection facilities**
9 **for transport to off-site landfill, recycling or compost facilities; conditioning the permit;**
10 **making environmental findings under the California Environmental Quality Act; and**
11 **making findings of consistency with the General Plan, and the eight priority policies of**
12 **Planning Code, Section 101.1.**

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14 WHEREAS, Pursuant to Public Works Code, Section 786, Recology, Inc. (the
15 Permittee), requested permission to occupy a portion of the public right-of-way to construct
16 and maintain the pipe network comprising the Automated Waste Collection System (AWCS)
17 within an area generally bounded by Donner Avenue, "G" Street, Fitzgerald Avenue, Arelious
18 Walker Way, and future streets within the Candlestick Point Redevelopment Project Area, and
19 along an area generally bounded by Donahue Street, Galvez Avenue, Fischer Street, Crisp
20 Street, Ring Road and future streets within the Hunters Point Phase 2 Redevelopment Project
21 Area as shown in Exhibits A and B (Automatic Waste Collection System, Candlestick Point
22 Redevelopment), collectively referred to as the Candlestick Point-Hunters Point Shipyard
23 Phase 2 Redevelopment Project Areas; and

24 WHEREAS, The AWCS would be installed adjacent to the following locations: Block
25 No. 5491A/Lot No. 079; Block No. 4884/Lot Nos. 026 and 027; Block No. 4886/Lot No. 008;

1 Block No. 4917/Lot No. 002; Block No. 4918/Lot Nos. 002 and 25; Block No. 4934/Lot No.
2 002; Block No. 4934/Lot No. 003; Block No. 4935/Lot No. 002; Block No. 4936/Lot No. 020;
3 Block No. 4963/Lot Nos. 003 and 004; Block No. 5000/Lot No. 001; Block No. 5005/Lot Nos.
4 001, 003, 004, 005, and 016; and

5 WHEREAS, The proposed encroachments would be located up to 20 feet below grade
6 within the street right of way to be constructed in phases over the course of development of
7 the Candlestick Point-Hunters Point Shipyard Phase 2 Redevelopment Project Areas, as
8 shown on the diagrams of the affected area labeled Exhibits A and B; copies of said Exhibits
9 are on file with the Clerk of the Board in File No. _____; and

10 WHEREAS, Under the City's Refuse Collection and Disposal Ordinance, Appendix 1 of
11 the Administrative Code, only a refuse collector licensed by the Director of Public Health may
12 transport refuse through the streets of the City and only a refuse collector holding a permit to
13 collect refuse along the routes identified in the Refuse Collection and Disposal Ordinance may
14 do so; and

15 WHEREAS, Recology holds the necessary license and permit to collect refuse in the
16 subject geographic area; and

17 WHEREAS, The street encroachment is within the scope of the Final Environmental
18 Impact Report for Candlestick Point/Hunters Point Shipyard Phase 2 Development Project
19 (FEIR) prepared pursuant to the California Environmental Quality Act, which was certified as
20 adequate, accurate and objective by the San Francisco Redevelopment Agency Commission
21 and the San Francisco Planning Commission on June 3, 2010, by Resolution Nos. 58-2010
22 and 18096, respectively; and

23 WHEREAS, The Board of Supervisors affirmed the Planning Commission's certification
24 of the FEIR on August 3, 2010, by Resolution No. 347-10, a copy of which is on file with the
25

1 Clerk of the Board of Supervisors in File No. _____ and incorporated herein by reference;
2 and

3 WHEREAS, The Office of Community Investment and Infrastructure (OCII) prepared
4 and approved an addendum to the FEIR on January 7, 2014, in connection with OCII's
5 approval of certain refinements to the phasing program for the Candlestick Point/Hunters
6 Point Shipyard Phase 2 Development Project (the "Project") and granting of the first Major
7 Phase Approval; and

8 WHEREAS, OCII prepared and approved a second addendum to the FEIR on May 2,
9 2014 in connection with this proposed AWCS throughout the Project; a copy of this second
10 addendum to the FEIR is on file with the Clerk of the Board of Supervisors in File No.
11 _____ and incorporated herein by reference; and

12 WHEREAS, Since the FEIR and the Project were originally approved on August 3,
13 2010, there have been:

14 (a) no substantial changes to the Project;

15 (b) no substantial changes with respect to the surrounding circumstances; and

16 (c) no new information of substantial importance, that would result in new or more
17 severe significant impacts than were addressed in the FEIR; and

18 WHEREAS, By letter dated April 18, 2014, the Planning Department determined that
19 the actions contemplated in this legislation are, on balance, consistent with the General Plan,
20 and the eight priority policies of Planning Code, Section 101.1; said letter is on file with the
21 Clerk of the Board in File No. _____ and incorporated herein by reference; and

22 WHEREAS, After a duly noticed public hearing on May 21, 2014, the Department of
23 Public Works recommended approval of the proposed encroachments as set forth in DPW
24 Order No. 182685, approved June 24, 2014; a copy of the DPW Order is on file with the Clerk
25 of the Board in File No. _____ and is incorporated herein by reference; and

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

4 (a) The Permittee executes and acknowledges the permit and delivers said permit to
5 the City's Controller;

6 (b) Permittee delivers to the Department of Public Works a policy of insurance
7 provided for in said encroachment agreement. The Director of Public Works, in his or her
8 discretion and in consultation with the Risk Manager may accept the certificate of an
9 insurance company certifying to the existence of such a policy in lieu of said insurance policy;
10 and

11 (c) The Permittee shall record the permit and associated agreement in the office of the
12 County Recorder, providing Department of Public Works with a confirmation copy; and

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

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

18 (b) To remove or relocate such facilities and provide access to such facilities for the
19 purpose of constructing, reconstructing, maintaining, operating, or repairing such facilities.
20 Any such removal or relocation shall be done at no cost to the City or any utility in place prior
21 to installation of the AWCS; and

22 WHEREAS, The Permittee shall procure the necessary permits from the Central Permit
23 Bureau, Department of Building Inspection and/or Department of Public Works Bureau of
24 Street-Use and Mapping , and pay the necessary permit fees and inspection fees before
25 starting work on each phase of the project; and

1 WHEREAS, The permit shall be conditioned upon payment of an annual public right-of-
2 way occupancy assessment pursuant to Public Works Code, Section 786, and the initial
3 amount of said fee shall be \$8,000; and

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

6 WHEREAS, Use of the encroachment permit area for purposes other than the AWCS
7 is allowed subject to all required City permitting and not exclusive to the Permittee; should an
8 adjacent property owner or public utility request a separate encroachment permit that affects
9 said encroachment, the Board hereby delegates to the Department of Public Works (DPW), in
10 its discretion, the ability to amend or modify this permit to accommodate a separate permit(s);
11 under such circumstances, DPW shall adjust the requirements concerning permit
12 maintenance, liability, annual occupancy fee, and any other applicable conditions to
13 proportionately allocate responsibility among the permit holders; and

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

17 RESOLVED, That pursuant to Public Works Code, Section 786, the Board of
18 Supervisors hereby grants revocable permission to Recology, Inc. to occupy a portion of the
19 public right-of-way to construct and maintain the pipe network comprising the AWCS within an
20 area generally bounded by Donner Avenue, "G" Street, Fitzgerald Ave, Arelious Walker Way,
21 and future streets within the Candlestick Point Redevelopment Project Area, and along an
22 area generally bounded by Donahue Street, Galvez Avenue, Fischer Street, Crisp Street,
23 Ring Road and future streets within the Hunters Point Phase 2 Redevelopment Project Area
24 (Automatic Waste Collection System, Candlestick Point Redevelopment) to transport streams
25 of solid waste in the AWCS pipe network from multiple private indoor and public outdoor

1 waste inlets to separate enclosed centralized waste collection facilities for transport to off-site
2 landfill, recycling or compost facilities; and, be it

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

6 FURTHER RESOLVED, That the Board adopts as its own the findings of consistency
7 with the General Plan, and the eight priority policies of Planning Code, Section 101.1 as set
8 forth in the Planning Department letter dated April 18, 2014; and, be it

9 FURTHER RESOLVED, Based on the environmental findings set forth above, the
10 Board of Supervisors determines that no supplemental or subsequent environmental impact
11 report or other environmental review is required.

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