

1 [Street Encroachment - Sanjay Dani - Reed Street to Access a New Garage - 45 Priest Street]

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3 **Resolution granting revocable permission to Sanjay Dani to occupy a portion of the**  
4 **public right-of-way on Reed Street, an existing unaccepted public right-of-way, to extend**  
5 **the existing roadway by approximately 20 feet, and construct a concrete driveway ramp**  
6 **from the edge of an existing garage at 44 Reed Street to provide access to a proposed**  
7 **new garage at the Reed Street frontage of 45 Priest Street, conditioned upon the payment**  
8 **of an annual assessment fee; and making environmental findings, and findings of**  
9 **consistency with the General Plan, and the priority policies of Planning Code, Section**  
10 **101.1.**

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12 WHEREAS, Pursuant to Public Works Code Section 786, Winder Architects, on behalf of  
13 Sanjay Dani, the Permittee, requested permission to occupy a portion of the public right-of-way  
14 on Reed Street, an existing unaccepted public right-of-way, to extend the existing roadway by  
15 approximately twenty (20) feet and construct a concrete driveway ramp from the edge of an  
16 existing garage at 44 Reed Street to provide access to a proposed new garage at the Reed  
17 Street frontage of 45 Priest Street. The encroachment is shown on plans filed with the  
18 Department of Public Works. Copies of such plans are on file in the office of the Clerk of the  
19 Board of Supervisors in File No. 130878; and

20 WHEREAS, The Interdepartmental Staff Committee on Traffic and Transportation  
21 (ISCOTT), at its meeting of February 23, 2006, recommended the proposed encroachment for  
22 approval, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 130878,  
23 and is incorporated herein by reference; and

24 WHEREAS, The Planning Department by letter dated June 30, 2006, found the proposed  
25 roadway extension to be in conformity with the General Plan as described in a Variance

1 Decision Letter dated October 28, 2005, for which a rear yard Variance was granted by the  
2 Zoning Administrator. This letter also includes a determination relating to the encroachment  
3 pursuant to the California Environmental Quality Act (California Public Resources Code sections  
4 21000 et seq.). Copies of said letters are on file with the Clerk of the Board of Supervisors in  
5 File No. 130878, and are incorporated herein by reference; and

6 WHEREAS, After a duly noticed public hearing on October 4, 2006, the Department of  
7 Public Works (DPW) recommended approval of the proposed encroachment conditioned upon  
8 the Permittee working together with the adjoining neighbors and coordinating the design of the  
9 proposed driveway to potentially accommodate access to other properties along Reed Street. A  
10 copy of DPW Order No. 176,524 is on file with the Clerk of the Board of Supervisors in File No.  
11 130878, and is incorporated herein by reference; and

12 WHEREAS, DPW in a letter dated July 6, 2012, to the Zoning Administrator, and in  
13 response to a request to clarify the current status of this application for Major Encroachment and  
14 related to a pending case at the Board of Appeals, indicated the Major Encroachment had not  
15 yet been approved. In addition, DPW stated that only upon receipt of revised plans and/or  
16 additional information addressing the conditions of approval would it make its final  
17 recommendation in regard to the encroachment and initiate legislation for the Board of  
18 Supervisors consideration. A copy of said letter is on file with the Clerk of the Board of  
19 Supervisors in File No. 130878, and is incorporated herein by reference; and

20 WHEREAS, At a meeting with Mr. Sanjay Dani on July 23, 2012, DPW received  
21 additional documentation, including a revised plan and computer generated photo image,  
22 indicating that the proposed driveway encroachment will not impact potential future access to  
23 other properties along Reed Street; thus, satisfying the conditions of approval from the  
24 aforementioned October 4, 2006 public hearing. Based on this information, DPW recommends  
25 approval of the encroachment permit to the Board of Supervisors; and

1           WHEREAS, The permit and associated street encroachment agreement, which are  
2 incorporated herein by reference and are on file with the Clerk of the Board of Supervisors in  
3 File No. 130878, shall not become effective until:

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

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

10          (c) The Department of Public Works records the permit and associated agreement in the  
11 office of the County Recorder; and

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

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

17          (b) To provide access to such facilities to allow said entities to construct, reconstruct,  
18 maintain, operate, or repair such facilities; and

19          (c) To remove or relocate such facilities if installation of the encroachment requires said  
20 removal or relocation and to make all necessary arrangements with the owners of such facilities,  
21 including payment for all their costs, should said removal or relocation be required; and

22          WHEREAS, The Permittee shall procure the necessary permits from the Central Permit  
23 Bureau, Department of Building Inspection and/or Bureau of Street-Use and Mapping,  
24 Department of Public Works, and pay the necessary permit fees and inspection fees before  
25 starting work; 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 amount  
3 of said fee shall be \$195.00; 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 is not exclusive to the Permittee and  
7 may be accessed by the general public and adjacent property owners. Should an adjacent  
8 property owner request a separate encroachment permit that affects said encroachment, the  
9 Board hereby delegates to the Department, in its discretion, the ability to amend or modify this  
10 permit to accommodate a separate permit(s). Under such circumstances, the Department shall  
11 adjust the requirements concerning permit maintenance, liability, annual occupancy fee, and any  
12 other applicable conditions to proportionately allocate responsibility among the permit holders;  
13 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 San  
16 Francisco by reason of this permission granted; now, therefore, be it

17           RESOLVED, That pursuant to Public Works Code Section 786, the Board of Supervisors  
18 hereby grants revocable permission to Sanjay Dani to occupy a portion of the public right-of-way  
19 on Reed Street, an existing unaccepted public right-of-way, to extend the existing roadway by  
20 approximately twenty (20) feet and construct a concrete driveway ramp from the edge of an  
21 existing garage at 44 Reed Street to provide access to a proposed new garage at the Reed  
22 Street frontage of 45 Priest Street, conditioned upon the payment of an annual occupancy  
23 assessment fee and other conditions set forth herein; and, be it

24           FURTHER RESOLVED, That the Board adopts as its own the findings of consistency with  
25 the General Plan and Planning Code Section 101.1 as set forth in the Planning

1 Department letter dated June 30, 2006, and affirms the environmental determination contained  
2 in said letter.

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4 APPROVED:

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7 Mohammed Nuru

8 Director of Public Works

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