File No. <u>140908</u>	Committee Item No1_
•	Board Item No2

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee:	Land Use & Development		Date <u>Dec. 8, 2014</u>			
Board of Supervisors Meeting Date Dec.						
Cmte Board						
	Motion Resolution Ordinance Legislative Digest Budget and Legislative And Youth Commission Report Introduction Form Department/Agency Cover MOU Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 – Ethics Commis Award Letter Application Public Correspondence	Letter and/c				
OTHER (Use back side if additional space is needed)						
Completed by: Andrea Ausberry Date Dec. 4, 2014 Completed by: Date						

5

[Street Encroachment - 157-24th 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 24th Avenue public right-of-way, to access and provide off-street parking for the property at 157-24th 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 right-of-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 24th 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

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

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 24th Avenue right-of-way, to access and provide off-street parking for the property at 157-24th 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:

Mohammed Nuru

Director of Public Works

City and County of San Francisco



Edwin M. Lee, Mayor Mohammed Nuru, Director San Fraisco Department of Public Works

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 24th 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

San Fra .. sco Department of Public Works

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



ONDAROSA

129 Jasper Place San Francisco, CA 94133 Phone/Fax: 415-362-7441 Architecture Urban Design Space Planning Interior Design

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)

RE:

Request for Major Sidewalk Encroachment at 157 24th Ave O.R. Project #2004.28



PERMIT SECTION

Dear Ms. Moy:

This letter is a request to reinitiate the proceedings to obtain a major sidewalk encroachment at 157 24th 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
- ✓ Check payable to Planning Department
- ✓ Letter authorizing agent to sign application
- ✓ Draft outlining compliance with eight Priority Policies of Planning Code Section 101.1

I will look forward to hearing from your office.

Sincerely,

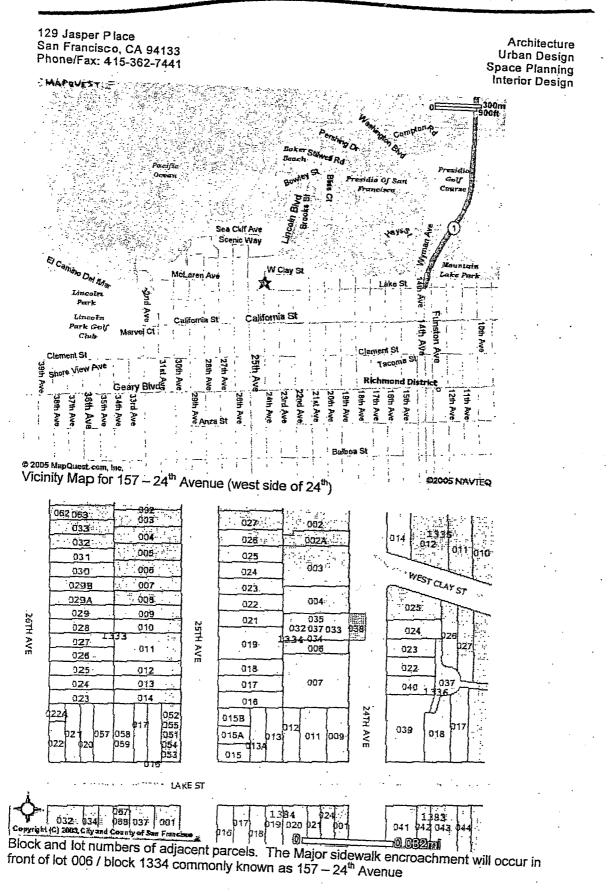
Brent McDonald, Architect C-24017

fat Jan Nahl

Request for Encroachment 157-24th Ave

Page 1 of 13

ONDAROSA



ON LA ROSA

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



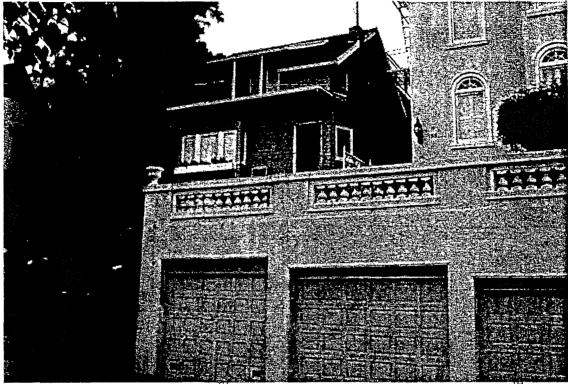
LOOKING WEST FROM 24TH AVENUE TOWARDS 157 – 24TH



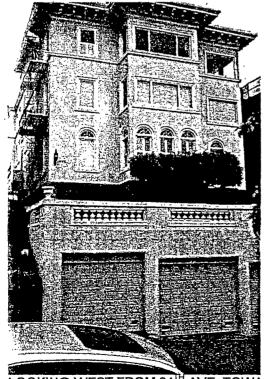
LOOKING SOUTHWEST FROM 24TH AVE. TOWARDS 157 - 24TH & CATCHING 155-24TH

ONLAROSA

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



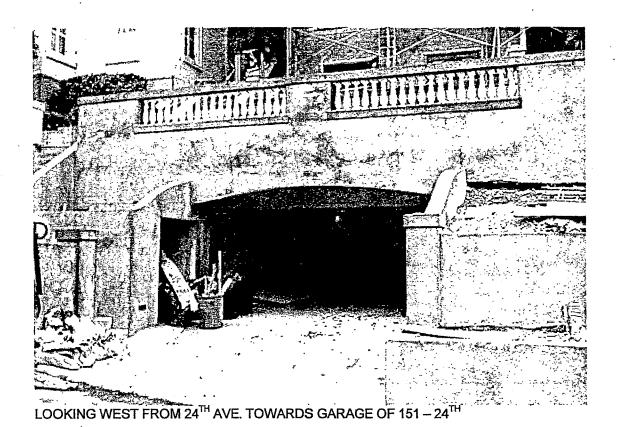
LOOKING SOUTHWEST FROM 24 $^{\rm TH}$ AVE. TOWARDS THE GARAGES OF 155 – 24 $^{\rm TH}$ & CATCHING 155 AND 157 24 $^{\rm TH}$ IN THE BACKGROUND

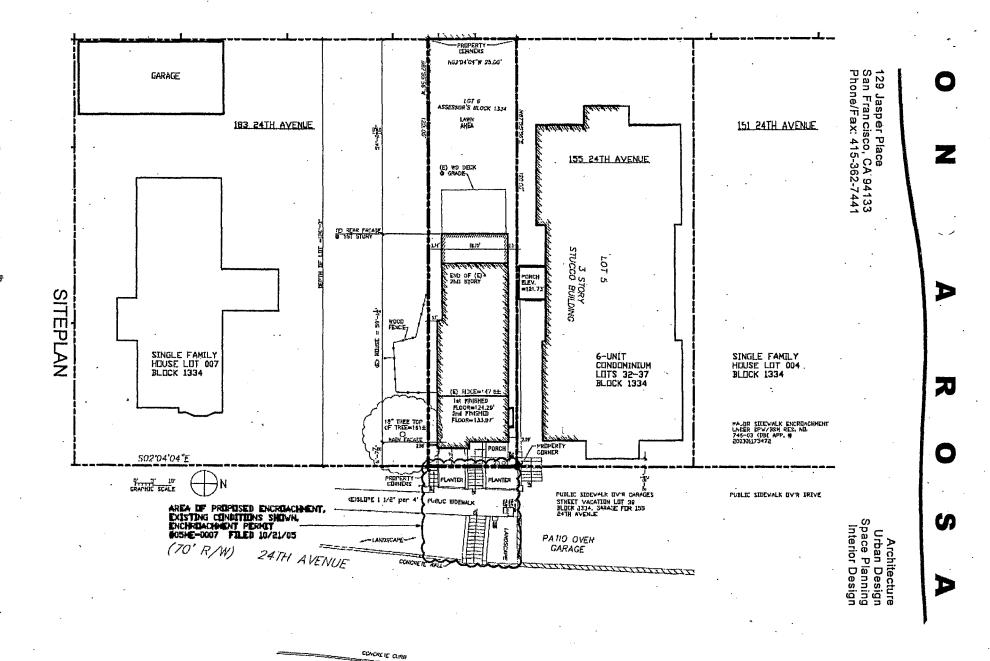


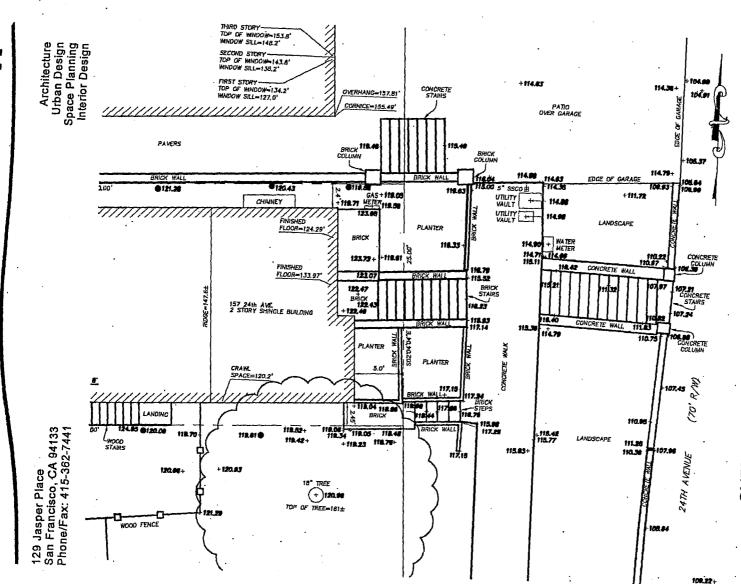
LOOKING WEST FROM 24TH AVE. TOWARDS THE GARAGES OF 155 – 24TH

ONLAROSA

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







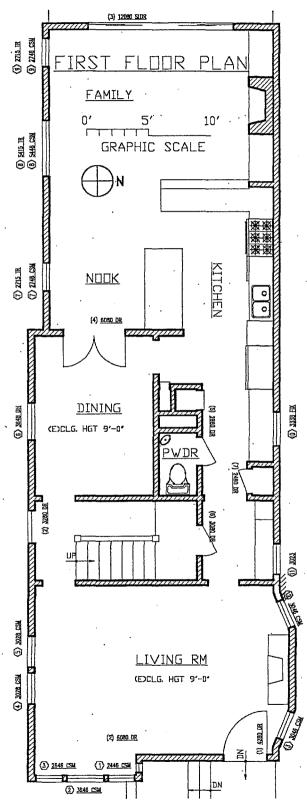
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SURVEY OF FRONTYARD OF 157 -24TH AVE

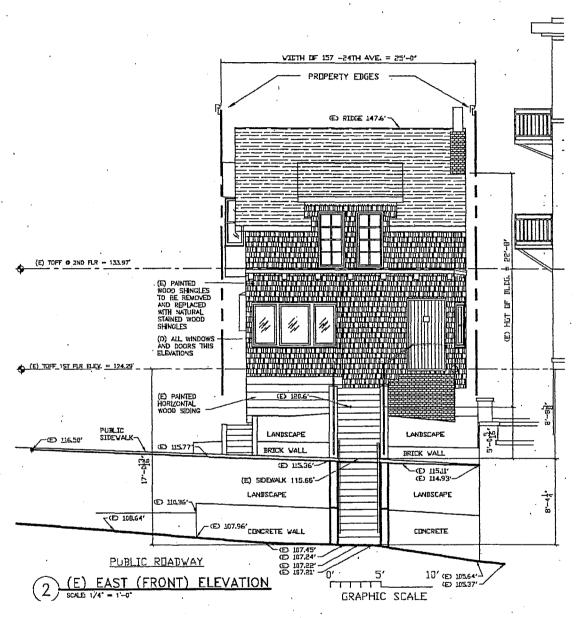
129 Jasper Place San Francisco, CA 94133 Phone/Fax: 415-362-7441



EXISTING FIRST STORY PLAN

ONLAROSA

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



EXISTING FRONT ELEVATION

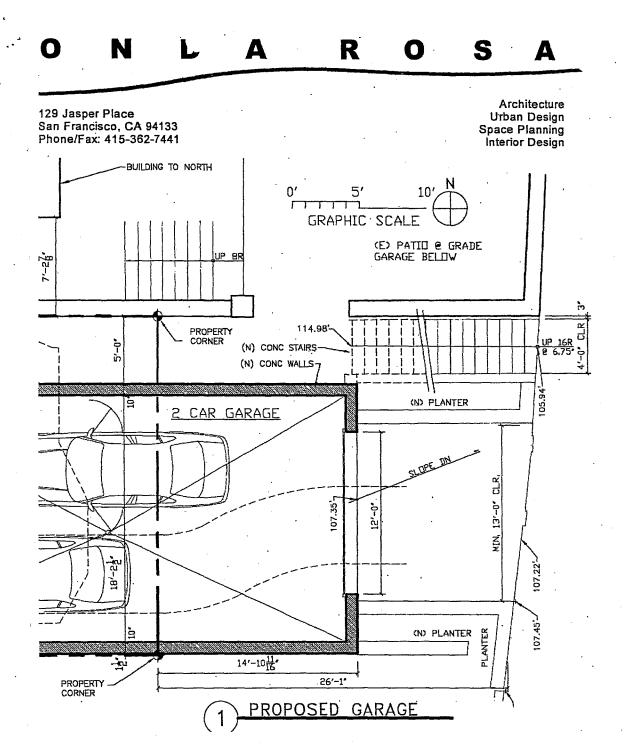
PROPOSED FRONT ELEVATION

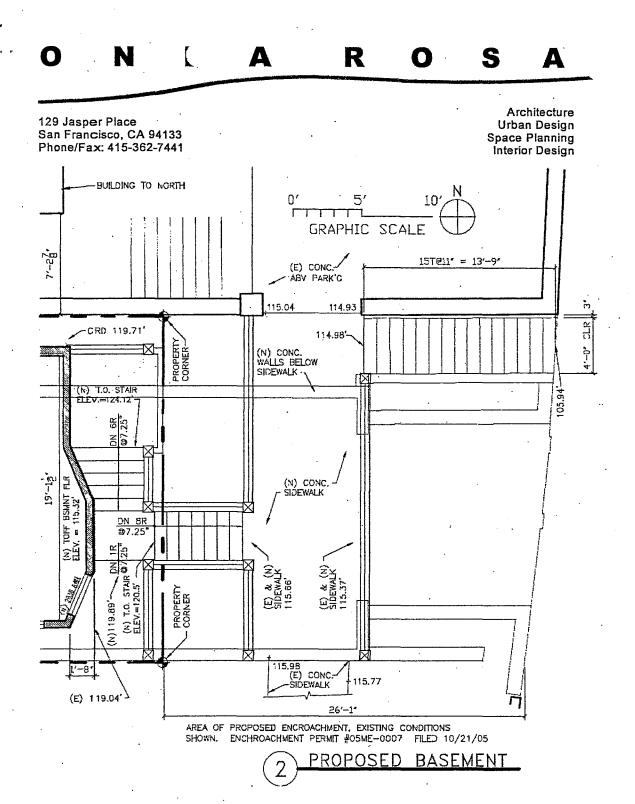
(E) 197.22' 105.54 (E) 197.21' 105.54 VIIITH OF 157 24TH AVE = 25'-0'

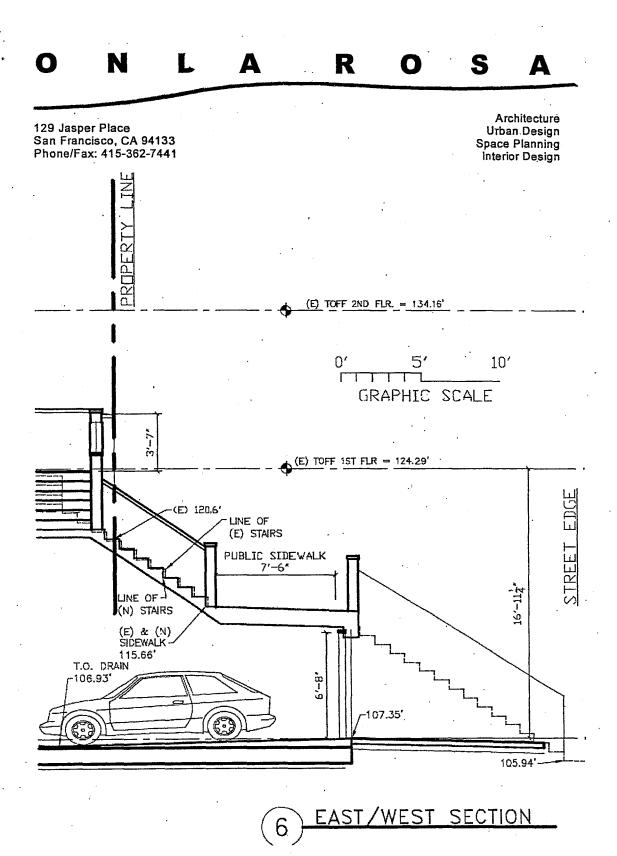
EAST (FRONT) ELEVATION

(E) 167.96'-

GRAPHIC SCALE









SAN FRANCISCO

PLANNING DEPARTI

General Plan Referral

1650 Mission St Suite 400 San Francisco, CA 94103-2479

Reception: 415.558.6378

415.558.6409

Planning Information: 415.558.6377

Date:

June 26, 2014

Case No.

Case Number 2013.1874R

Construction of Garage Structure and Driveway within Public

Right-of-Way

Block/Lot No.:

1334 / 006

Ms. Kristina Baker

157 24th Avenue

San Francisco, CA 94121

Nick Elsner

PERMIT SECTION

San Francisco Department of Public Works

Staff Contact:

Mat Snyder - (415) 575-6891

mathew.snyder@sfgov.org

Recommendation:

Finding the project, on balance, is in conformity with

the General Plan

Recommended

By:

Shn 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 24th Avenue public right-ofway. The west sidewalk on subject segment of 24th Avenue, (between Lake Street and west Clay Street) is setback by about 15-feet from the 24th 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 24th 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 24th Avenue (151 24th 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.

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 24th 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.

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 24th Avenue right-of-way. The garage structure is constructed up to the roadway and features no set-back. The proposed Encroachment Permit on the subject property would not further reduce the transportation capacity of 24th. 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 24th 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 24th 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.
- 6. The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake.

- 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

I:\Citywide\General Plan\General Plan Referrals\2014\xxxxxx.doc

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 1155 Market Street, 3rd Fioor San Francisco Ca 94103

(415) 554-5810 3 www.sfdpw.org



Edwin M. Lee, Mayor Mohammed Nuru, Director

Jerry Sanguinetti, Bureau Manager

DPW Order No: 182870

APPROVAL OF MAJOR (STREET) ENCROACHMENT PERMIT AT 157 24th 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 24th 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 24th 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 24th Avenue; thereby, requesting that the Hearing Officer recommend the proposed garage encroachment for approval to the Board of Supervisors.
- 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

Sweiss, Fuad
Deputy Director and City Engineer

8/19/2014

X Edgar Lopez

Lopez, Edgar
for Director, DPW





CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS

STREET ENCROACHMENT AGREEMENT

WITNESSETH

In consideration of the adoption by the E	Board of Supervisors of the City a	and County of
San Francisco of Resolution No.	at its meeting of	, a
true copy of which is attached hereto ma	arked Exhibit A, and by this refer	ence
incorporated herein, and subject to all th	e terms, conditions and restriction	ons of this
Agreement, also by reference incorporate	ted herein, Permittee agrees that	t 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 groundless, 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, 3rd 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.

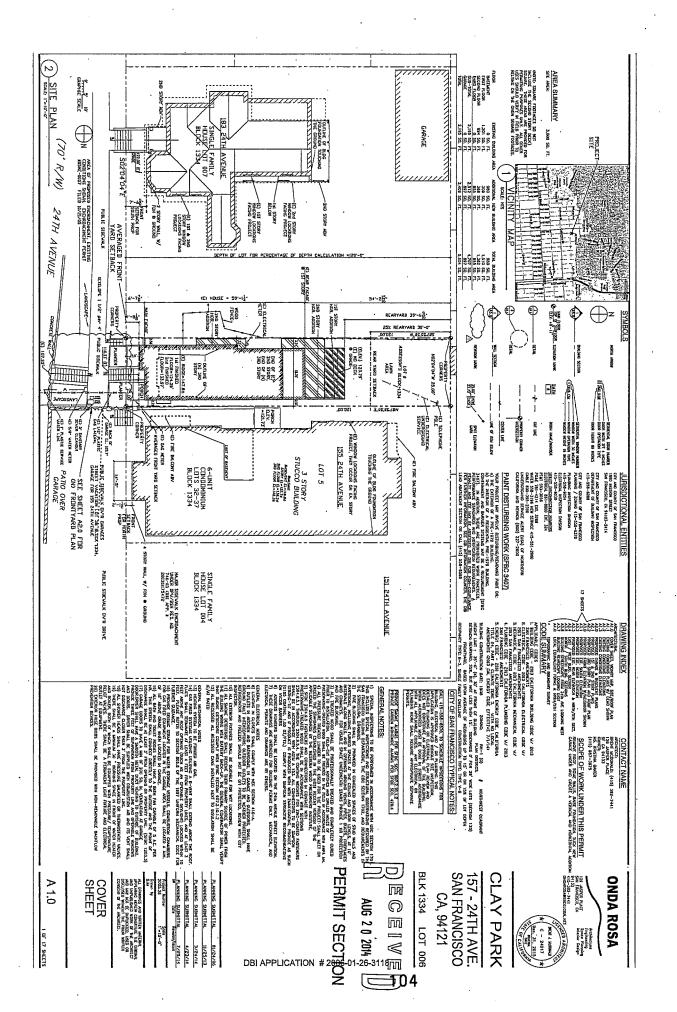
9.	The permitee's right to use City property, as set forth in this permit is appurtenant to the property described as: 157 2414 Avenue SAN FRANCISCO CA 9412			
	The provisions of the permit shall bind all subsequent purchases and owners of the described property.			

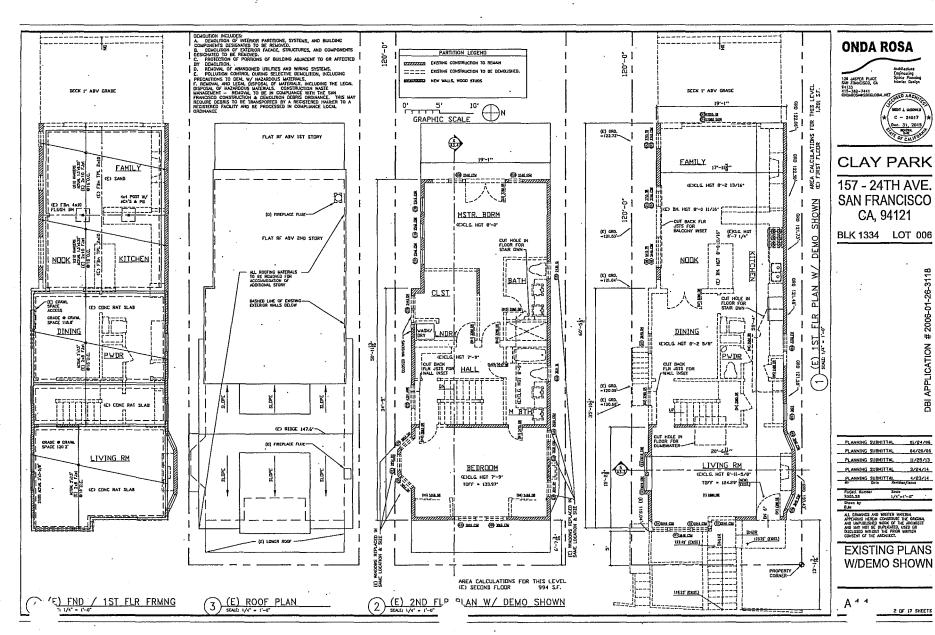
Subsequent purchasers and owners shall be subject to the revocation and termination provisions set forth in this permit.

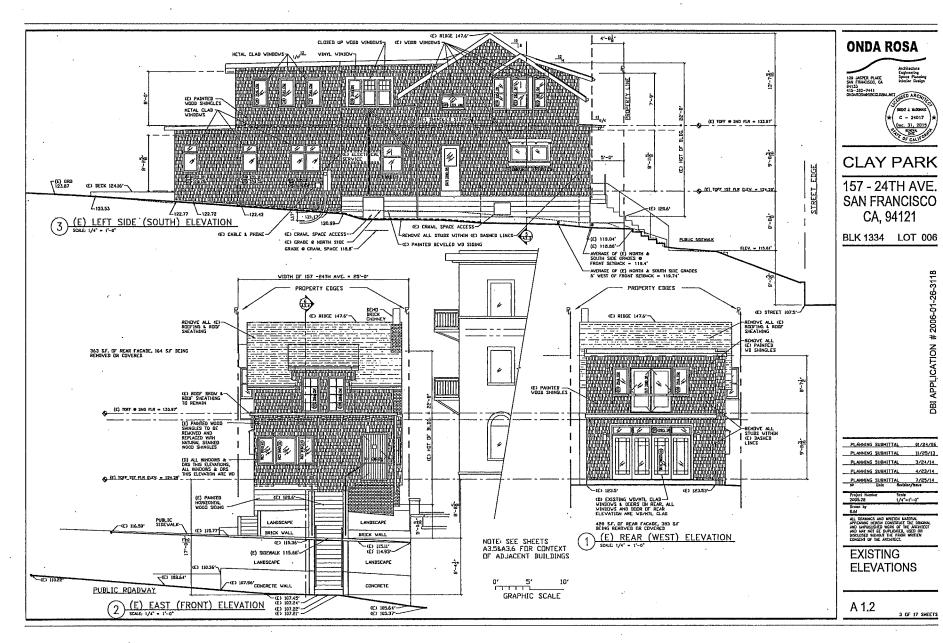
- 10. The permittee or subsequent owners recognize and understand that this permit may create a possessory interest subject to property taxation and that the permittee or subsequent owner or owners may be subject to the payment of such taxes.
- 11. The permittee or subsequent owner or owners recognize 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 undersigneddey	Permittee(s) have executed this agreement this, 20/4.
KRISTINA BALEN -	lana -
THE GIVE PAINT	- faces
STATE OF CALIFORNIA)) ss
COUNTY OF)
Onb and for said County and State, person	pefore me,Notary Public in
the within instrument and acknowled his/her/their authorized capacity(ies)	proven to me on the name(s) is/are subscribed to dged to me that he/she/they executed the same in s), and that by this by his/her/their signature(s) on the upon behalf of which the person(s) acted, executed
WITNESS my hand and official seal	(NOTARY STAMP OR SEAL)
Notary Public in and for said	
County and State	
	ACKNOWLEDGMENT
	State of California, County of Sky FRAUCISCO
	on JULY 16,2014 before me, STOVE WOUL (notary public),
	personally appeared KRISTINA (34KER
	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(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf 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.
	WITNESS my hand and official seal. Signature (Seal)
	STEVE WONG COMM. #2055302 m Notary Public-Cultornia STEVE WONG COMM. #2055302 m Notary Public-Cultornia









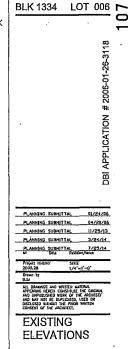
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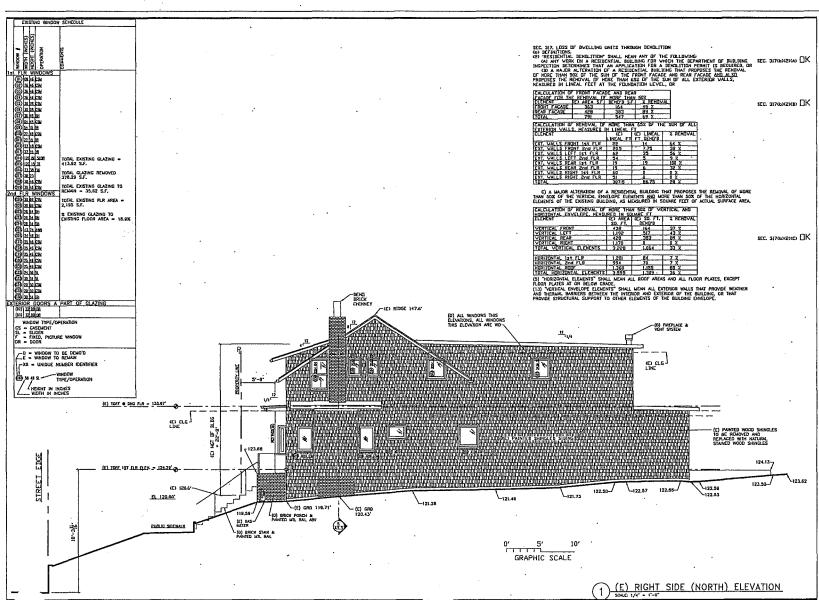
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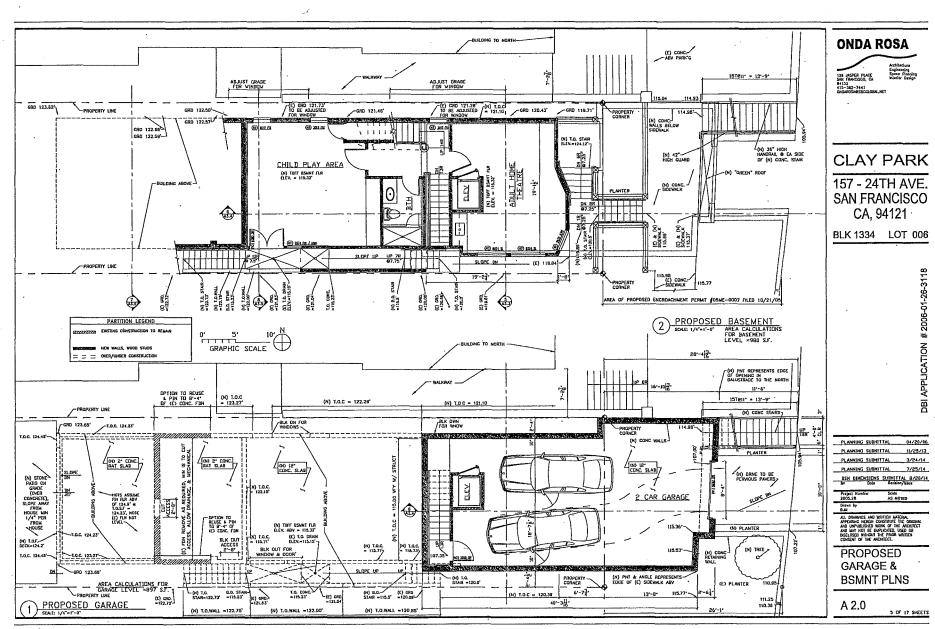
CLAY PARK

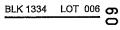
ONDA ROSA

129 JASPER PLACE SAN FRANCISCO, CA 94133 415-382-7441 ONDATOSHOSBEGLORA



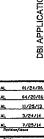






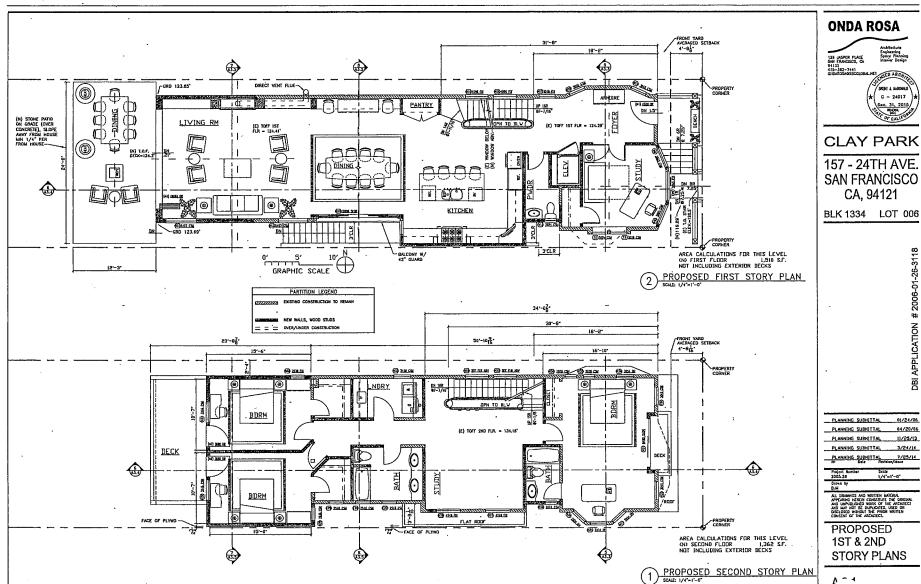
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CA, 94121



PROPOSED 1ST & 2ND

STORY PLANS

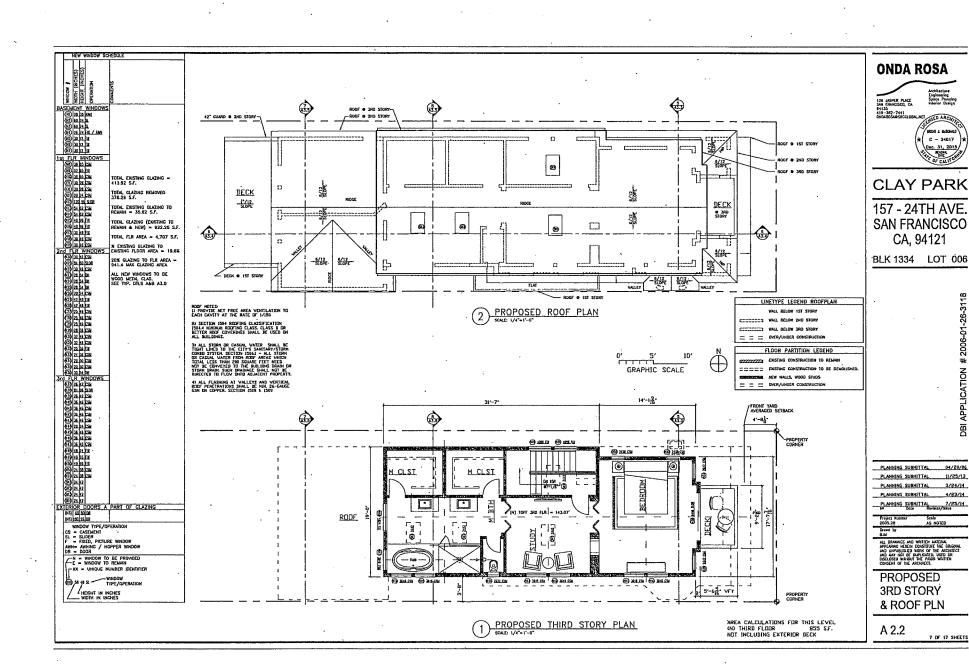


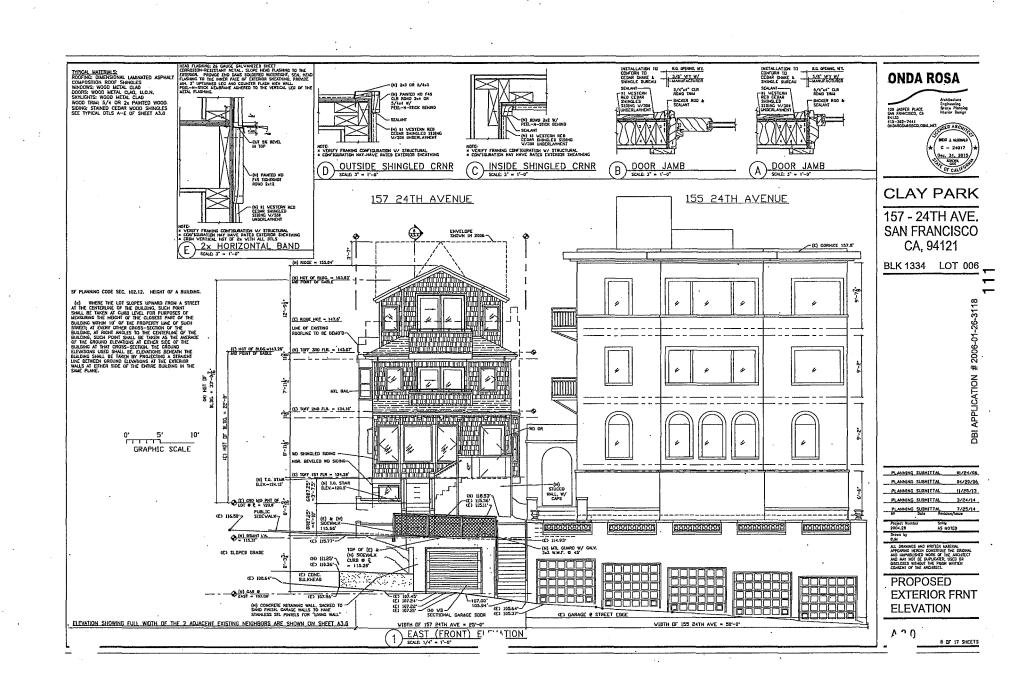


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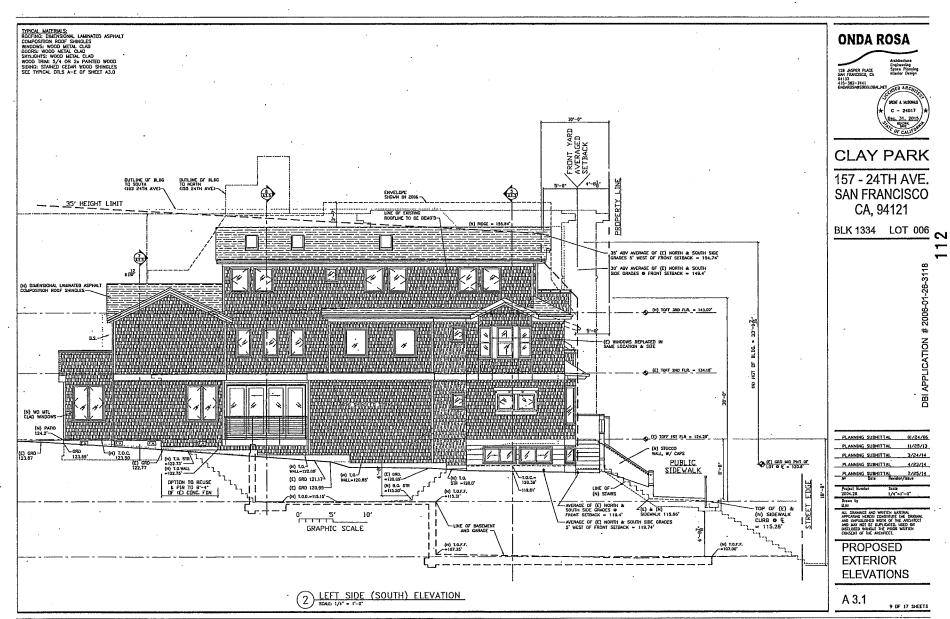
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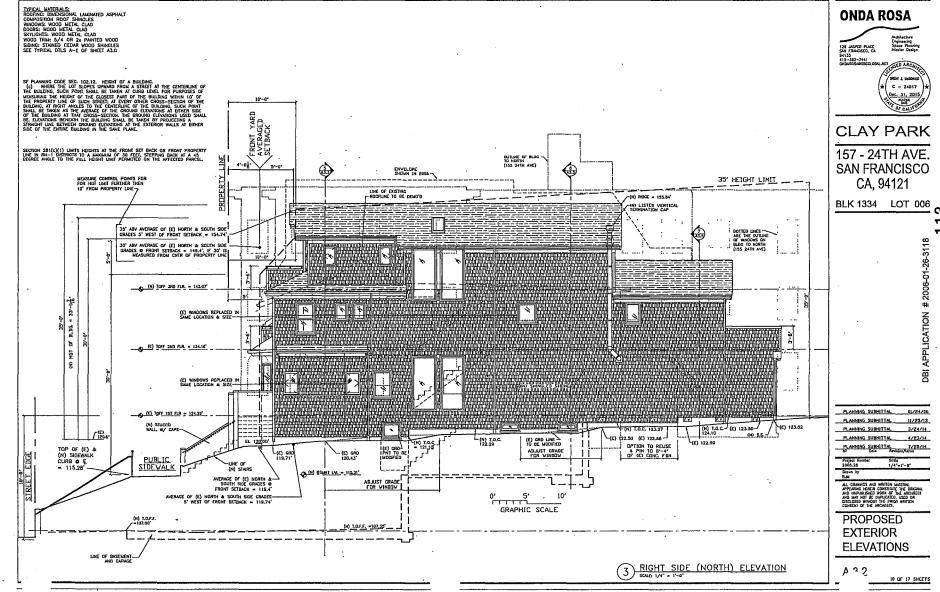




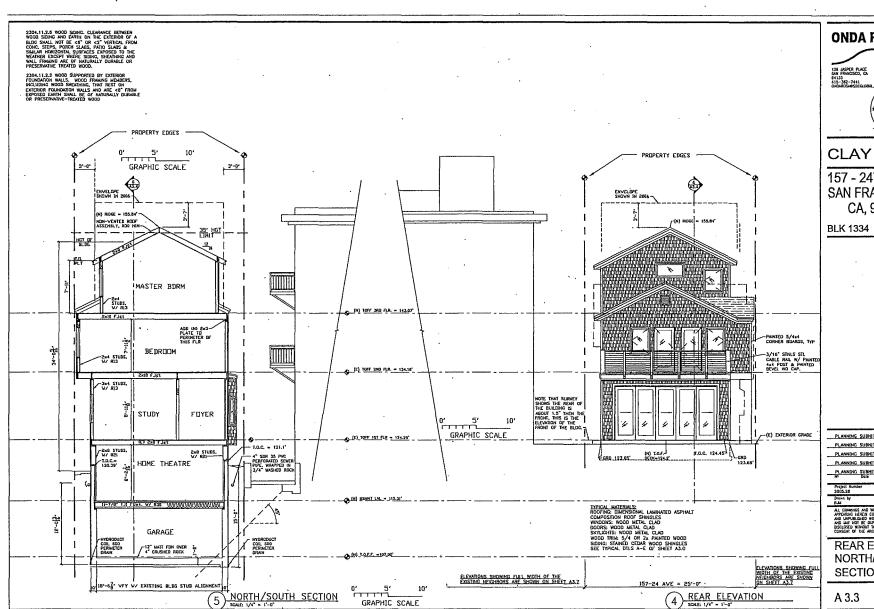












ONDA ROSA

C - 24017 Dec. 31, 2015

CLAY PARK

157 - 24TH AVE. SAN FRANCISCO CA, 94121

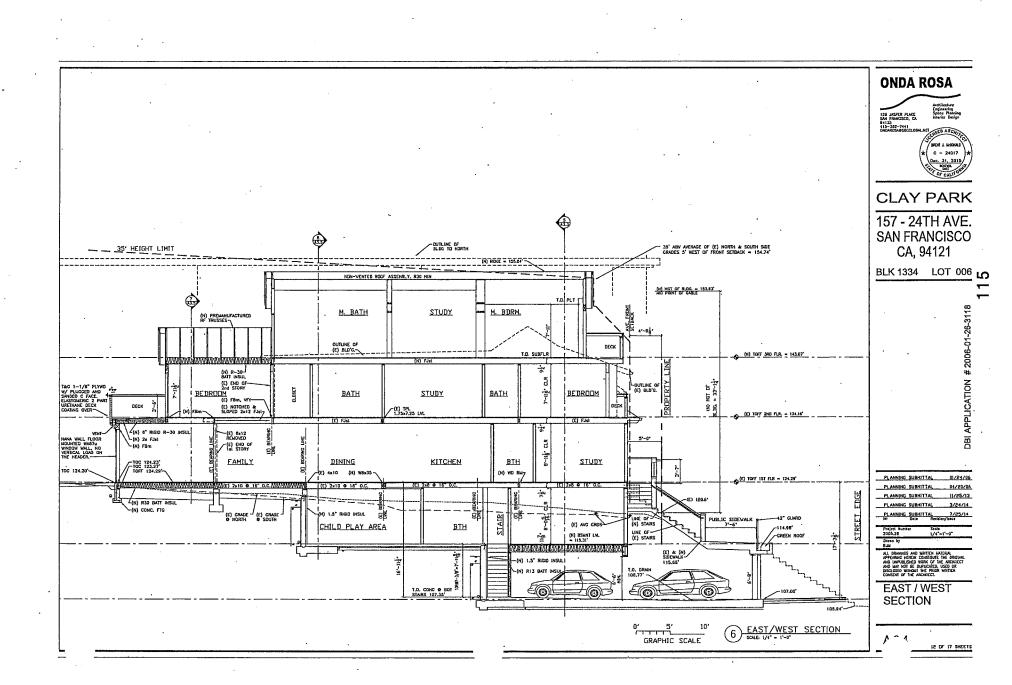
BLK 1334 LOT 006

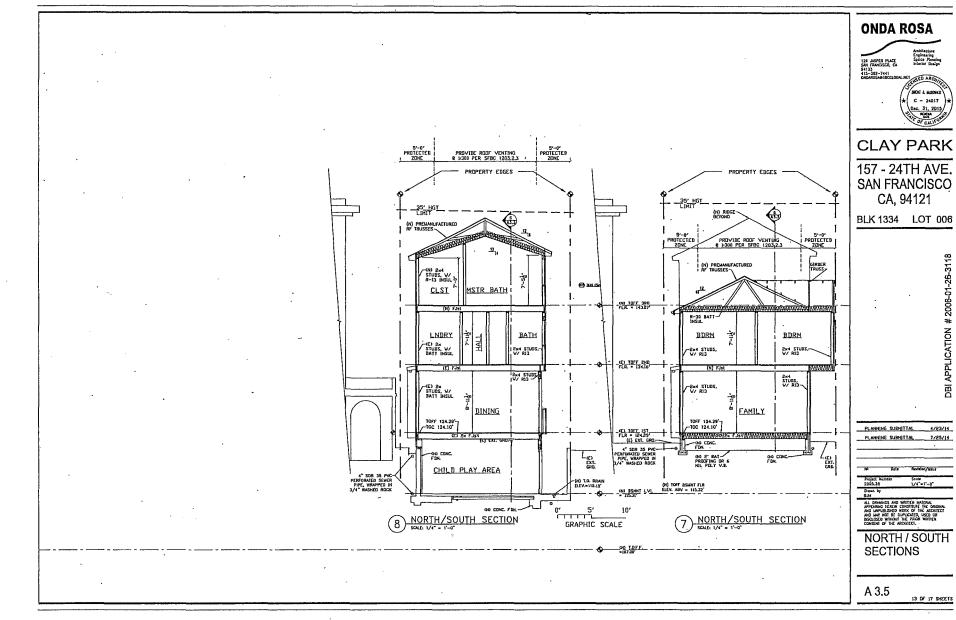
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PLANNING	SUBHITTAL.	7/25/14
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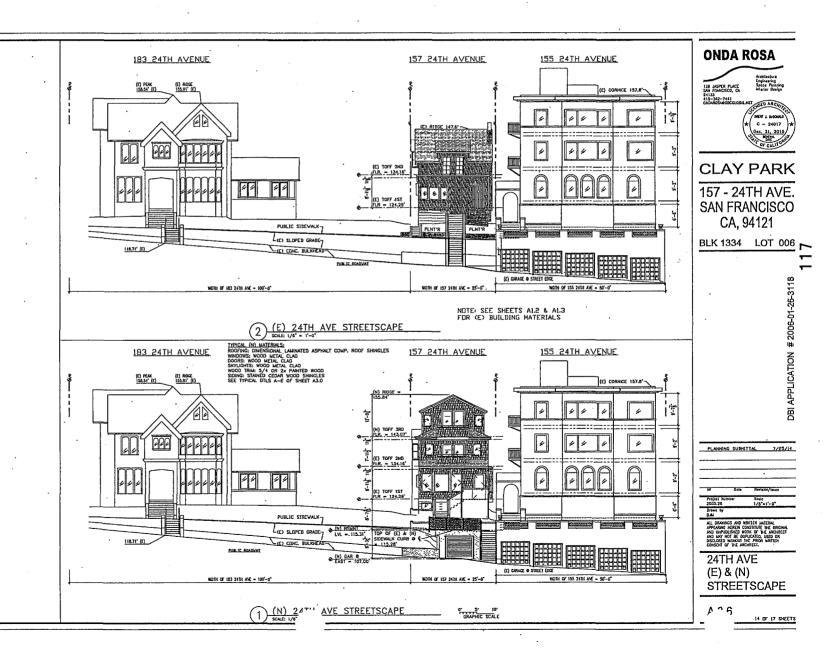
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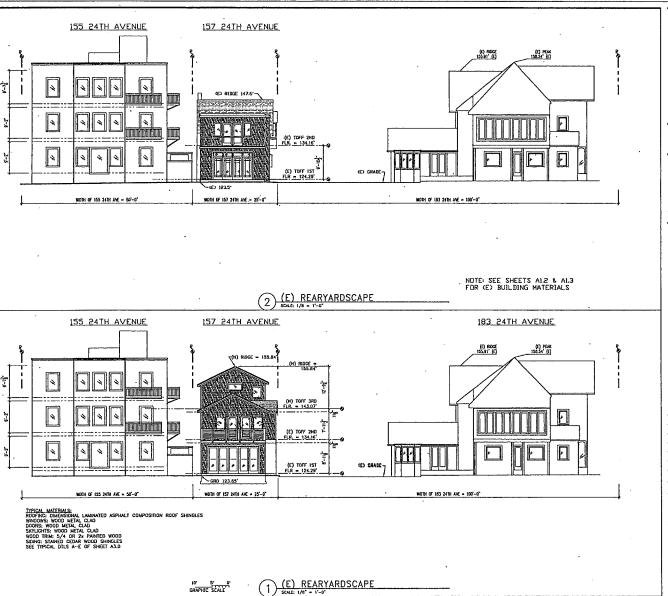
REAR ELEVAT'N NORTH/SOUTH SECTION

II DF 17 SHEETS











TEXT MASTER PLACE
TEXT MASTER

CLAY PARK

157 - 24TH AVE. SAN FRANCISCO CA, 94121

BLK 1334 LOT 006

31 APPLICATION # 2006-01-26-3118

PLANNING SUBMITTAL 7/25/14

Project Humber Scale
2005.28 1/8*=1'-0*

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE UNKNIMA AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT SE DUFFLOATED, USED OR DISCLOSED WITHOUT THE PROR WRITTEN

SCAPE REARYARD (E) & (N)

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15 OF 17 SHEETS

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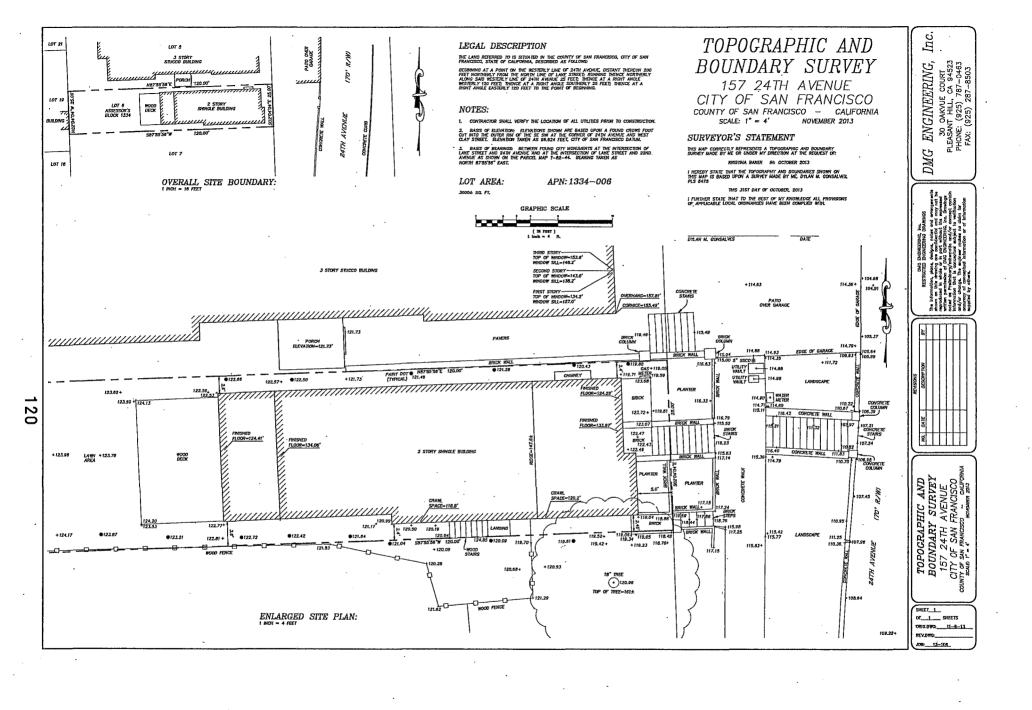
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ONDA ROSA

CLAY PARK

157 - 24TH AVE. SAN FRANCISCO CA, 94121

teconling Requested By And When Recorded	
PRINCE TO: DIRECTOR, DEPARTMENT OF BUILDING INSPECTION 1800 MISSION STREET, SAN FRANCISCO, GA 14103-3414	
DIVISION	•
DECLARATION OF USE LIMITATION	
NR. CHRISTOPHER D. BAKER, usings of the herein described property Commonly known as 254—24 th VF. to San Francisco, Azeassor's Block No. 1334, Loi No. 522 hereby consent to the within described missions has:	
In the swent that the property located at \$33 – 24 th AVE_OR 155 – 24 th AVE_commonly known as Block to, \$354, to Note, OF and \$275 are improved to such a matter that the openings in the building located at \$4 – 24 th AVE_oR located covered co	
he harain firstadons shall be binding on me until amended by conforming to the Sen Francisco Building Code equinaments.	
lighted Olyhtex Alla of Execution:	
iotary acknowledgment:	
Title or type of document	•
Number of pages Date of document	
TATE OF GALIFORNIA Signer(s) other than naroad below	
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processly known to me (or proved to me on the basis of selectaciony evidences) to be the person(s) whose	
executaly known to me (or proved to me on the busic of satisfactory evidence) to be the person(4) whose mank(a) later subscribed to the years instrument and acknowledged to me that healtheiting executed the same (b) interhebite subscribed capacify(sign, and task by thinkathide subscribe) on the instrument, the person(6) or we wolky upon behalf of which the person(6) acted executed the instrument.	
	LOCAL EQIVALENCY FORMS FOR
NTNESS my hand and official seek.	DBI ADMINISTRATIVE BULLETIN 9
onsiare (Seel) oracy Public in and for said Country and State	(2) DOT ADMINISTRATIVE GOLLETIN 3
Constitution of Barrieria Constitution and Market annual Section 2015	ATTACHMENT
Case-by-Case Mask of Request - Describe the practical difficulties presented in meeting the specific conditions of the code and how the proposed registration or planners meets the whest of the code. A separate from should be still do not be requested meetings or streams. Attach code or all not distribution the State Code.	DEPARTMENT OF BUILDING INSPECTION City & County of Sax Francisco
should be Maril for each requested proditionation or attended. Attach copies of any Administration Statelly, Code Nutley, makensor, last reports, appear opinions, etc., which report his represent. The Department rate results that on approved consistent the Meril by the applicant to perform seate or analysis and to submit an evolution report to the Department for consistenciar.	1660 Minsion Street, San Francisca, California 94183-2414
report to the Department for consideration.	REQUEST FOR APPROVAL OF LOCAL EQUIVALENCY FOR MODIFICATION OR ALTERNATE MATERIALS, DESIGN OR METHODS OF CONSTRUCTION
THE MARROW LOT STRUCTURE IN BAN FRANCISCO MAKES IT DIFFICIAL TO GET LIGHT INTO INTERIOR ROOM. HOT LOCATED ON THE STRUCT OR REARYARD PAGE OF THE RUB DING. THESE PROPOSED OPENING WALL	· · · · · · · · · · · · · · · · · · ·
THE MARKONING TATHETINES MAN FRANCISCO LIVES TOUSCALTED SET LIVES FOR MINISTRATION OF THE MARKON ROLL WITH THE MARKON ROLL WITH THE MARKON ROLL WITH THE MARKON ROLL WAS A THE MARKON ROLL WITH THE RETURNING THE CONTROL OF THE MARKON ROLL WAS A THE WAS A THE MARKON ROLL WAS A THE MARKON ROLL WAS A THE MARKON ROLL WAS A THE WAS AND THE WAS AND THE WAS A	DATE SUBMITTED November 16, 2005 [Note: This form shall be recorded as part of the permanent construction records of the properly]
Requested by: PROJECT SPONSOR ARCHITECT/ENGINEER	If no permit application has been filled, a Prespokation Review Fee is required for review of a request for local equivalency or modification, per SFBG Table 1-8; \$8. Additional fees may be required by Fire Department and other City review agantos.
Print Namer: Brant McDonald ARCHSTECT	If a permit application has been filed, no additional fees are required for this review.
Bigrature: procession.	Permit Application # 2005.
Telephone: (415) 362-7441	1 "
PLAN REVIEWER COMMENTS:	Property Address: 154 - 24 th AVE. Sen Francisco, CA 94121
	Block and Lot: 1334 / 000 Occupancy Group: R-3 Type of Construction: V-N No. of Stocker3 over basement
	Describe Use of finding Single Family Statisfantial
RECONSERIDATIONS: Approve Approve with conditions Disapprove [digned oll/duled by:]	Under the authority of the 2001 Sen Francisco Building Code, Bactions 194.2.7 and 194.2.8, he 2001 Sen Francisco Mechanical Code, Section 195, he 2001 Sen Francisco Electrical Code, Section 195, he 2001 Sen Francisco Elec
Plan Reviewer:	these codes and/or approval of alternale malerials, designs or mathods of construction. Two codes of supporting documents, includes plant showing the proposed modifications or alternate malerials, design or
Division Manager:	methods of construction, are ettached.
for Director of Bidg. Inspection	Regular Code Requirement (specify Code and Sections) OPENINGS IN BUILDINGS OF A DROUP OF OCCUPANCY GLOSER THAN PERMITTED UNDER SESC 503.2 AND
tor Fire Manhak	TABLE 3-A. THERE ARE S OPENINGS IN THIS CASE, 3 ARE LOCATED ON THE NORTH PROPERTY LINE. THE DO BUSICING WALL AT THE HORTH IS LOCATED APPROXIMATELY 1' AWAY AND 13' FROM THE COMMON PROPERTY.
CONDITIONS OF APPROVAL OF OTHER COMMENTS	OPPINION IN THE CHOICE OF A ORGUP AT COCKPANCY LIGHTER THAN PERMITTED UNDER BEEC CRIZ AND TAKE AS THERE ARE A OPPINION IN THIS CASE. A SAKE LOCATED ON THE MORTH PERCENT LINE. THE OR ARROWS ROLL AT THE MORTH SIGNATURE APPROVANCING YEAR WAY AND IT FROM THE CHOICE MEDICENT LINE. THE OPPINION AT THE SOCIETY AND A THE PROPERTY LINE. THE OPPINION AT THE SOCIETY AND A THE PROPERTY LINE. OPPINION AT THE SOCIETY AND A THE PROPERTY LINE. OPPINION AS THE SOCIETY AND A THE OPPINION AS THE SAME AND A THE OPPINION AS THE OPPI
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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 24th Avenue public right-of-way, to access and provide off-street parking for the property at 157-24th 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

SLATION RECEIVED CHECKLIS 140908 File Number (if applicable) **▶▶▶** Legislation Clerk Legislation for Introduction (NEW) Legislation Pending in Committee (AMENDED) **▶▶▶** Committee Clerk [] Legislation for Board Agenda (AMENDED) ▶▶▶ 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 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) 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) [v] 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