

1 [Street Encroachment - Market Street from Van Ness Avenue to The Embarcadero -
2 Illuminate The Arts]

3 **Resolution granting revocable permission to Illuminate The Arts to occupy a portion of**
4 **the public right-of-way to install and maintain a public art project comprised of a**
5 **subway-responsive light sculpture (*LightRail*) along Market Street between Van Ness**
6 **Avenue and The Embarcadero, and making findings of consistency with the eight**
7 **priority policies of Planning Code, Section 101.1.**

8
9 WHEREAS, Pursuant to Public Works Code, Section 786, permission was requested
10 by Illuminate The Arts, to occupy a portion of the public right-of-way with *LightRail*, public art
11 project comprised of a subway-responsive light sculpture, illuminating two (2) miles of Market
12 Street from Van Ness Avenue to The Embarcadero; and

13 WHEREAS, *LightRail* shall identify and project real-time movement of underground
14 trains, to transform San Francisco’s preeminent thoroughfare into a scene of wonder and awe
15 for millions of people; and

16 WHEREAS, *LightRail* will visually connect Market Street along the fragmented
17 communities and further fuel efforts aiming to revitalize Market Street while reinforcing the
18 corridor’s historic creative essence; and

19 WHEREAS, The public art project shall be temporary installation, for a duration of
20 approximately four (4) years. , as shown on the plans, a copy of which is on file in the office of
21 the Clerk of the Board of Supervisors in File No. _____; and

22 WHEREAS, The Transportation Advisory Staff Committee (TASC), at its meeting of
23 September 25, 2014, considered the proposed encroachments; and

24 WHEREAS, The Planning Department/Historic Preservation Committee by letter dated
25 October 22, 2014, found the proposed project, on balance, to be in conformity with the

1 General Plan, and consistent with the eight priority policies of Planning Code, Section 101.1; a
2 copy of said letter is on file with the Clerk of the Board of Supervisors in File No. _____, and
3 is incorporated herein by reference; and

4 WHEREAS, The Arts Commission at its meeting of October 6, 2014, recommended
5 approval of the proposed encroachments by a Resolution No. 1006-14-254; a copy of said
6 Resolution is on file with the Clerk of the Board of Supervisors in File No. _____; and

7 WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) Overhead
8 Lines, per an email dated November 6, 2014, confirmed approval of the design and
9 maintenance plan for the proposed encroachments; and

10 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) Power
11 Enterprise, in an email dated November 18, 2014, recommended the proposed public art
12 encroachments for approval; and

13 WHEREAS, The San Francisco Fire Department (SFFD), in an email dated December
14 1, 2014, confirmed that SFFD does not object to the proposed *LightRail* Art Project provided
15 that when the minimum dimension from the curb to light rail support and light tubes is
16 determined to be less than (12) feet, the SFFD shall be consulted and the aerial access
17 condition addressed to the satisfaction of the SFFD during installation; and

18 WHEREAS, The permit and associated encroachment agreement, which are
19 incorporated herein by reference and attached hereto as Exhibit A, shall not become effective
20 until:

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

23 (b) Permittee delivers to the City Controller a policy of insurance provided for in said
24 agreement and the Controller shall have had approved the same as complying with the
25 requirement of said agreement. The Controller may, in his discretion, accept, in lieu of said

1 insurance policy, the certificate of an insurance company certifying to the existence of such a
2 policy; and

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

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

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

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

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

17 WHEREAS, The public right-of-way occupancy assessment fee shall be waived based
18 on the subject encroachments being a public amenity, and shall provide a visual benefit to the
19 residents and visitors of the City, and that the subject improvements satisfy and are in
20 compliance with the Better Streets Plan, per Public Works Code, Section 786.7(f) subsection
21 (b); and

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

24

25

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

4 RESOLVED, That pursuant to Public Works Code, Section 786, the Board of
5 Supervisors hereby grants permission, revocable at the will of the Director of the Department
6 of Public Works, to Illuminate The Arts to install and maintain a public art subway-responsive
7 light sculpture within Market Street from Van Ness Avenue Street to The Embarcadero.

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

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPROVED:

Mohammed Nuru
Director of Public Works