

1 [Street Encroachment - Newcomb Avenue frontage of 4705-3rd Street - San Francisco Arts
Commission]

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3 **Resolution granting revocable permission to the San Francisco Arts Commission to**
4 **occupy a portion of the public right-of-way to construct and maintain a new concrete**
5 **entry stairway with illuminated handrails, an accessible ramp at the main point of**
6 **egress and ingress and other related improvements at the Newcomb Avenue frontage**
7 **of 4705-3rd Street (Assessor's Block No. 5311, Lot No. 036); affirming the Planning**
8 **Department's determination under the California Environmental Quality Act, and**
9 **making findings of consistency with the General Plan, and the eight priority policies of**
10 **Planning Code, Section 101.1.**

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12 WHEREAS, Pursuant to Public Works Code, Section 786, TEF Architecture, on behalf
13 of the applicant, the San Francisco Arts Commission requested permission to occupy a
14 portion of the public right-of-way to construct and maintain a new concrete entry stairway with
15 illuminated handrails, an accessible ramp and other related improvements at the Newcomb
16 Avenue frontage of 4705-3rd Street (Assessor's Block No. 5311, Lot No. 036)

17 WHEREAS, The proposed encroachments are shown on the permit plans, copies of
18 which are on file with the Clerk of the Board in File No. _____; and

19 WHEREAS, The San Francisco Municipal Transportation Agency, per correspondence
20 dated November 17, 2014, confirmed that a Transportation Advisory Staff Committee (TASC)
21 meeting was not required, and recommended the proposed encroachment for approval; and

22 WHEREAS, The Planning Department, by letter dated September 24, 2014, found the
23 proposal to be consistent with the General Plan, and the eight priority policies of Planning
24 Code, Section 101.1; and

1 WHEREAS, This letter also includes a determination relating to the encroachment
2 pursuant to the California Environmental Quality Act (“CEQA”, the California Public Resources
3 Code, Sections 21000, et seq.); and

4 WHEREAS, A copy of said letter is on file with the Clerk of the Board in File
5 No. _____ and is incorporated herein by reference; and

6 WHEREAS, After a duly noticed public hearing on December 10, 2014, Public Works
7 (PW) recommended approval of the proposed encroachments, as set forth in DPW Order
8 No. 183227, approved December 31, 2014; and

9 WHEREAS, A copy of the DPW Order is on file with the Clerk of the Board in File
10 No. _____ and is incorporated herein by reference; and

11 WHEREAS, The permit and associated street encroachment agreement
12 (“Encroachment Agreement”), copies of which are on file with the Clerk of the Board in File
13 No. _____ and incorporated herein by reference, shall not become effective until:

14 (a) The Permittee executes and acknowledges the permit and delivers said permit to
15 the Department;

16 (b) Permittee assures the Department that if responsibility over the encroachment is
17 assigned to a tenant or lessee such tenant or lessee shall obtain a policy of insurance
18 provided for in said agreement and the Department shall have had approved the same as
19 complying with the requirement of the Encroachment Agreement. The Director of the
20 Department may, in his or her discretion, accept, in lieu of said insurance policy, the certificate
21 of an insurance company certifying to the existence of such a policy; and

22 (c) The Department records the permit and associated agreement in the office of the
23 County Recorder; and

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

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

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

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

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

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

15 RESOLVED, That pursuant to Public Works Code, Section 786, the Board of
16 Supervisors hereby grants revocable permission to the San Francisco Arts Commission to
17 occupy a portion of the public right-of-way to construct and maintain a new concrete entry
18 stairway with illuminated handrails, an accessible ramp and other related improvements at the
19 Newcomb Avenue frontage of 4705-3rd Street (Assessor's Block No. 5311, Lot No. 036); and
20 be it

21 FURTHER RESOLVED, The permission granted herein is conditioned upon the
22 requirements set forth in this resolution; and, be it

23 FURTHER RESOLVED, That this Board adopts as its own the findings of consistency
24 with the General Plan, and Planning Code, Section 101.1, as set forth in the Planning
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1 Department letter dated September 24, 2014, and affirms the CEQA determination contained
2 in this letter.

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