File No. <u>140908</u>

Committee Item No.<u>1</u> Board Item No.\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use & Development

Date <u>Dec. 8, 2014</u>

**Board of Supervisors Meeting** 

Date \_\_\_\_\_

## **Cmte Board**

		Motion
$\mathbf{X}$		Resolution
		Ordinance
		Legislative Digest
$\square$		Budget and Legislative Analyst Report
$\square$	Π	Youth Commission Report
Π	Π	Introduction Form
M	П	Department/Agency Cover Letter and/or Report
Ħ	Ħ	MOU
Π	Ħ	Grant Information Form
Ħ	П	Grant Budget
П		Subcontract Budget
Ħ	Ħ	Contract/Agreement
Ħ		Form 126 – Ethics Commission
H	Ħ	Award Letter
Ħ	П	Application
		Public Correspondence
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OTHER		(Use back side if additional space is needed)
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Completed by:	Andrea Ausberry	Date	Dec. 4, 2014	
Completed by:		Date		

FILE NO. 140908

#### **RESOLUTION NO.**

[Street Encroachment - 157-24<sup>th</sup> Avenue]

Resolution granting revocable permission to Kristina Baker to occupy a portion of the public right-of-way to construct and maintain a portion of a new two car garage, new terraced concrete retaining walls, reconstruct existing public concrete stairway, and install and maintain additional landscaping within the existing sloped and landscaped portion of the 24<sup>th</sup> Avenue public right-of-way, to access and provide off-street parking for the property at 157-24<sup>th</sup> Avenue (Assessor's Block No. 1334, Lot No. 006) and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

WHEREAS, Pursuant to Public Works Code, Section 786, permission was requested by Onda Rosa Architecture, on behalf of Kristina Baker, to occupy a portion of the public rightof-way to construct, install and maintain a portion of a new two car garage, new terraced concrete retaining walls, reconstruct existing concrete stairway, and install and maintain additional landscaping within the existing sloped and landscaped portion of the 24<sup>th</sup> Avenue right-of-way, to access and provide off-street parking for the subject property, as shown on the plans, a copy of which is on file in the office of the Clerk of the Board of Supervisors in File No. 140908; and

WHEREAS, The Planning Department, by letter dated June 26, 2014, declared that the proposed encroachment is in conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1; a copy of said letter is on file with the Clerk of the Board of Supervisors in File No. 140908, and is incorporated herein by reference; and

Department of Public Works BOARD OF SUPERVISORS WHEREAS, The permit and associated encroachment agreement, which are incorporated herein by reference and attached hereto as Exhibit A, shall not become effective until:

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

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

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

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

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

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

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

Department of Public Works BOARD OF SUPERVISORS WHEREAS, The permit shall be conditioned upon payment of an annual public right-ofway occupancy assessment pursuant to Public Works Code Section 786 and the initial amount of said fee shall be \$1,894.00; and WHEREAS, No structure shall be erected or constructed within said street right-of-way except as specifically permitted herein; and

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

RESOLVED, That pursuant to Public Works Code, Section 786, the Board of Supervisors hereby grants permission, revocable at the will of the Director of the Department of Public Works, to Kristina Baker, to occupy a portion of the public right-of-way to construct, and maintain a portion of a new two car garage, new terraced concrete retaining walls reconstruct existing public concrete stairway, and install and maintain additional landscaping within the existing sloped and landscaped portion of the 24<sup>th</sup> Avenue right-of-way, to access and provide off-street parking for the property at 157-24<sup>th</sup> Avenue (Assessor's Block No.1334, Lot No. 006).; and, be it

FURTHER RESOLVED, That this Board adopts the findings of the Planning Department which determined that said permit is consistent with the priority policies of Planning Code, Section 101.1.

APPROVED:

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Mohammed Nuru

Director of Public Works

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Department of Public Works BOARD OF SUPERVISORS

## City and County of San Francisco

## San Fra isco Department of Public Works

Edwin M. Lee, Mayor Mohammed Nuru, Director Office of the Director 1 Dr. Carlton B. Goodlett Place, City Hall, Room 348 San Francisco, CA 94102 (415) 554-6920 📾 www.sfdpw.org

August 25, 2014

Angela Calvillo, Clerk of the Board Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4689

Dear Ms. Calvillo:

Attached please find an original, two copies, and one electronic copy of a proposed resolution for Board of Supervisors consideration. This resolution would grant revocable permission to Kristina Baker to occupy a portion of the public right-of-way to construct and maintain a portion of a new two-car garage, new terraced concrete retaining walls, reconstruct existing public concrete stairway, and install and maintain additional landscaping at 157 24<sup>th</sup> Avenue. This encroachment would provide off-street parking within a proposed new garage at the subject property. The resolution would also make findings of consistency with the priority policies of Planning Code Section 101.1.

Pursuant to Section 786 of the Public Works Code, Onda Rosa Architecture, on behalf of the property owner, Kristina Baker, requested to reinitiate the process for a Major Encroachment Permit in a letter dated November 21, 2013. The Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) originally heard this request on February 23, 2006 and recommended it for approval. The Planning Department, by letter dated June 26, 2014, declared that the proposed encroachment is in conformity with the General Plan and with the priority policies of Planning Code Section 101.1.

The following is a list of accompanying documents (three sets):

- Letter from Onda Rosa Architecture, dated November 21, 2013.
- Planning Department General Plan Referral, dated June 26, 2014.
- DPW Order No. 182870 approved August 19, 2014, recommending approval of the proposed Major Encroachment.
- A proposed plan for the Major Encroachment Permit.
- Signed and Notarized Street Encroachment Agreement.



The following person may be contacted regarding this matter: Mr. Nick Elsner of BSM at (415) 554-6186.

Sincerely

Mohammed Nuru Director of Public Works

Attachments: As Noted



## **City and County of San Francisco**

#### 

Office of the Director 1 Dr. Carlton B. Goodlett Place, City Hall, Room 348 San Francisco, CA 94102 (415) 554-6920 📾 www.sfdpw.org



Edwin M. Lee, Mayor Mohammed Nuru, Director



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Sincerely

Mohammed Nuru Director of Public Works

Attachments: As Noted



129 Jasper Place San Francisco, CA 94133 Phone/Fax: 415-362-7441

November 21, 2013

Ms. Barbara L. Moy, Bureau Manager Department of Public Works Bureau of Street-Use and Mapping 1155 Market Street, 3rd Floor San Francisco, CA 94103 (415) 554-5810 (Phone) (415) 554-6161 (Fax)

Request for Major Sidewalk RE: Encroachment at 157 24<sup>th</sup> Ave O.R. Project #2004.28

Architecture Urban Design Space Planning Interior Design

6 2013

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PERMIT SECTION

# Dear Ms. Moy:

This letter is a request to reinitiate the proceedings to obtain a major sidewalk encroachment at 157 24<sup>th</sup> Ave, located in the Clay Park neighborhood (North of Lake Street). This process was underway in 2005 with Encroachment Permit # 05ME-0007, some approvals were obtained, but the overall project was stopped due the recessions and personal issues.

The current Project Description remains consistent with the 2005 proposal. It consists of Constructing a new 2-car garage and driveway with new curb cut. The sidewalk will go over the garage and exist at its current elevation width and slope. The garage door and approximately 15' of garage will be in the public right of way, but below the sidewalk. An existing stair up from the street to the public sidewalk will be reconstructed and terraced retaining walls and planting shall be reconstructed in an improved format to the existing landscape. The two properties to the North have major Encroachments. 155 - 24th Avenue (Lots 32-37 block 1334) has an encroachment that was accomplished years ago with a "Street Vacation" and this vacated area is now known as lot 38 / block 1334. Another encroachment exists two doors north at 151-153 - 24th Avenue (Lot 004 / block 1334) and is currently under construction. This was accomplished as a Major Sidewalk Encroachment under DPW/BSM Res. No. 746-03 (DBI App. # 200301175472.

Enclosed you will find

- Application with all blanks filled in and signed by City Agency with jurisdiction over property or project
- Map showing adjacent properties
- Site Plan
- Architectural floor plans
- Elevations of proposed project/site
- Photographs of project/site  $\checkmark$
- Check payable to Planning Department
- Letter authorizing agent to sign application
- Draft outlining compliance with eight Priority Policies of Planning Code Section 101.1  $\checkmark$

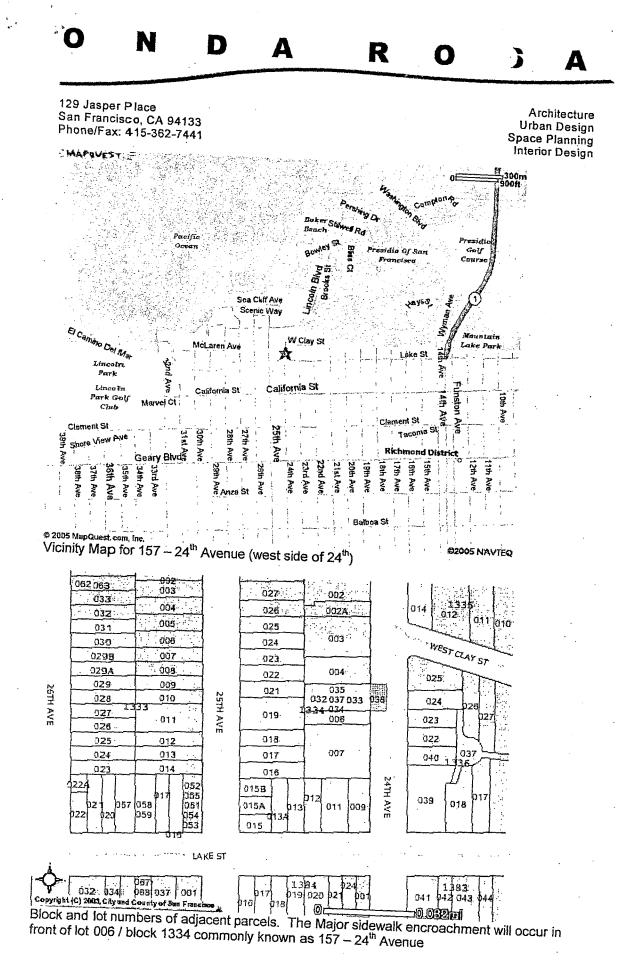
I will look forward to hearing from your office.

Sincerely.

A-M Null Brent McDonald, Architect C

Request for Encroachment 157-24th Ave

Page 1 of 13



Request for Encroachment 157-24<sup>th</sup> Ave

Page 2 of 13

129 Jasper Place San Francisco, CA 94133 Phone/Fax: 415-362-7441



LOOKING WEST FROM 24<sup>TH</sup> AVENUE TOWARDS 157 – 24TH



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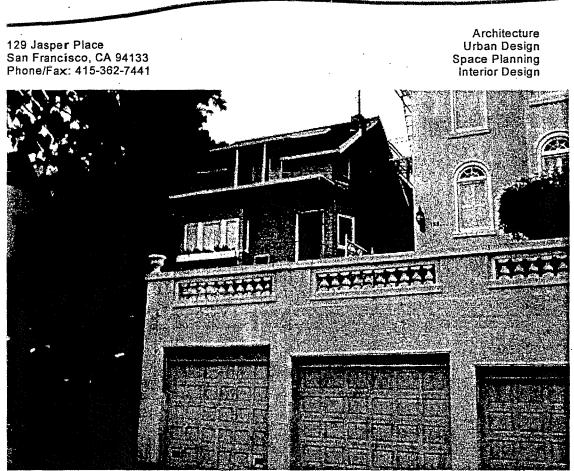
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LOOKING SOUTHWEST FROM 24<sup>TH</sup> AVE. TOWARDS 157 - 24<sup>TH</sup> & CATCHING 155-24<sup>TH</sup>

Architecture Urban Design Space Planning Interior Design

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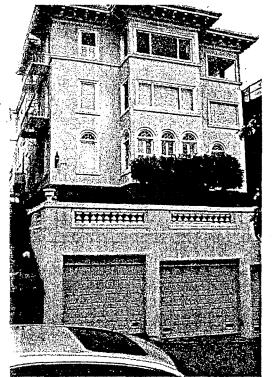
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LOOKING SOUTHWEST FROM 24<sup>TH</sup> AVE. TOWARDS THE GARAGES OF 155 – 24<sup>TH</sup> & CATCHING 155 AND 157 24<sup>TH</sup> IN THE BACKGROUND



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LOOKING WEST FROM 24<sup>TH</sup> AVE. TOWARDS THE GARAGES OF 155 - 24<sup>TH</sup>

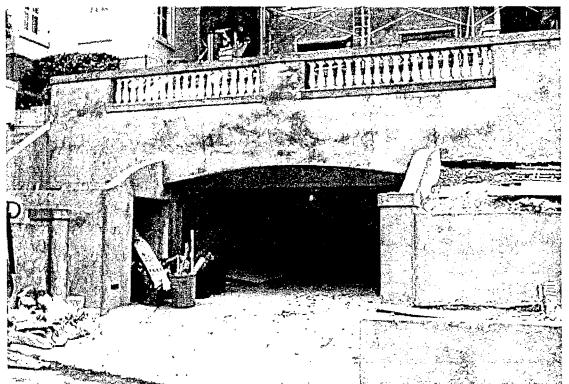
Request for Encroachment 157-24<sup>th</sup> Ave

129 Jasper Place San Francisco, CA 94133 Phone/Fax: 415-362-7441

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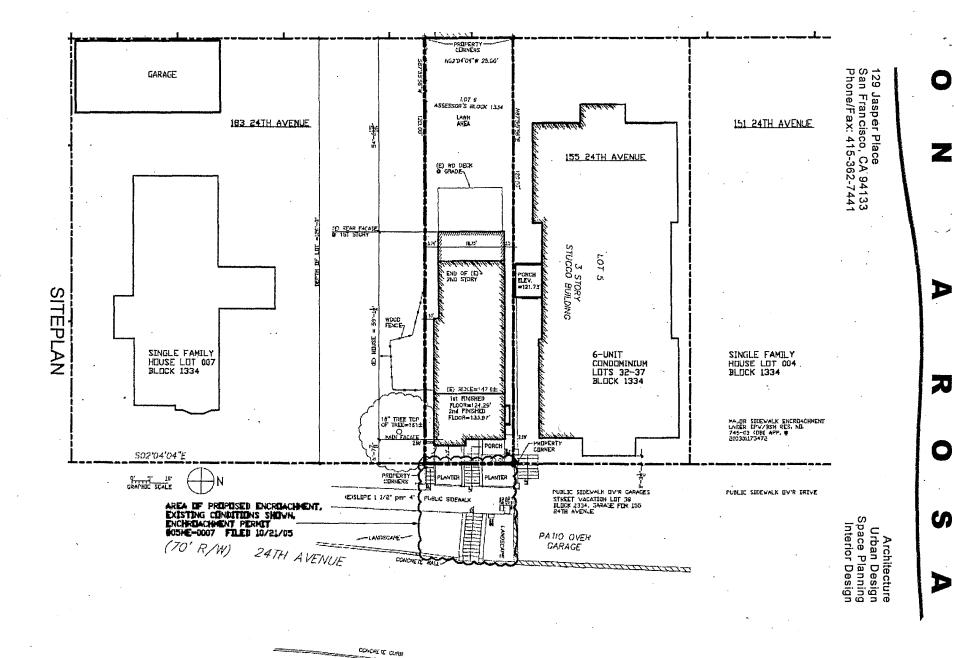
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LOOKING WEST FROM 24<sup>TH</sup> AVE. TOWARDS GARAGE OF 151 – 24<sup>TH</sup>

Request for Encroachment 157-24<sup>th</sup> Ave

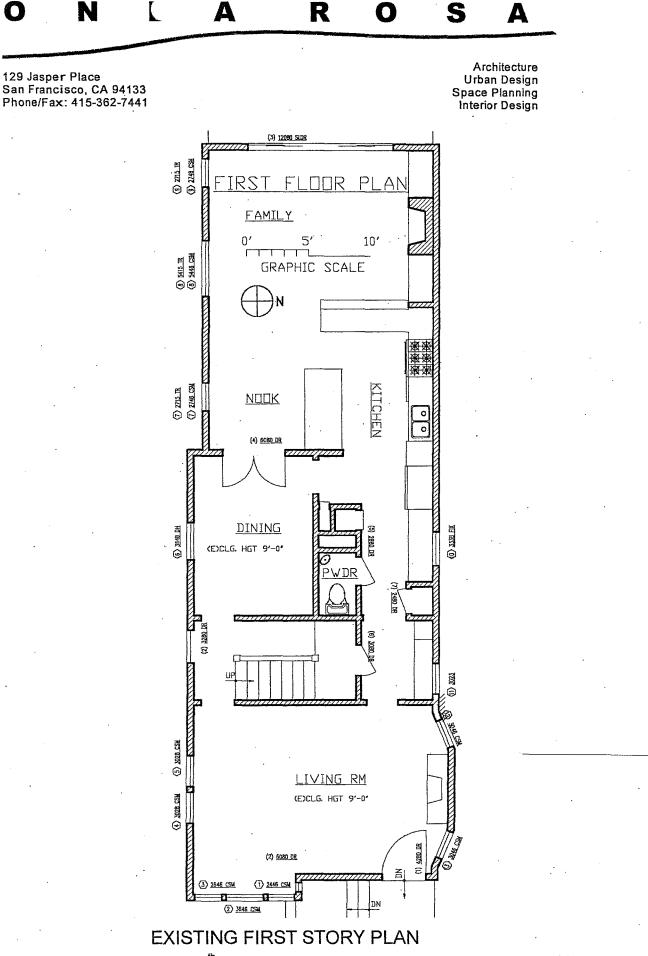


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THIRD STORY TOP OF WNDOW=153.8' WNDOW SILL=148.2' 1 Architecture Urban Design Space Planning Interior Design SECOND STORY TOP OF MNDOW-143.8' WNDOW SILL-138.2' 104.00 114.38+ +114.83 101.01 CONCRETE STAIRS FIRST STORY OVERHANG=137.81 SARA PATIO DVER GARAGE WNDOW SILL=127.0' CORNICE=155.49' -24<sup>TH</sup> AVE S 15.46 BRICK 118.4 105.37 BRICK PAVERS 114.78+ 1144 1140 5\* 5500 ± 11400 5\* 5500 ± 11400 5\* 5500 ± 1400 5\* 1400 5\* EDCE OF GARAGE 105.84 108.93 RICK WALL 114.30 + 111.72 N 0118.00 GAS + 118.00 + 118.71 WETER 118.00 BRICK WALL 118.63 120.43 114.80 190 0121.20 0 157 CHIMNEY 114.98 LANDSCAPE FINISHED FLOOR=124.29 777 PLANTER + WATER SURVEY OF FRONTYARD OF 114.80 BRICK 116.33 CONCRETE COLUMN 110.22 -118.01 N 114.71 114.00 118.11 CONCRETE 123.72 118.42 WALL 2 114.79 FINISHED FLOOR=133.97 107 97 1210 CONCRETE STAIRS BRICK 122,47 BRICK 122,43 +122,43 107.24 CONCRETE WALL 111.43 157 24th AVE. 2 STORY SHINGLE BUILDING 178.83 117.14 11.40 115.3 CONCRETE COLUMN 114.79 110.75 WAL PLANTER PLANTER CONCRETE 4 107.45 5.0' CRAM. SPACE=120.2 117,15 117.34 BRICK STEPS je S <u>r</u> WALL 1800 11700 17844 + 118.04 118.00 BRICK 110.95 2.45 115.90 LANDING 2 +115.42 115.77 RICK WALL LANDSCAPE 118.06 "118.05 118.44 111.25 118.52+ 107.98 24.85 @120.08 +118.23 118.78+ 118.70 112.81 110.38 20 118.42+ 129 Jasper Place San Francisco, CA 94133 Phone/Fax: 415-362-7441 115.83-AVENUE 117.15 LWOOD +120.83 24TH 120.06+ 18" TREE Z +)120.00 TOP OF TREE=161± 105.84 121.29 WOOD FENCE  $\bigcirc$ 108.22+

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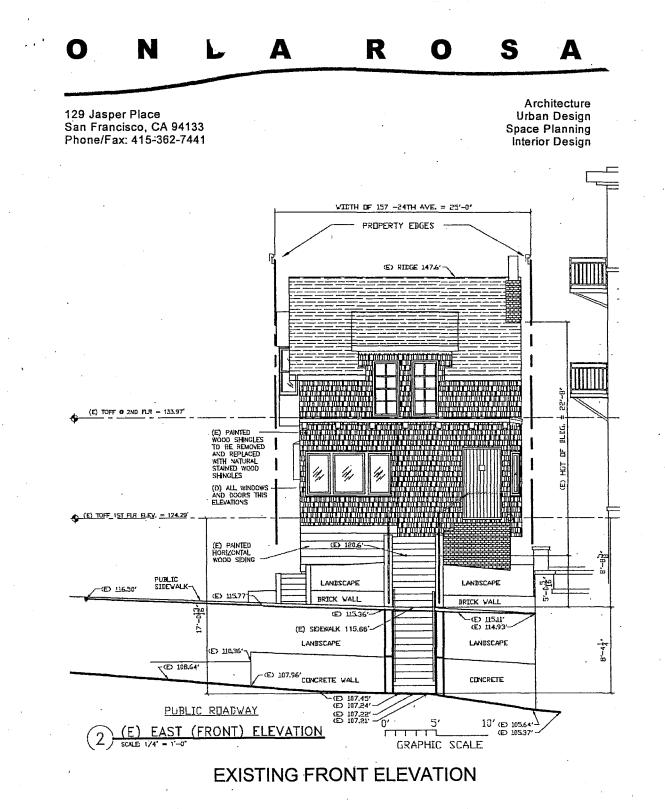
Request for Encroachment 157-24<sup>th</sup> Ave

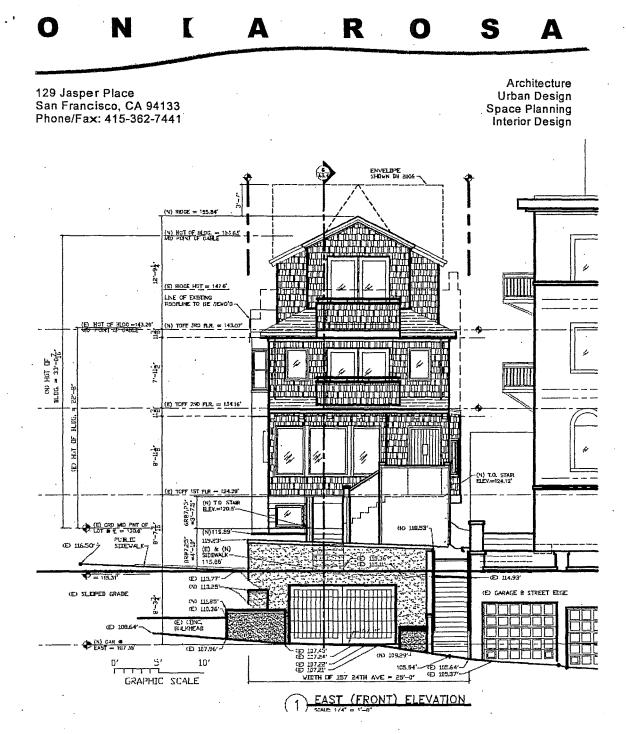


Request for Encroachment 157-24<sup>th</sup> Ave

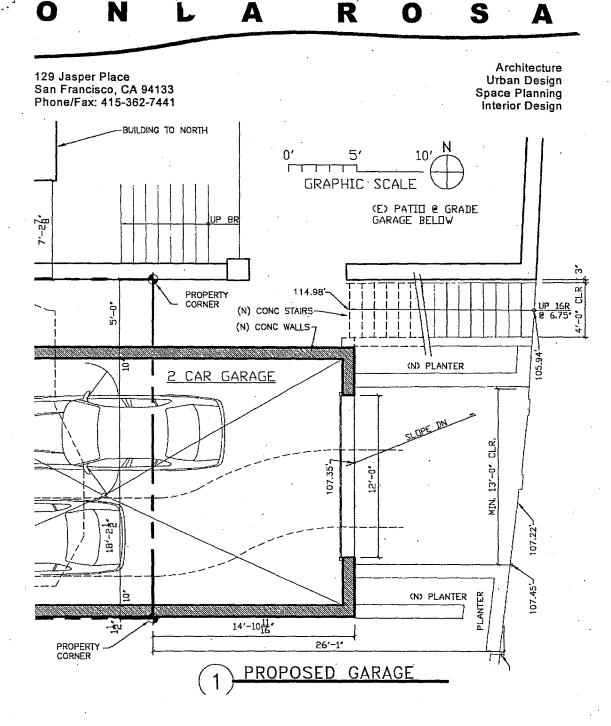
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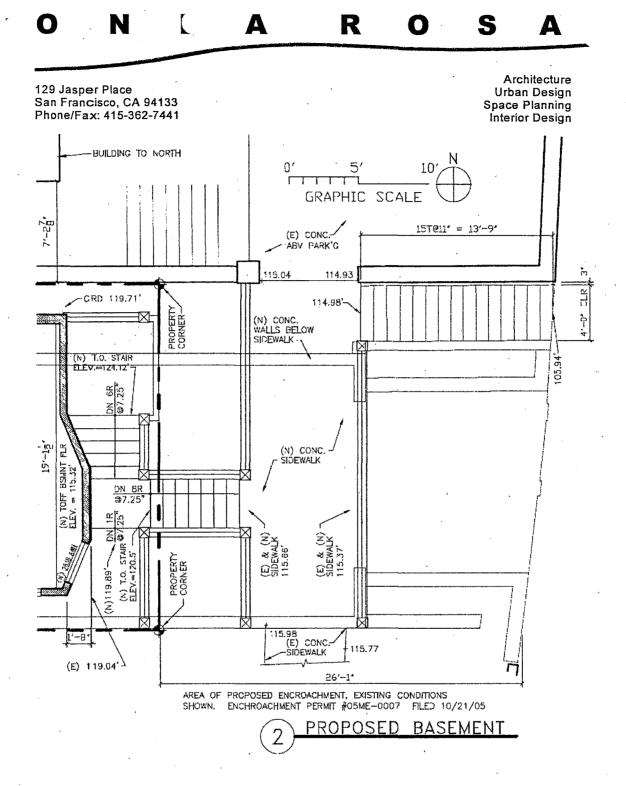
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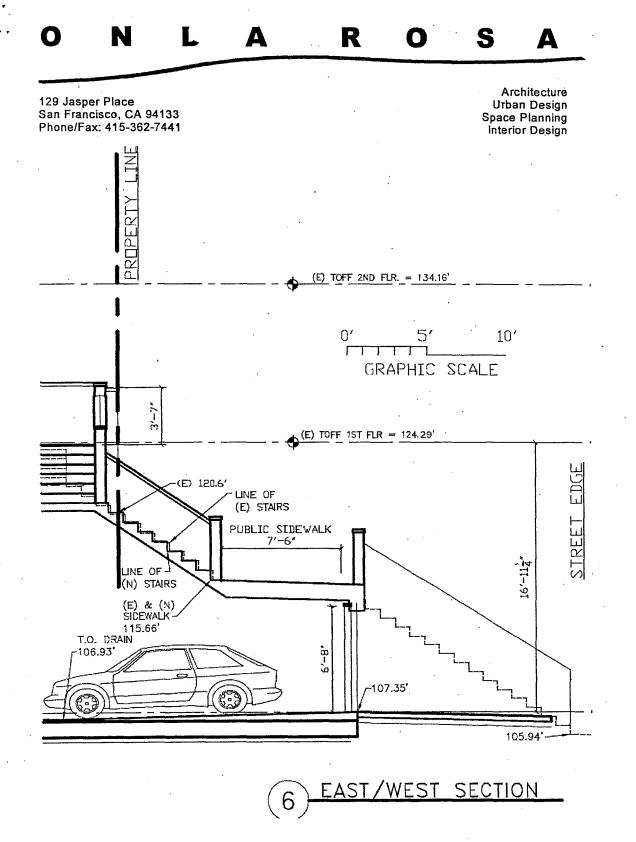




# PROPOSED FRONT ELEVATION









PERMI

# SAN FRANCISCO PLANNING DEPARTMENT

C	General Plan Referral	1650 Mission St Suite 400 San Francisco,
Date:	June 26, 2014	CA 94103-2479 Reception:
Case No.	Case Number 2013.1874R	415.558.6378
	Construction of Garage Structure and Driveway within Public Right-of-Way	Fax: <b>415.558.6409</b>
Block/Lot No.:	1334 / 006	Planning Information: <b>415.558.6377</b>
Project Spansor:	Ms. Kristina Baker	
	157 24 <sup>th</sup> Avenue	
- 2 2014	San Francisco, CA 94121	
Referred By:	Nick Elsner	
<b>FSECTION</b>	San Francisco Department of Public Works	
Staff Contact:	Mat Snyder – (415) 575-6891	
	<u>mathew.snyder@sfgov.org</u>	
Recommendation:	Finding the project, on balance, is <b>in conformity</b> with	
	the General Plan	
Recommended	An allan	
By:	John Rahaim, Director of Planning	

## PROJECT DESCRIPTION

On May 28, 2014, the Department received your request for a General Plan Referral as required by Section 4.105 of the Charter and Section 2A.53 of the Administrative Code.

The proposed project is to construct a garage and a driveway within the 24<sup>th</sup> Avenue public right-ofway. The west sidewalk on subject segment of 24<sup>th</sup> Avenue, (between Lake Street and west Clay Street) is setback by about 15-feet from the 24<sup>th</sup> Avenue roadway and about 10-feet above the roadway. The street features a retaining wall and landscaped embankment between the roadway and sidewalk. Immediately to the north of the subject property are two properties that feature encroachments into the right-of-way. The property immediately north (155 24<sup>th</sup> Avenue) features a garage structure that is 50feet wide about 15-feet tall and completely takes up the portion of the right-of-way between the roadway and property-line and interrupts the sidewalk. The property to the north of 155 24<sup>th</sup> Avenue (151 24<sup>th</sup> Avenue) features a driveway that cuts into the embankment to provide access to a garage that is located immediately below the public sidewalk.

The proposal would construct a driveway that would also cut into the embankment to give access to a proposed garage that would be built immediately below the public sidewalk. An existing public stair from the sidewalk to the roadway would be reconfigured to the north of the new garage.

The improvements would require grading a 16-feet by 11.5-foot cut into the embankment to construct the new driveway and stair. The driveway would feature pervious pavers; planters and vines would be installed on the sides of the new stair, new garage and new retaining to help integrate the new garage and driveway with the surrounding landscaping. The driveway would be limited to width of 10-feet. The improvements would also include a new garage structure that would extend from the property-line under the sidewalk and extending about two feet beyond the sidewalk. The garage structure would about 8-feet tall. The Project Sponsor has worked with Planning staff to minimize the size of the garage and the embankment cut, and to assure landscaping is well integrated into the design.

The project has been reviewed for consistency with General Plan policies and with the Eight Priority Policies of the Planning Code Section 101.1.

#### ENVIRONMENTAL REVIEW

The project was found to be exempt from Environmental Review on June 6, 2014.

#### GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The streetscape improvements are consistent with the San Francisco Better Streets Plan.

Following are relevant policies from the General Plan and associated analysis and comment. General Plan Objectives and Policies and in **bold** font, policy text is in regular font, and staff comments are in *italic*.

#### URBAN DESIGN ELEMENT - CONSERVATION

POLICY 2.8 Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.

Street areas have a variety of public values in addition to the carrying of traffic. They are important, among other things, in the perception of the city pattern, in regulating the scale and organization of building development, in creating views, in affording neighborhood open space and landscaping, and in providing light and air and access to properties.

POLICY 2.9 Review proposals for the giving up of street areas in terms of all the public values that streets afford.

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Every proposal for the giving up of public rights in street areas, through vacation, sale or lease of air rights, revocable permit or other means, shall be judged with the following criteria as the minimum basis for review:

- a. No release of a street area shall be recommended which would result in:
  - (1) Detriment to vehicular or pedestrian circulation;
  - (2) Interference with the rights of access to any private property;
  - (3) Inhibiting of access for fire protection or any other emergency purpose, or interference with utility lines or service without adequate reimbursement;
  - (4) Obstruction or diminishing of a significant view, or elimination of a viewpoint; industrial operations;
  - (5) Elimination or reduction of open space which might feasibly be used for public recreation;
  - (6) Elimination of street space adjacent to a public facility, such as a park, where retention of the street might be of advantage to the public facility;
  - (7) Elimination of street space that has formed the basis for creation of any lot, or construction or occupancy of any building according to standards that would be violated by discontinuance of the street;
  - (8) Enlargement of a property that would result in (i) additional dwelling units in a multifamily area; (ii) excessive density for workers in a commercial area; or (iii) a building of excessive height or bulk;
  - (9) Reduction of street space in areas of high building intensity, without provision of new open space in the same area of equivalent amount and quality and reasonably accessible for public enjoyment;
  - (10) Removal of significant natural features, or detriment to the scale and character of surrounding development.
  - (11) Adverse effect upon any element of the General Plan or upon an area plan or other plan of the Department of City Planning; or
  - (12) Release of a street area in any situation in which the future development or use of such street area and any property of which it would become a part is unknown.

Permitting a major encroachment permit in the 24<sup>th</sup> Avenue right-of-way would be consistent with these policies. The encroachment would not interrupt the pedestrian or vehicular right-of-way, but would within a portion of the right-of-way not used for travel; there would be no impact to travel lanes or existing parking laness. The project, if approved, would remove no more than one vehicle parked on the street, and improve pedestrian circulation to houses on this block by constructing a new stairway between the street's roadway and sidewalk which is located about ten feet above the roadway elevation.

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It would improve both vehicular and pedestrian access to private residences and also improve access by both fire and emergency vehicles and personnel. It would not result in adverse effects described in concerns listed in paragraphs 4 - 12 above. The City would also retain the right to rescind the permit in and return the right-of-way to public use in the future.

- b. Release of a street area may be considered favorably when it would not violate any of the above criteria and when it would be:
  - (1) Necessary for a significant public or semi-public use, or public assembly use, where the nature of the use and the character of the development proposed present strong justifications for occupying the street area rather than some other site;
  - (2) For the purpose of permitting a small-scale pedestrian crossing consistent with the principles and policies of The Urban Design Element; or
  - (3) In furtherance of the public values and purposes of streets as expressed in The Urban Design Element and elsewhere in the General Plan.

The design of the project, as submitted with the General Plan referral application is sensitive to the site. The public right-of-way slopes steeply up to the private property. The design calls for a shallow short driveway with a narrow curb cut, limiting the loss of on-street parking to no more than one space. The existing sidewalk would continue across and above the proposed garage, at a roof terrace level. The garage width has been kept to an absolute minimum. The project sponsor would also construct a new stairway, a valuable public amenity, which the City would not construct. The cut and garage would be designed to minimize its impact by including pervious pavers, and landscaped green walls on the three sides of the graded cut. The project sponsor and all subsequent property owners would be responsible for maintaining the landscape in perpetuity. If handled sensitively, neighborhood residents and the City as a whole would benefit from this project.

POLICY 2.10 Permit release of street areas, where such release is warranted, only in the least extensive and least permanent manner appropriate to each case.

In order to avoid the unnecessary permanent loss of streets as public assets, methods of release short of total vacation should be considered in cases in which some form of release is warranted. Such lesser methods of release permit later return of the street space to street purposes, and allow imposition of binding conditions as to development and use of the street area.

The subject action is for a major encroachment permit and not for a vacation of public right-of-way. As noted above, the parcel immediately to the north has a five-door garage developed in what had been the 24<sup>th</sup> Avenue right-of-way. The garage structure is constructed up to the roadway and features no setback. The proposed Encroachment Permit on the subject property would not further reduce the transportation capacity of 24<sup>th</sup>. In this case, the proposed two-car garage would be set back approximately 10-feet back from the street, and would feature only a single car garage door. The project sponsor has worked with Planning staff to reduce the width of the garage to minimal dimension possible. Landscaping has been incorporated into the design to help maintain the landscaped nature of the bordering west side of 24<sup>th</sup> Avenue. The garage would provide two off-street parking spaces, removing cars from on-street parking demand.

The City would retain the right to rescind the Major Encroachment Permit and require the applicant to demolish the improvements constructed in the public right-of-way, including the driveway and underground garage, etc, should it be necessary or desirable for the City to utilize this portion of 24<sup>th</sup> Avenue for transportation or another public use. At this time 24th Avenue is a low-density residential neighborhood. To the north, garage structures have been built immediately adjacent to the roadway so that the roadway cannot be widened; therefore, the need or likelihood that the roadway would be widened at this location is currently low.

The Subject Project, defined as the proposed Major Encroachment Permit to install a garage and sidewalk and landscaping in a portion of the 24th Avenue right-of- is consistent with the Eight Priority Policies of Planning Code Section 101, as described below:

1. The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.

2. The Project would have no adverse effect on the City's housing stock or on neighborhood character. The project would result in installation of a two-car garage built into the existing embankment, a sidewalk constructed at the garage roof terrace level linked with the sidewalks on the adjacent lots, a new stairway constructed between the street and elevated sidewalk, and landscaped embankment, similar to the existing plantings. The project would benefit neighborhood character by providing additional access to the elevated sidewalk on the west side of 24th Avenue, and the project sponsor would be responsible for maintaining the improvements and plantings on the sloped right-of-way.

3. The Project would have no adverse effect on the City's supply of affordable housing.

4. The Project would not result in commuter traffic impeding Muni transit service or overburdening the streets or neighborhood parking. No Muni service runs on 24th Avenue. The project would result in two off-street parking spaces. Because of the sensitive design approach, and use of a necked-down driveway entry, only a single on-street space would be lost due to the curb cut.

5. The Project would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake.

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- 7. The Project would have no negative effect on landmarks or historic buildings. The existing building and property is not historically significant.
- 8. The Project would have no adverse effect on parks and open space or their access to sunlight and vistas.

RECOMMENDATION: Finding the Project, on balance, in-conformity with the General Plan

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**City and County of San Francisco** 

San Francisco Department of Public Works Office of the Deputy Director & City Engineer, Fuad Sweiss Bureau of Street-Use & Mapping



Edwin M. Lee, Mayor Mohammed Nuru, Director

1155 Market Street, 3rd Floor San Francisco Ca 94103 (415) 554-5810 4 www.sfdpw.org



Jerry Sanguinetti, Bureau Manager

#### DPW Order No: 182870

APPROVAL OF MAJOR (STREET) ENCROACHMENT PERMIT AT 157 24<sup>th</sup> AVENUE (BLOCK 1334, LOT 006).

**APPLICANT**:

Brent McDonald, Architect Onda Rosa Architecture for Kristina Baker, Property Owner 129 Jasper Place San Francisco, CA 94133

**PROPERTY IDENTIFICATION:** Lot 006 in Assessor's Block 1334  $(157 24^{\text{th}} \text{Avenue})$ San Francisco, CA 94132

**DESCRIPTION OF REQUEST:** Major (Street) Encroachment Permit

#### **BACKGROUND:**

- 1. In 2005, the applicants originally filed a request with the Department of Public Works (DPW) to consider approval of a Major (Street) Encroachment Permit to construct approximately fifteen (15) feet of a new two-car garage, and reconstruct an existing stairway, terraced retaining walls and additional landscaping within an existing sloped portion of the public right-of-way, below the existing sidewalk, approximately eight (8) feet above the 24<sup>th</sup> Avenue roadway, per the neighborhood pattern, to provide vehicular access to an existing dwelling at the subject property.
- 2. The Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), at its meeting of February 23, 2006, recommended the proposed encroachment for approval.
- 3. Due to the recession and personal issues, the applicants requested to place this application on hold.
- 4. On November 26, 2013, the applicants submitted a letter to DPW requesting to proceed with this application.
- 5. The Planning Department, in response to a referral dated December 11, 2013, by letter dated June 26, 2014, found the project, on balance, in conformity with the General Plan.
- 6. DPW scheduled a public hearing for July 16, 2014 to consider the proposed encroachment. On July 3, 2014, DPW mailed notices for the hearing to property owners within a 300-foot radius of the subject location.



- 7. Hearing Officer Oscar Gee conducted a hearing on the merits of the Major (Street) Encroachment Permit on July 16, 2014.
- 8. The owner of the subject property and her Architect attended the public hearing and presented testimony on their own behalf, testifying that there are three (3) other properties who have recently, and years ago, obtained approvals and constructed similar garage encroachments along the westerly side of 24<sup>th</sup> Avenue; thereby, requesting that the Hearing Officer recommend the proposed garage encroachment for approval to the Board of Supervisors.
- 9. Aside from testimony by DPW staff, recommending the subject encroachment for approval, no other testimony was presented at the public hearing in favor or in opposition to the encroachment.
- 10. The Hearing Officer considered and reviewed all of DPW's files on this encroachment. Based on this information the Hearing Officer made his decision on August 8, 2014 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:

**<u>FINDING 1.</u>** Recommendation for approval by ISCOTT and Planning Department's determination that the subject encroachment is in conformity with the General Plan. **<u>FINDING 2.</u>** Said encroachment would provide off-street parking for the existing building, due to existing on-street parking in this area being very limited.

FINDING 3. Said encroachment is convenient in conjunction with the owner's use and enjoyment of his property.

FINDING 4. Said encroachment shall be subject to an annual assessment fee.

Sanguinetti, Jerry Bureau Manager

8/19/2014

8/19/2014

8/19/2014

Sweiss, Fuad Deputy Director and City Engineer

Edgar Lopez

Lopez, Edgar for Director, DPW



**Department of Public Works** 



Bureau of Street-Use and Mapping

# CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS

# STREET ENCROACHMENT AGREEMENT

## WITNESSETH

In consideration of the adoption by the Board of Supervisors of the City and County of San Francisco of Resolution No. \_\_\_\_\_\_at its meeting of \_\_\_\_\_\_, a true copy of which is attached hereto marked Exhibit A, and by this reference incorporated herein, and subject to all the terms, conditions and restrictions of this Agreement, also by reference incorporated herein, Permittee agrees that in accordance with this agreement and Exhibit A:

1. The permitted encroachment shall constitute a revocable license, shall be personal to Permittee and shall not be assignable or transferable by Permittee, whether separate from or together with any interest of Permittee.

Upon revocation the undersigned permittee, subsequent owners, or their heirs and assignees will within 30 days remove or cause to be removed the encroachment and all materials used in connections with its construction, without expense to the City and County of San Francisco, and shall restore the area to a condition satisfactory to the Department of Public Works.

- 2. The occupancy, construction and maintenance of the encroachment shall be in the location and as specified by the plans submitted, revises, approved and filed in the Department of Public Works. The permittee, by acceptance of this permit, acknowledges its responsibility to comply with all requirements of the occupancy, construction and maintenance of the encroachment as specified in Public Works Code Section 786 and with the sidewalk maintenance requirements specified in Public Works Code Section 706.
- 3. The permittee shall verify the locations of City and public service utility company facilities that may be affected by the work authorized by this permit and shall assume all responsibility for any damage to such facilities due to the work. The permittee shall make satisfactory arrangements and payments for any necessary temporary relocation of City and public utility company facilities.
- 4. In consideration of this Permit being issued for the work described in the application, Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.

Permittee agrees on its behalf and that of any successor or assign to hold harmless. defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from (i) any act by. omission by, or negligence of, Permittee or its subcontractors, or the offices, agents or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting directly or indirectly form the maintenance or installation of any equipment, facilities or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, good will, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and potentially falls within this indemnity provision, even if the allegations are or may be aroundless, false or fraudulent, which obligations arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.

Permittee shall obtain and maintain through the terms of this Permit insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.

5. Permittee will, at its own expense, maintain in full force and effect an insurance policy or policies issued by insurers with ratings comparable to A-VIII, or higher that are authorized to do business in the State of California, and that are satisfactory to the City. Approval of the insurance by City shall not relieve or decrease Permittee's liability hereunder.

Permittee must maintain in force, during the full term of the Agreement, insurance in the following amounts and coverages. Workers' Compensation, in statutory amounts, with Employer's Liability limits not less than \$1,000,000 each accident, injury, or illness: and Commercial General Liability Insurance with Limits not less than \$1,000,000 each occurrence and \$2,000,00 in the aggregate for bodily injury and property damage, including contractual liability, personal injury, products and completed operations; and Commercial Automobile Liability insurance with limits not less than \$1,000,000 each occurrence combined single limit or bodily injury and

property damage, including owned, non-owned and hired auto coverage as applicable. Said policies shall include the City and County of San Francisco and its officers and employees jointly and severally as additional insured and shall apply as primary insurance and shall stipulate that no other insurance affected by the City and County of San Francisco will be called on to contribute to a loss covered hereunder.

All policies shall be endorsed to provide thirty (30) days advance written notice to the City of reduction, nonrenewal or material changes in coverages or cancellation of coverages for any reason. Notices shall be sent to the Department of Public Works, Bureau of Street Use and Mapping, 1155 Market Street, 3<sup>rd</sup> Floor, San Francisco, CA, 94103. The permission granted by said resolution shall automatically terminate upon the termination of such insurance. Upon such termination, Permittee shall restore the right-of-way, without expense to the "Personal Injuries", as used herein, shall include wrongful death.

- 6. The permittee shall obtain a building permit as the Central Permit Bureau, 1660 Mission Street for the construction or alteration of any building.
- 7. The permitee shall contact the DPW Street Inspection Section (415) 554-7149, at least 72 hours prior to starting work to arrange an inspection schedule.
- 8. The permittee acknowledge its responsibility to notify any successor owners of the existence of the encroachment and the successor owner's obligation to obtain a permit from the Department of Public Works 60 days in advance of any pending sale of the permittee's adjacent property. The permittee's obligation to remove the encroachment and restore the right-of-way to a condition satisfactory to the Department of Public Works shall survive the revocation, expiration or termination of this permit or sale of permittee's adjacent property.
- 9. The permitee's right to use City property, as set forth in this permit is appurtenant to the property described as: <u>157 24TH</u> Avenue SAW FRANCISCO CA 94121

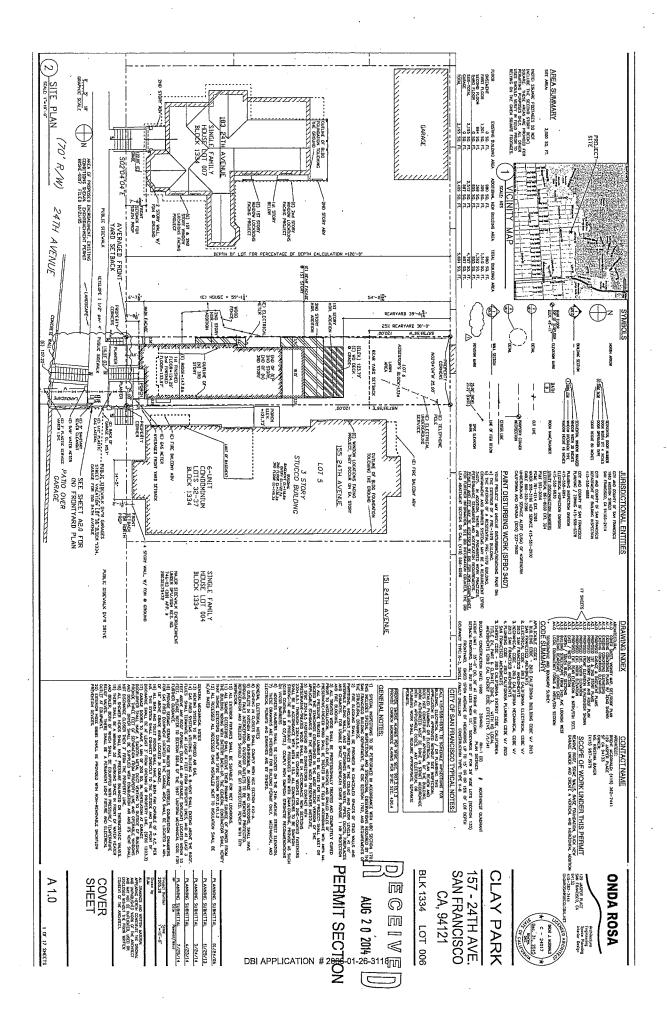
\_\_\_\_\_ The provisions of the permit shall bind all subsequent purchases and owners of the described property.

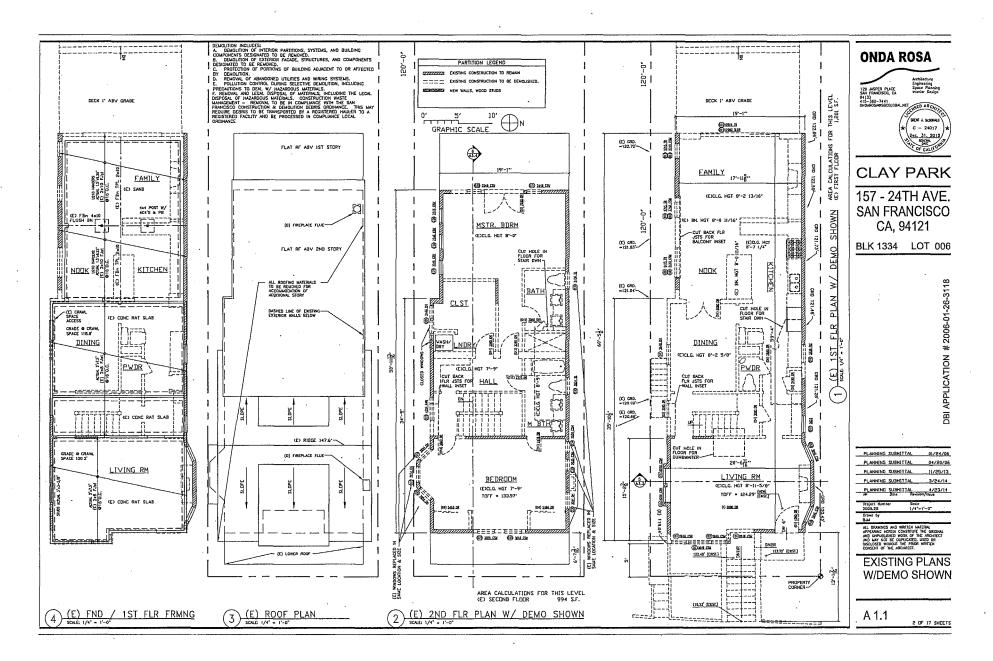
Subsequent purchasers and owners shall be subject to the revocation and termination provisions set forth in this permit.

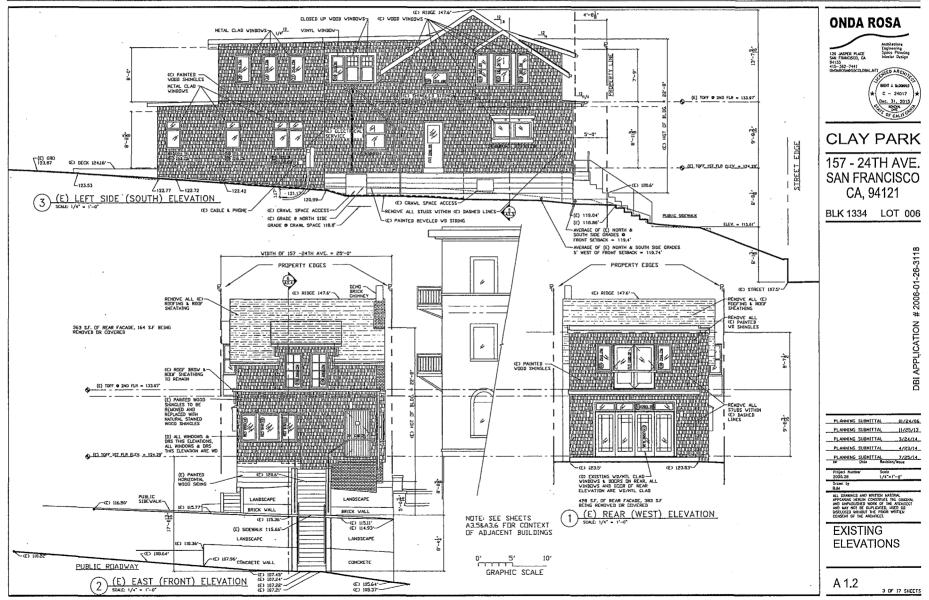
- 10. The permittee or subsequent owners recognize and understand that this permit may create a possessory interest subject to property taxation and that the permittee or subsequent owner or owners may be subject to the payment of such taxes.
- The permittee or subsequent owner or owners recognize the recordation of this permit.

All of the provisions of this agreement shall be deemed provisions of said resolution. All of the provisions of said resolution shall be deemed provisions of this agreement.

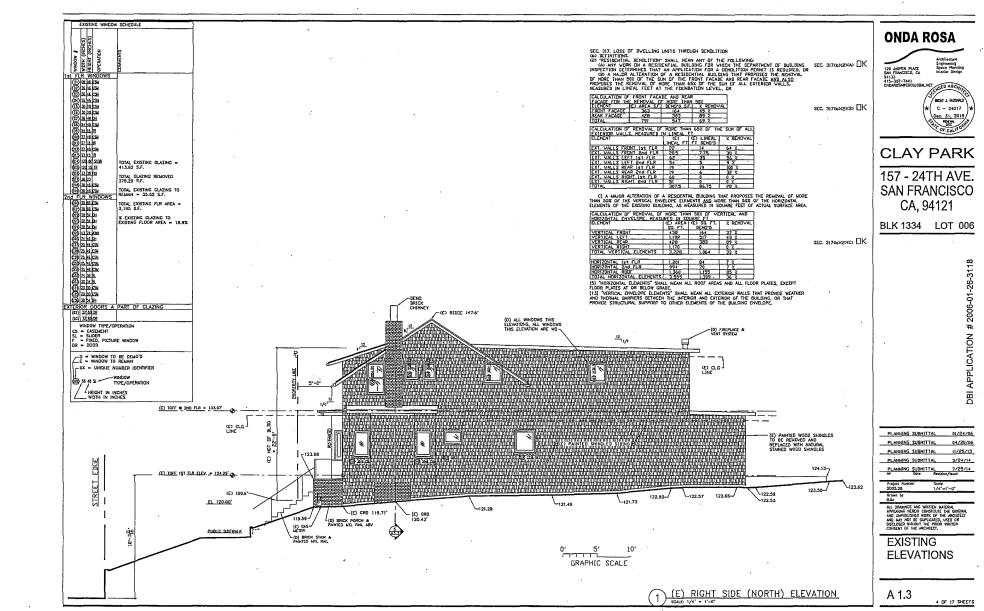
In witness whereof the undersigned Permittee(s) have executed this agreement this 16th day of JULY. 2014. KRISTINA STATE OF CALIFORNIA ) SS COUNTY OF before me, On Notary Public in and for said County and State, personally appeared personally known to me (or proven to me on the name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by this by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument./ WITNESS my hand and official seal (NOTARY STAMP OR SEAL) \*SEE CALIFORNIA ACK BELON. Notary Public in and for said County and State ACKNOWLEDGMENT State of California, County of Sky F2AUCISCO On JULY 162014 before me, STEVE WONG (notary public), KRISTINA BAKER personally appeared \_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity/les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalt of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. and and official seal. WITNESS m (Seal) Signature WONG COMM COLONINITY

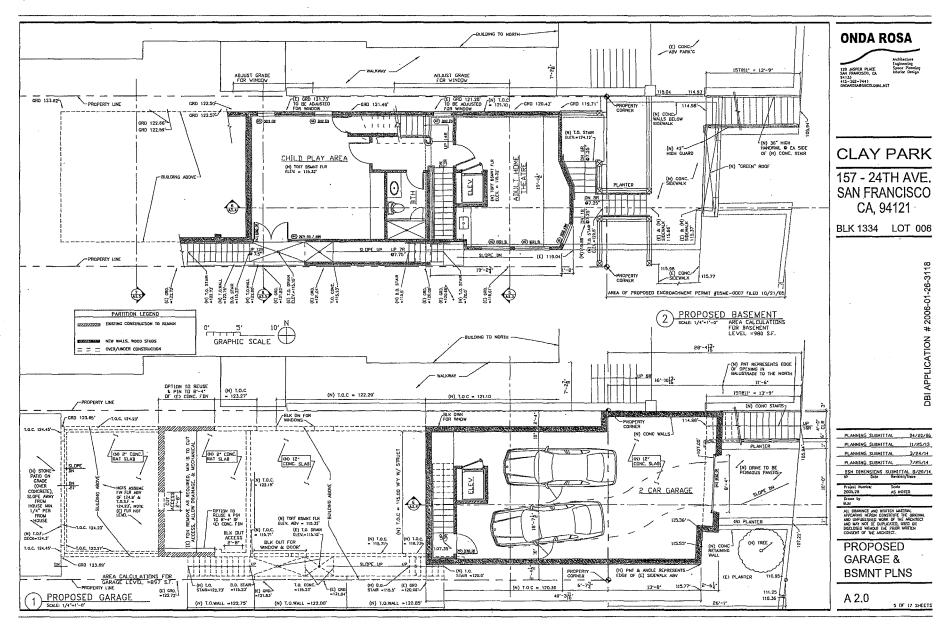


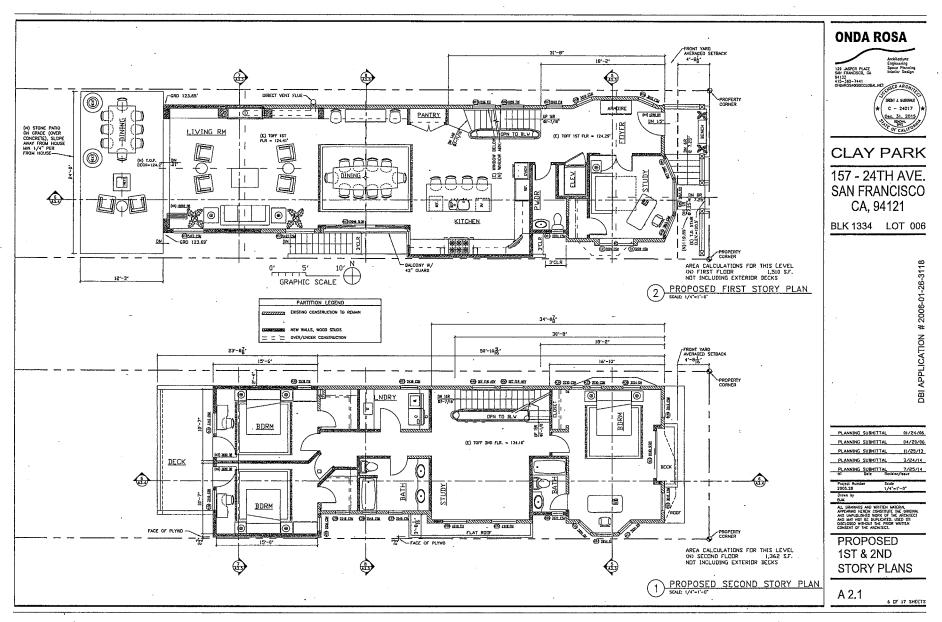


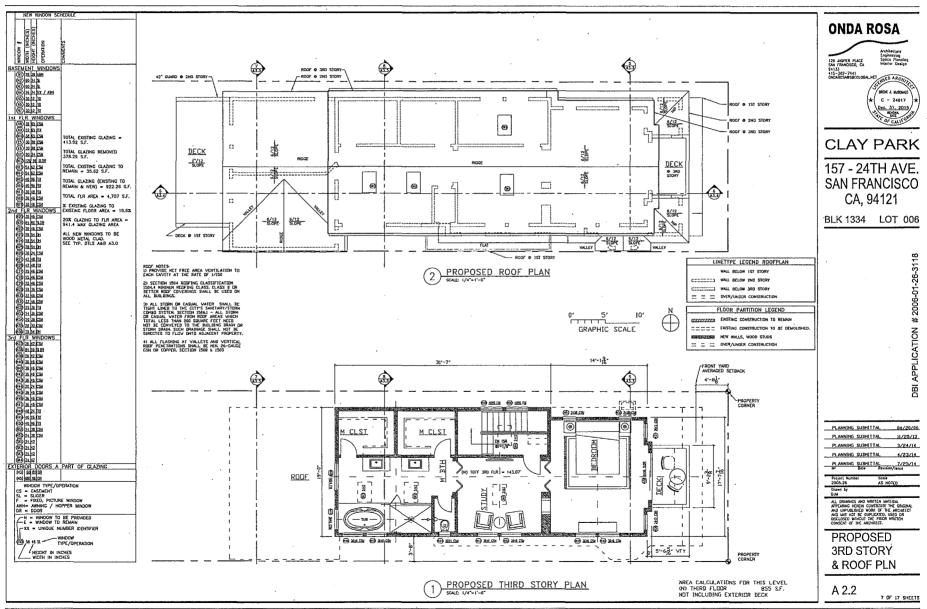


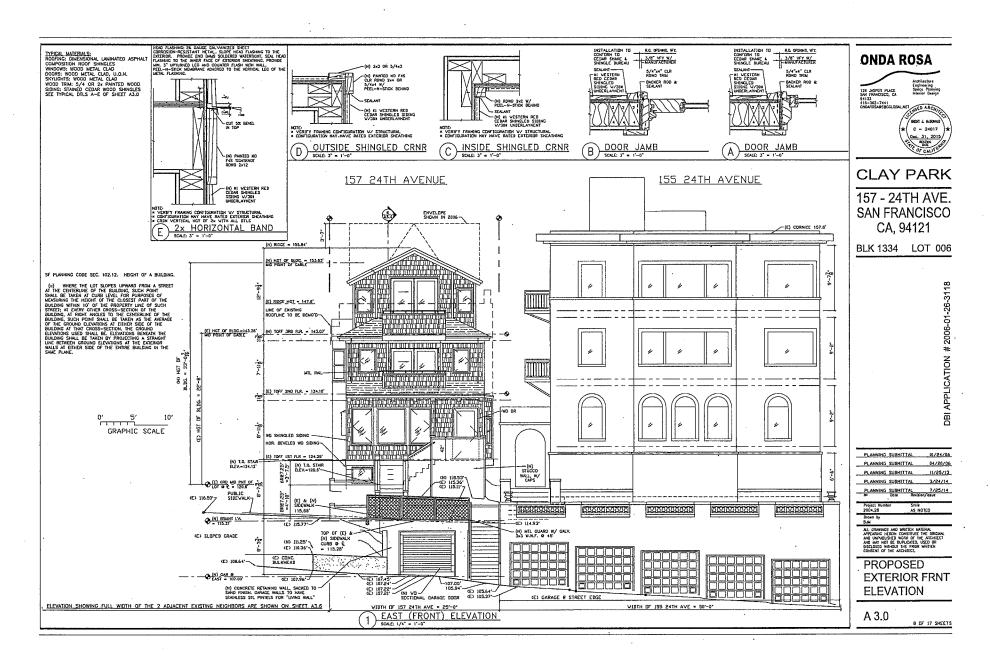
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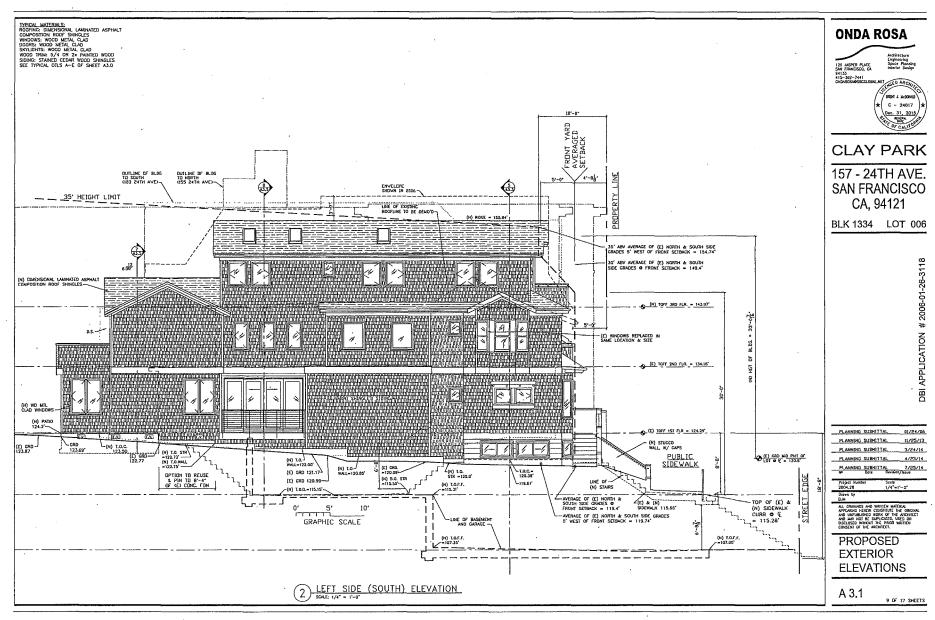


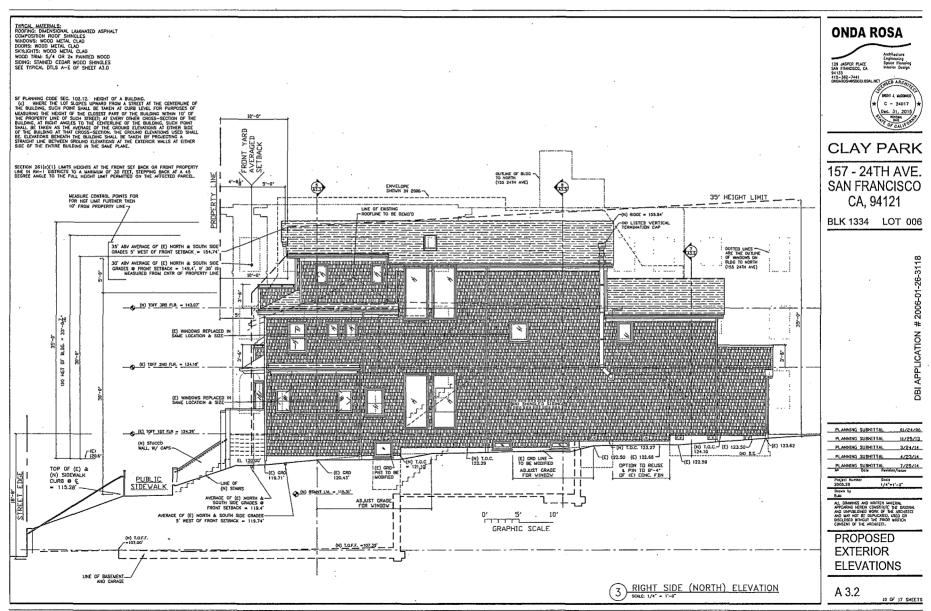


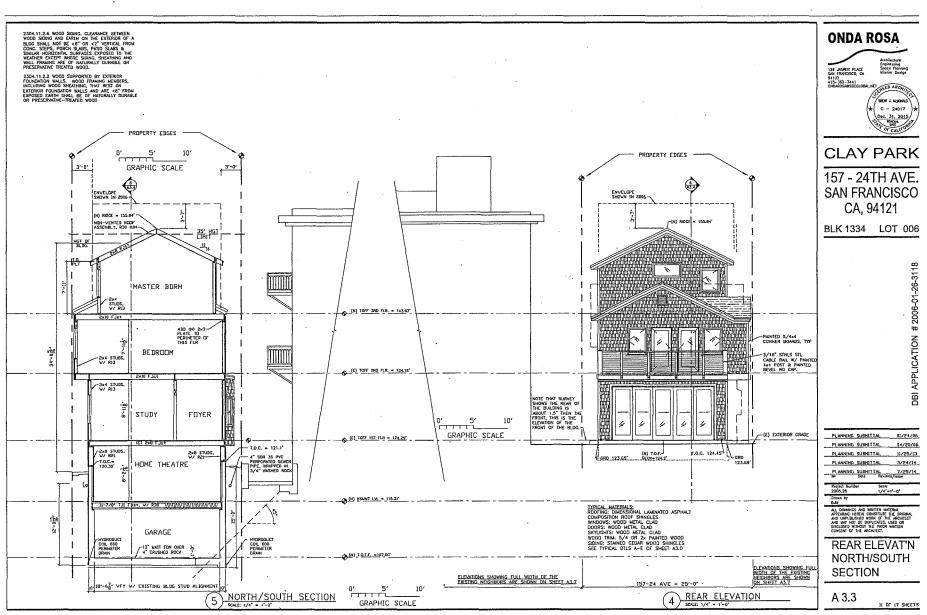


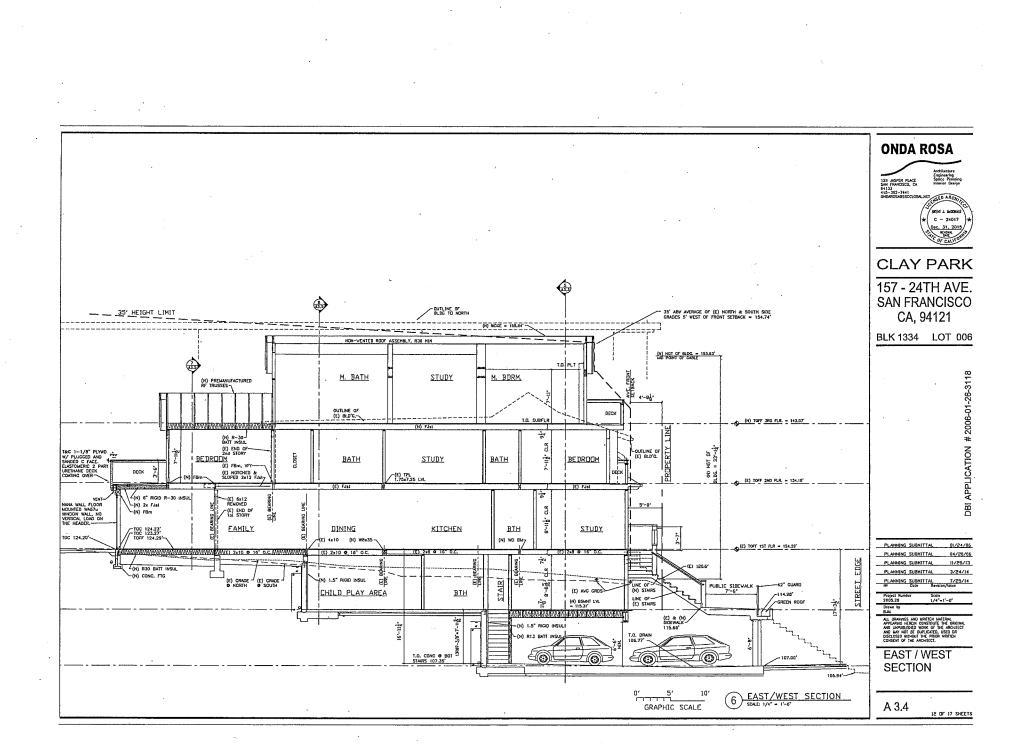




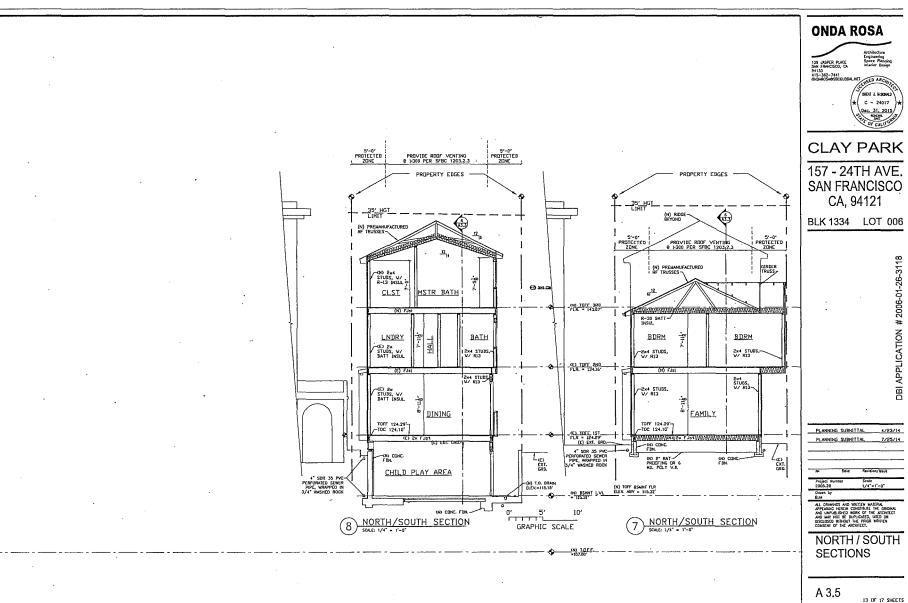








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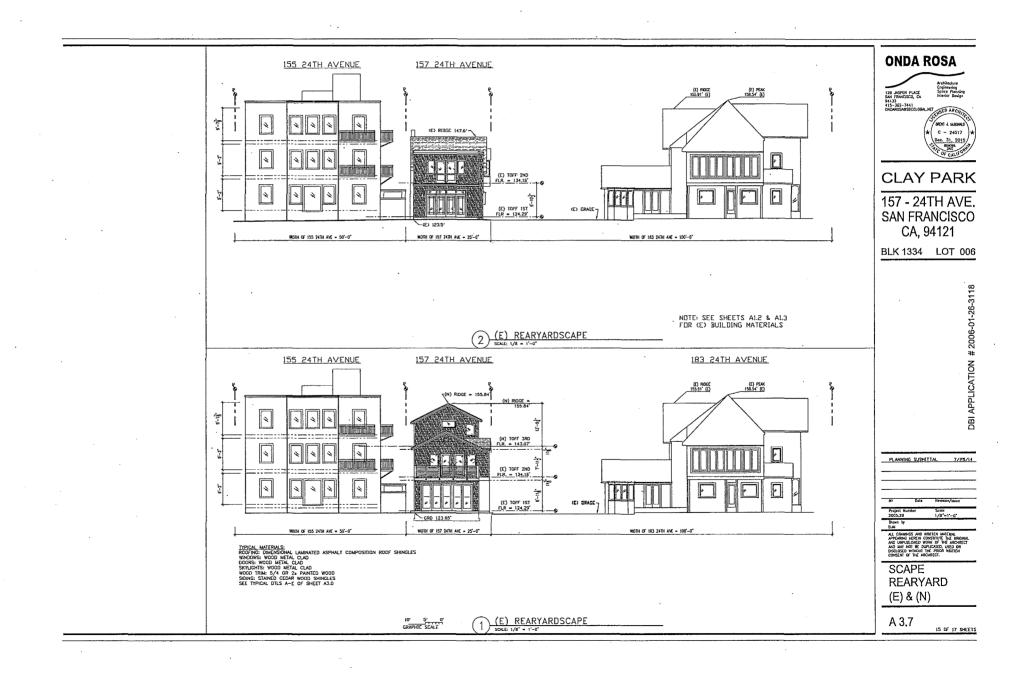
- (E) CONC. BULKHEAD-

118.71° (E)

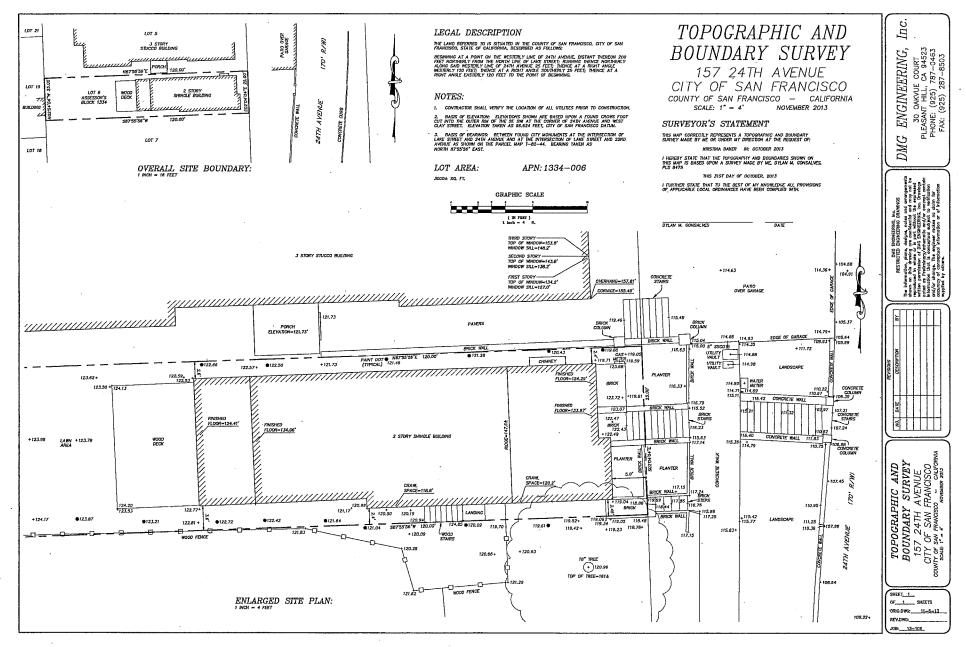
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**BOARD of SUPERVISORS** 



City Hall Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

# MEMORANDUM

TO:

Mohammed Nuru, Director, Department of Public Works John Rahaim, Director, Planning Department Jonas Ionin, Acting Commission Secretary, Planning Commission Ben Rosenfield, City Controller, Office of the Controller Harlan Kelly Jr., General Manager, Public Utilities Commission Joanne Hayes-White, Chief, Fire Department Tom Hui, Director, Department of Building Inspection

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development Committee, Board of Supervisors

DATE: September 22, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by the Department of Public Works on September 9, 2014:

File No. 140908

Resolution granting revocable permission to Kristina Baker to occupy a portion of the public right-of-way to construct and maintain a portion of a new two car garage, new terraced concrete retaining walls, reconstruct existing public concrete stairway, and install and maintain additional landscaping within the existing sloped and landscaped portion of the 24<sup>th</sup> Avenue public right-of-way, to access and provide off-street parking for the property at 157-24<sup>th</sup> Avenue (Assessor's Block No. 1334, Lot No. 006) and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Frank Lee, Department of Public Works AnMarie Rodgers, Planning Department Aaron Starr, Planning Department Monique Zmuda, Office of the Controller Juliet Ellis, Public Utilities Commission Donna Hood, Public Utilities Commission Joanne Hayes-White, Fire Department William Strawn, Department of Building Inspection Carolyn Jayin, Department of Building Inspection Sonya Harris, Building Inspection Commission

# LE SLATION RECEIVED CHECKLIS

8/28/14 Date

File Number (if applicable)\_

140908

Legislation for Introduction (NEW) []

[] Legislation Pending in Committee (AMENDED)

[] Legislation for Board Agenda (AMENDED)

►►► Legislation Clerk

**Description** Committee Clerk

►►► Dep Clerk, Legislative Div

### Supervisor, Mayor, and Departmental Submittals

- **Grant Ordinance** 
  - [] Legislation: Original and 2 hard copies and 1 electronic copy in word format
  - [] Signature: Department Head, Mayor or the Mayor's designee, plus the Controller
  - [] Back-up materials: 2 full sets (see below) and 1 electronic copy in pdf format\*
    - [] Cover letter (original and 1 hard copy)
    - [] Grant budget/application
    - [] Grant information form, including disability checklist
    - 1 Letter of Intent or grant award letter from funding agency
    - [] Contract, Leases/Agreements (if applicable)
    - [] Ethics Form 126 (if applicable)\*Word format
  - [] E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org

#### Ordinance

- [] Legislation: Original and 2 hard copies and 1 electronic copy in word format
- City Attorney (For Settlement of Lawsuits City Attorney, Department [] Signature: Head, Controller, Commission Secretary)
- [] Back-up materials: 2 hard copies (see below) and 1 electronic copy in pdf format
  - [] Cover letter (original and 1 hard copy)
  - [] Settlement Report/Agreement (for settlements)
  - [] Other (Explain)
- [] E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org

# Grant Resolution

- [] Legislation: Original and 2 hard copies and 1 electronic copy in word format
- [] Signature: Department Head, Mayor or the Mayor's designee, plus the Controller
- [] Back-up materials: 2 hard copies (see below) and 1 electronic copy in pdf format\*
  - [] Cover letter (original and 1 hard copy)
  - [] Grant budget/application
  - [] Grant information form, including disability checklist
  - [] Letter of Intent or grant award letter from funding agency
  - [] Contract, Leases/Agreements (if applicable)
  - [] Ethics Form 126 (if applicable)\*Word format

[] E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org

# Resolution

- Legislation: Original and 2 hard copies and 1 electronic copy in word format
- **[/** Signature: None (Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
- [1] Back-up materials: 2 full sets (see below) and 1 electronic copy in pdf format [ Cover letter (original and 1 hard copy)
  - [] Settlement Report/Agreement (for settlements) [] Other (Explain) See Cover Letter
- [] E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org

NICK ELSNER / 554 - 6186 DEPT. OF PUBLIC WORKS Name and Telephone Number Department

Clerk's Office/Forms/Legislation Received Checklist (6/2013) for more help go to: sfbos.org/about the board/general/legislative process handbook