File No. 150341

Committee Item No. <u>1</u> Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date April 27, 2015

Board of Supervisors Meeting

Date _____

Cmte Board

	Motion
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Complet	ed by: Andrea AusberryDate April 23, 2015
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RESOLUTION NO.

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

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

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

WHEREAS, The proposed encroachments are shown on the permit plans, copies of which are on file with the Clerk of the Board in File No.150341; and

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

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

Public Works BOARD OF SUPERVISORS WHEREAS, This letter also includes a determination relating to the encroachment pursuant to the California Environmental Quality Act ("CEQA", the California Public Resources Code, Sections 21000, et seq.); and

WHEREAS, A copy of said letter is on file with the Clerk of the Board in File No.150341 and is incorporated herein by reference; and

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

WHEREAS, A copy of the DPW Order is on file with the Clerk of the Board in File No.150341 and is incorporated herein by reference; and

WHEREAS, The permit and associated street encroachment agreement ("Encroachment Agreement"), copies of which are on file with the Clerk of the Board in File No.150341 and incorporated herein by reference, shall not become effective until:

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

(b) Permittee assures the Department that if responsibility over the encroachment is assigned to a tenant or lessee such tenant or lessee shall obtain a policy of insurance provided for in said agreement and the Department shall have had approved the same as complying with the requirement of the Encroachment Agreement. The Director of the Department may, in his or her 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 Department 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:

Public Works BOARD OF SUPERVISORS (a) To provide for the support and protection of facilities belonging to the Public Works, the 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, Public Works, and pay the necessary permit fees and inspection fees before starting work; 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 Department 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 revocable permission to the San Francisco Arts Commission to occupy a portion of the public right-of-way to construct and maintain a new concrete entry stairway with illuminated handrails, an accessible ramp and other related improvements at the Newcomb Avenue frontage of 4705-3rd Street (Assessor's Block No. 5311, Lot No. 036); and be it

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

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

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Public Works BOARD OF SUPERVISORS

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BOARD OF SUPERVISORS

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Edwin M. Lee Mayor

Mohammed Nuru Director

San Francisco Public Works 1 Dr. Carlton B. Goodlett Pl. Room 348 San Francisco, CA 94102 tel 415-554-6920

sfpublicworks.org facebook.com/sfpublicworks twitter.com/sfpublicworks twitter.com/mrcleansf April 3, 2015

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

主心已经王章 30 ARD OF SUPER 100 Sala MPR - 3 AM II: 45 BJ

Re: Proposed Resolution for Major Encroachment at 4705 3rd Street

Dear Ms. Calvillo:

Attached, please find an original, two hard copies of a proposed resolution and supporting documentation for Board of Supervisors consideration. Electronic copies of the proposed resolution and accompanying documentation will be sent to you separately. This resolution would grant revocable permission to The San Francisco Arts Commission, to occupy a portion of the public right-of-way with a new concrete entry stairway with illuminated handrails, an accessible ramp and other related improvements at the Newcomb Avenue frontage of 4705 3rd Street. Said encroachment will provide the subject property, the Bayview Opera House, with an improved and compliant accessible means of egress and ingress without altering the façade of the historic building. The resolution would also make findings of consistency with the eight priority policies of Planning Code Section 101.1.

Pursuant to Section 786 of the Public Works Code, TEF Architecture, on behalf of The San Francisco Arts Commission, requested a Major Encroachment Permit in a letter dated May 23, 2014. The San Francisco Municipal Transportation Authority (SFMTA), per an email dated November 17, 2014, confirmed that a Transportation Advisory Staff Committee (TASC) meeting was not required, and recommended the proposed encroachment for approval. The Planning Department, by letter dated September 24, 2014, declared that the proposed encroachments are in conformity with the General Plan and with the eight priority policies of Planning Code Section 101.1. The Mayor's Office on Disability, per a letter dated April 16, 2013, reviewed the proposed encroachment in relation to ADA compliance, and recommended approval of the proposed encroachments.

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

• Letter from TEF Architecture, dated May 23, 2014.

- Planning Department General Plan Referral, dated September 24, 2014.
- San Francisco Municipal Transportation Agency (SFMTA) approval email, dated November 17, 2014.
- Mayor's Office on Disability Approval letter, dated April 16, 2013.
- DPW Order No. 183227 approved December 31, 2014, recommending approval of the proposed Major Encroachment.
- Signed and Notarized Street Encroachment Agreement.
- Proposed plans for the Major Encroachment Permit.

The following person may be contacted regarding this matter: Mr. Rahul Shah of BSM at (415) 554-5811.

Sincerely,

Mohammed Nuru Director of Public Works

Attachments: As Noted



SAN FRANCISCO PLANNING DEPARTMENT

General Plan Referral Date: September 24, 2014 Case No. Case No. 2014.1303R **Bayview Opera House Project** Block/Lot No .: 5311/036 Project Sponsor: Paul Cooper TEF 1420 Sutter Street, 2nd Floor San Francisco, CA 94109 TOM ELLOT FISCH Nick Elsner Project Co-Sponsor: S.F. Department of Public Works 1155 Market Street, 3rd Floor San Francisco, CA 94103 Staff Contact; Paolo Ikezoe paolo.ikezoe@sfgov.org Recommendation: Finding the project, on balance, is in conformity with the General Plan

Recommended By:

John Rahaim, Director of Planning

PROJECT DESCRIPTION

On August 25, 2014, the Planning Department ("the Department") received a General Plan Referral application from Department of Public Works for a General Plan Referral, as required by Section 4.105 of the Charter and Section 2A.53 of the Administrative Code, for the Bayview Opera House Project. The project requires a Major Encroachment Permit to upgrade the building's existing main entrance into an accessible one. The project proposes to demolish the existing entry stair and provide a level entry off the main door with an entry stair extending off the level entry. Additionally, the project would include several accessibility-related interior renovations, including an accessibility upgrades to the existing restrooms, an additional accessible restroom at the lower level and a wheelchair lift at the stage.

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: **415.558.6377**

ENVIRONMENTAL REVIEW

On July 30, 2012, the Environmental Planning division of the Planning Department determined that the proposed modifications to the Bayview Opera House were Categorically Exempt from environmental review under Class 1 [State CEQA Guidelines Section 15301]. A copy of the Certificate of Determination of Exemption from Environmental Review is contained in the project docket and is available for review at the offices of the Planning Department.

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The project is consistent with the Planning Code Sec. 101.1 Priority policies and is, on balance, *inconformity* with the General Plan Objectives and Policies listed below.

Note: General Plan Objectives and Policies and in **bold** font, policy text is in regular font, and staff comments are in *italic* font.

TRANSPORTATION ELEMENT

POLICY 1.2

Ensure the safety and comfort of pedestrians throughout the city.

Safety is a concern in the development and accommodation of any part of the transportation system, but safety for pedestrians (which includes disabled persons in wheelchairs and other ambulatory devices) should be given priority where conflicts exist with other modes of transportation. Even when the bulk of a trip is by transit, automobile or bicycle, at one point or another nearly every person traveling in San Francisco is a pedestrian.

POLICY 23.9

Implement the provisions of the Americans with Disabilities Act and the city's curb ramp program to improve pedestrian access for all people.

Consideration of special pedestrian and wheelchair access should be given to areas and crosswalks where there is a large concentration of seniors and persons with disabilities. Design of streets should follow the principles of "universal design" where practicable. Universal design is a best practice that seeks to serve the needs of individuals with disabilities while providing cross-benefit to all users. Curb ramps should be provided at all crossings, prioritized based on the City's ADA Transition Plan for Curb Ramps and Sidewalks.

Comment: The project includes several features that will improve access to and within the Bayview Opera House. These include an accessible path to the main entrance, an additional accessible restroom at the lower level, and a wheelchair lift at the stage.

CASE NO. 2014.1303R Bayview Opera House Project

POLICY 24.4

Preserve pedestrian-oriented building frontages.

Building frontages that invite people to enter, that provide architectural interest and a sense of scale, and that are transparent enough to provide visual connections to and from the sidewalk help make the pedestrian environment more agreeable and safe.

Comment: The project will improve pedestrian access to the building from the sidewalk.

URBAN DESIGN ELEMENT

POLICY 4.13

Improve pedestrian areas by providing human scale and interest.

Comment: In addition to providing accessibility upgrades, the project proposes to provide hardscape and landscape improvements, as well as renovating existing outdoor stage and seating areas.

BAYVIEW HUNTERS POINT AREA PLAN

POLICY 2.1

Improve the physical and social character of Third Street to make it a more livable environment.

Comment: In addition to providing accessibility upgrades, the project proposes to provide hardscape and landscape improvements, as well as renovating existing outdoor stage and seating areas.

POLICY 2.2

Shape improvement of the Town Center public block and the Bayview Opera House to serve as the cultural hub and primary activity center for the revitalization of Third Street.

Comment: The project will allow more community events to take place at the Bayview Opera House.

OBJECTIVE 10

Enhance the distinctive and positive features of Bayview Hunters point.

POLICY 10.2

Improve the visual quality and strengthen the pedestrian orientation of the Third Street core area.

Comment: As proposed, the project will convert a mostly vacant lot fronting on Third Street into a landscaped park area.

EIGHT PRIORITY POLICIES OF THE GENERAL PLAN

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

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

The project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses. The accessibility renovations taking place throughout will allow more community events to take place at this cornerstone of the Bayview community. The Bayview Opera House Project will add to the already invigorating efforts in the area, such as Third on Third, that are bringing business and people to the area.

2. The project would have no adverse effect on the City's housing stock or on neighborhood character.

The historic building is being preserved to the highest extent possible, and additions and renovation are in line with Secretary of Interior Standards for Rehabilitation.

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

The project has no 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.

The project will not impede Muni transit service or overburden surrounding streets or neighborhood parking.

- 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 the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.
- 6. The project would not adversely affect the City's preparedness against injury and loss of life in an earthquake.

The project will seismically strengthen several elements of the building, including the interior north wall of the auditorium, interior balcony, and exterior south wall at exterior stage.

7. The project would have no adverse effect on landmarks or historic buildings.

The Bayolew Opera House is a historic landmark building; all historic elements and characteristics will be preserved. The project was issued a Certificate of Appropriateness by the Planning Department on July 12, 2012.

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8. The project would have no adverse effect on parks and open space or their access to sunlight and vistas.

The project would add new open space to the neighborhood, by converting an existing vacant lot into a park on-site.

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

Cc: Judy Nemzoff SF Arts Commission 25 Van Ness Avenue, Suite 345 San Francisco, CA 94102

I:\Citywide\General Plan\General Plan Referrals\2014\2014.1303R Bayview Opera House Project ADA Improvements.doc

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



Edwin M. Lee, Mayor Mohammed Nuru, Director

Jerry Sanguinetti, Bureau Manager

DPW Order No: 183227

APPROVAL OF MAJOR ENCROACHMENT PERMIT NO. 14ME-0020 FOR THE CONSTRUCTION OF NEW ENTRY STAIRS AND AN ACCESSIBLE RAMP AND LANDING AT THE NEWCOMB AVENUE FRONTAGE AT 4705 3RD STREET.

APPLICANT:

TEF Architecture on behalf of The City and County of San Francisco and the San Francisco Arts Commission Attn: Paul Cooper 1420 Sutter Street San Francisco, CA 94109

PROPERTY IDENTIFICATION: 4705 3rd Street

(Newcomb Ave. frontage) San Francisco, CA 94124

DESCRIPTION OF REQUEST: Major Encroachment Permit

BACKGROUND:

- 1. On August 15, 2014, the applicant filed a request with Public Works to consider approval of a Major Encroachment Permit to construct and maintain new entry stairs and an accessible ramp and landing at the Newcomb Avenue frontage of 4705 3rd Street.
- 2. In a letter dated April 16, 2013, the Mayor's Office on Disability (MOD) reviewed the proposal, and recommended approval of the proposed encroachment.
- 3. Per an email dated November 17, 2014, San Francisco Municipal Transportation Authority (SFMTA) confirmed that a Transportation Advisory Staff Committee (TASC) meeting review was not required, and that SFMTA had no objections to the proposed encroachment.
- 4. The Planning Department in a letter dated September 24, 2014 reviewed the General Plan Referral and determined that the subject encroachment is in conformity with the General Plan.
- 5. Upon reviewing and receiving positive recommendation from other City Departments, San Francisco Public Works scheduled a public hearing on December 10, 2014 to consider the proposed encroachment.



San Francisco Department of Public Works Making San Francisco a beautiful, livable, vibrant, and sustainable city.

- 6. On November 20, 2014, a copy of the Notice of Public Hearing was mailed to all property owners within a 300-foot radius of the subject property.
- 7. No objections or queries were received to the Notice of Public Hearing.
- 8. On December 10, 2014, Hearing Officer Tony Esterbrooks conducted a hearing to consider the proposed encroachment.
- 9. Carla Johnson with the Mayor's Office on Disability (MOD) provided testimony in support of the proposed encroachment.
- 10. Judy Nemzoff with the San Francisco Arts Commission provided testimony in regards to the purpose and benefits of the proposed encroachment.
- 11. No further testimony was presented at the public hearing in favor of or in opposition to the proposed encroachment.
- 12. The Hearing Officer considered and reviewed all of Public Works' files on the proposed encroachment. Based on the information, the Hearing Officer made a decision to recommend the proposed Major Encroachment to the Board of Supervisors for approval.

HEARING OFFICER RECOMMENDATION: APPROVAL of the request for Major Encroachment Permit No. 14ME-0020 based on the following findings:

<u>FINDING 1.</u> SFMTA had no objection to the proposed encroachment, and Planning Department determined that the subject encroachment is in conformity with the General Plan. **<u>FINDING 2.</u>** Said encroachment will provide the subject property, the Bayview Opera House, with an improved and compliant accessible means of egress and ingress.

FINDING 3. No objections were received for the proposed encroachment.

FINDING 4. No Public Testimony was made in opposition to the proposed encroachment. **FINDING 5.** The proposed encroachment has full support of the Mayor's Office on Disability (MOD).

Sanguinetti, Jerry Bureau Manager 12/24/2014

12/31/2014

12/30/2014

Sweiss, Fuad Deputy Director and City Engineer

X Mohammed Nuru

Nuru, Mohammed Director, DPW



San Francisco Department of Public Works Making San Francisco a beautiful, livable, vibrant, and sustainable city.



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 (the "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 assignable or transferrable, whether separate from or together with any interest of Permittee, to the tenant or lessee of the subject property. Any such assignment or transfer shall be subject to the procedures of Section 5 of this Agreement.

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 Department, and shall restore the area to a condition satisfactory to the Department.

- 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 call Underground Service Alert (USA), at 811 to 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.
- 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 or cause to be performed all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.

5. Assignment. Prior to the Permittee's assignment of all or part of the permitted improvements to a party that is not a subdivision of the City (an "Assignee"), the Permittee shall incorporate the following provisions in a binding agreement between the Permittee and the Assignee:

(a) Liability. Assignee is wholly responsible for the quality of the work performed in the public right-of-way, and the Assignee is liable for all consequences of any condition of such work and any facilities installed in the public right-of-way. Neither the issuance of any Permit, inspection, repair, or suggestion, approval, or acquiescence of any person affiliated with the City shall excuse the Assignee from such responsibility or liability.

(b) Indemnification. Assignee shall agree 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, actions, claims, demands, injuries, damages, fines, penalties, suits, 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, Assignee 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. improvements, facilities or structures authorized under this Permit, (ii) any accident, damage, death, 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) any accident, injuries or damages to any person(s) or accident, damage or injury to any real or personal property, good will, 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.

6. Insurance. Assignee 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.

Assignee 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 for 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 written notice to Department of cancellation. material reduction in coverage, nonrenewal or material depletion of insurance limits for any reason, including intent not to renew or to reduce coverage to both Assignee and City. Assignee shall provide a copy of any notice of intent to cancel or materially reduce, or cancellation, material reduction, or depletion of, its required coverage to Department within one business day of Assignee's receipt. Assignee also shall take prompt action to prevent cancellation, material reduction, or depletion of coverage, reinstate or replenish the cancelled, reduced or depleted coverage, or obtain the full coverage required by this Section from a different insurer meeting the qualifications of this Section. 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 the permit shall be suspended upon the termination of such insurance. Upon such suspension, the Department and Permittee shall meet and confer to determine the most appropriate way to address the permit. If the Department and Permittee cannot resolve the matter, the Permittee shall restore the right-of-way to a condition acceptable to the Department without expense to the Department. As used in this Section. "Personal Injuries" shall include wrongful death.

The Permittee shall submit evidence to the Department that the requirements of Section 5 and 6 above have been satisfied.

- 7. The permittee shall obtain a building permit as the Central Permit Bureau, 1660 Mission Street for the construction or alteration of any building.
- 8. 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.
- 9. The permitee's right to use City property, as set forth in this permit is appurtenant to the property described as: 4705 Third Street, San Francisco, California 94124. 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 undersigned Permittee(s) have executed this agreement this day of March , 2015. 2月世

CITY: CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, acting by and through its San Francisco Arts Commission

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Director of Cultural Affairs of the San Francisco Arts Commission A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California)) ss County of San Francisco)

On <u>March 30, 2015</u>, before me, <u>Lendre M. El Karou</u>, a notary public in and for said State, personally appeared <u>Thomas E. De Caigny</u>, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (s/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in/hi/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.

(Seal) Signature

LENORE M. ELKAROUZ COMM. # 2087169 NOTARY PUBLIC - CALIFORNIA D SAN FRANCISCO COUNTY O COMM. EXPIRES NOV. 19, 2018

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EXHIBIT A

(see attached)

T E F

RECEIVED BOARD OF SUPERVISOR -SAN FRANCISCO

2015 APR - 3 AM 11: 43

May 23, 2014

Bureau of Street-Use and Mapping 1155 Market Street, 3rd Floor San Francisco, CA 94103 p | 415.554.5810 f | 415.554.6161 RE: 4705 3rd Street

Nick Elsner,

TEF/Knapp Joint Venture on behalf of San Francisco Arts Commission and DPW are applying for (3) permits from the Bureau of Street-Use and Mapping for the Bayview Opera House located at 4705 Third Street, San Francisco CA 94124 (BPA# 201312245004)

Minor Encroachment Permit:

This permit is to allow for a 48" gate to swing into the Public Right of Way (along Oakdale Avenue) and act as an egress discharge for the site and building. The adjacent property has a similar gate and sidewalk encroachment (see photos). The sidewalk is approximately 19'-0" wide. Please see attached drawing and photos for additional information.

Major Encroachment Permit:

This permit is to upgrade the existing main entry to an accessible entry (along Newcomb Avenue). Accessibility for the main entrance is dependent on this encroachment. We will be demolishing the existing entry stair and propose a level entry off the main door with an entry stair extending off of the level entry. See attached plans and images for more information on stair footprint.

The sidewalk is approximately 8'-0" wide at this location and will be receiving a bulb out and curb cut in Phase 1, SFMTA contract #1269.

Street Improvement Permit:

This permit is for Street Improvement Permit for the new walk, ramps and curb cuts that will be part of Phase 1, SFMTA contract #1269. A copy of the SFMTA Bid Set is available for reference.

TEF/Knapp Joint Venture on behalf of San Francisco Arts Commission and DPW requests that Bureau of Street-Use and Mapping accept the open public support for this project as shown in community open houses, public ground breaking ceremony, and enclosed documentation in lieu of the 300' radius map and notification of neighboring property owners in hopes of expediting the approval process.

Please contact my office directly with any questions regarding the above items. Thank you for your consideration. Best,

Doug Tom

1420 Sufter Street, 2rd floor, San Francisco, CA 94109

tel 415 391,7918 føx 1415 391,7309 TEFørch.com

Mayor's Office on **Disability**



Edwin M. Lee Mayor Carla Johnson, CBO, CASp Director

April 16, 2013

Bureau of Street Use and Mapping Department of Public Works, City and County of San Francisco 1155 Market Street, 4th Floor San Francisco CA, 94013

Attention: Nick Elsner

Dear Nick,

I am writing in support of the Arts Commission's request for a major encroachment permit for the Bay View Opera House project on Newcomb Street at 3rd Street. The encroachment is for an accessible route to the porch and front entry of the City's building.

In partnership with the SF Arts Commission, the Mayor's Office on Disability is a co-sponsor of the Bay View Opera House ADA Barrier Removal and Improvement project. The project is an essential element in the City's efforts to meet its obligations for Title II ADA program access to its cultural arts facilities.

A key accessibility requirement is to provide wheelchair access through the facility's main entrance. This is accomplished with a new, near-level walkway, porch and stairs that are part of the encroachment into the sidewalk public right-of-way. An accessible main entrance to the building is dependent on this encroachment.

In addition to functioning as a joint project sponsor and providing capital funding, the Mayor's Office on Disability and I function as the project's designated ADA Coordinator. MOD conducted design guidance, plan checking and review of construction documents. MOD approved the final construction documents on December 26, 2013.

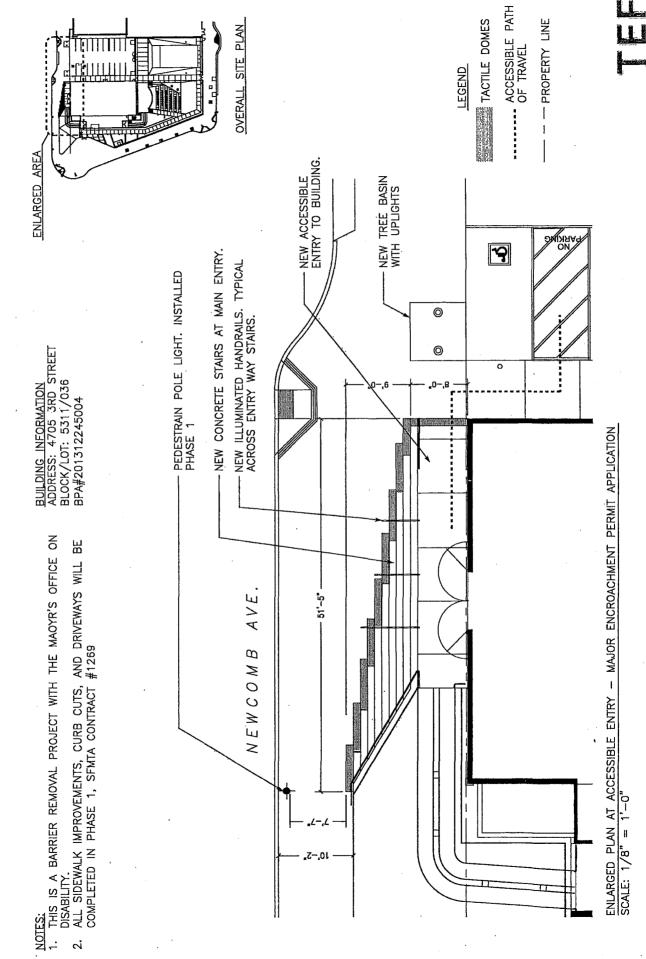
Thank you for your Department's consideration of this request.

Respectfully yours,

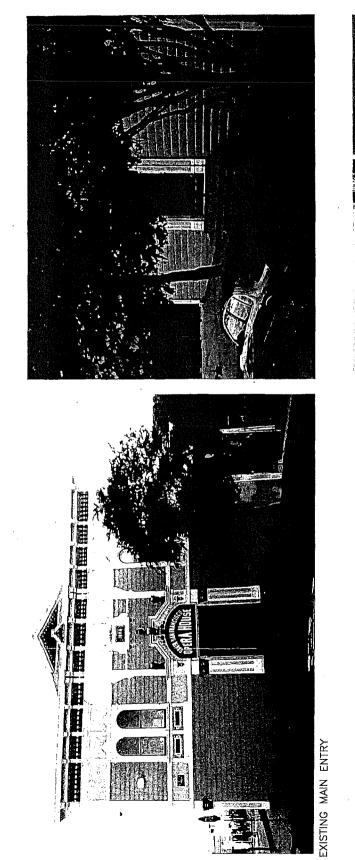
John Paul Scott, AIA CASp

Deputy Director for Physical Access Mayor's office on Disability

CC. Judy Nemzoff, SF Arts Commission Robynn Takayarna, SF Arts Commission Debra Frieden Catherine Howley, TEF









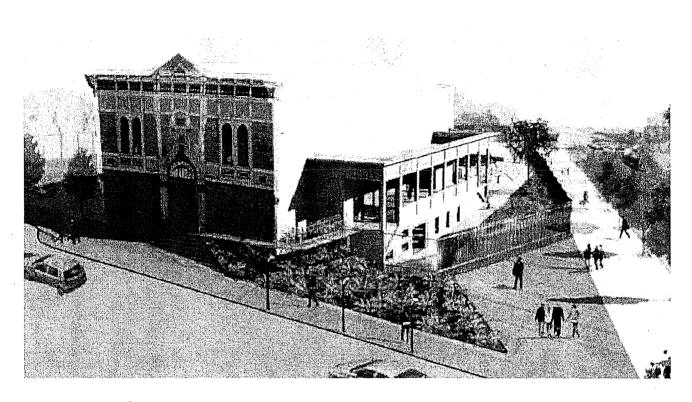
From: Dusseault, Brian [mailto:Brian.Dusseault@sfmta.com]
Sent: Monday, November 17, 2014 5:14 PM
To: Elsner, Nick; Ngan, Kenny (MTA); Olea, Ricardo (MTA)
Cc: Gabancho, Peter (MTA); Hui, Cynthia (MTA); Shah, Rahul; Gee, Oscar; Nemzoff, Judy (ART)
Subject: Bayview Opera House Major and Minor Encroachment Permits (RE Not on TASC agenda, AGAIN!)

Hello,

I have met with Ricardo Olea (City Traffic Engineer) regarding the legislation and permitting for this project.

- The bulb-out and parking removal were legislated in 2009 and 2010. Public Hearing and Resolution 10-017 attached). I have also attached copies of civil plans CV5 & CV6 for reference (3rd and Newcomb).
- 2. Minor Encroachment Permit to permit a 48" gate to open onto the Oakdale Avenue sidewalk. When fully open there will still be approximately 13 feet of walkway. Ricardo and I agree that this does not present a transit, traffic, SFFD or SFPD concern. We do not think it presents a concern for DPW either and so does not require TASC approval/review (*see attached e-mail to view details of the permit*).
- 3. **Major Encroachment Permit** onto Newcomb Avenue sidewalk make the main entrance ADA accessible Image below. This improvement will reduce existing 10' sidewalk width to between 7'-7" to around 9'. Ricardo and I agree that this does not present a transit, traffic, SFFD or SFPD concern. We have asked that DPW take a look at the possibility of impacts by the stairway onto to visually impaired pedestrians. Assuming no issue in that regard this item does not require TASC approval/review (*see attached e-mail to view details of the permit*). It may need to go to the Board of Supervisors as it is a major encroachment permit. Please check with DPW BSM on that.
- 4. **Street Improvement Permits** do not get reviewed by TASC. DPW BSM will issue this under their internal processes.

I have restored most of the original recipients of this e-mail chain (I could not find Deborah Frieden's email address)



Brian B Dusseault, P.E. Senior Engineer San Francisco Municipal Transportation Agency Division of Sustainable Streets - Transportation Engineering (415) 701-4676

From: Elsner, Nick [mailto:Nick.Elsner@sfdpw.org] Sent: Monday, November 17, 2014 2:51 PM To: Dusseault, Brian; Ngan, Kenny; Olea, Ricardo Cc: Gabancho, Peter; Hui, Cynthia; Shah, Rahul Subject: RE: Not on TASC agenda, AGAIN!

Thanks again Brian; also including Rahul Shah of our staff since he is working on this permit.

Nick



Nick Elsner Senior Plan Checker

Bureau of Street-use & Mapping San Francisco Public Works City and County of San Francisco 1155 Market Street, 3rd Floor

1155 Market Street, 3rd Floor San Francisco, CA 94103 (415) 554-5810

sfpublicworks.org · twitter.com/sfpublicworks

From: Dusseault, Brian [mailto:Brian.Dusseault@sfmta.com]
Sent: Monday, November 17, 2014 2:47 PM
To: Ngan, Kenny (MTA); Elsner, Nick; Olea, Ricardo (MTA)
Cc: Gabancho, Peter (MTA); Hui, Cynthia (MTA)
Subject: RE: Not on TASC agenda, AGAIN!

Hi Kenny,

Ricardo is in a meeting w/ SFCTA at moment. I spoke w/ Nick Elsner and Cynthia and need to meet w/ Ricardo once more before we respond.

I am also sending you some documents Cynthia secured. The sidewalk legislation was provided to project in 2013. The rest was received from DPW more recently.

- 1. Bulb-out & no parking legislation public hearing (12/29/2009)
- 2. Bulb-out & no parking resolution
- 3. Civil drawings CV5 & CV6

Brian B Dusseault, P.E.

Senior Engineer

San Francisco Municipal Transportation Agency Division of Sustainable Streets - Transportation Engineering (415) 701-4676

From: Ngan, Kenny Sent: Monday, November 17, 2014 2:40 PM To: Elsner, Nick; Dusseault, Brian; Olea, Ricardo Cc: Gabancho, Peter Subject: RE: Not on TASC agenda, AGAIN!

Brian/Ricardo,

Is this something you can provide?

Kenny

From: Elsner, Nick [mailto:Nick.Elsner@sfdpw.org] **Sent:** Monday, November 17, 2014 1:08 PM **To:** Ngan, Kenny; Dusseault, Brian; Olea, Ricardo **Cc:** Gabancho, Peter; Shah, Rahul; Fong, Lynn **Subject:** RE: Not on TASC agenda, AGAIN!

Thanks Kenny.

If TASC approval is not required, we would request something from MTA indicating that they've reviewed and have no objections to this proposal.

Thanks,

Nick



Nick Elsner Senior Plan Checker

Bureau of Street-use & Mapping

San Francisco Public Works City and County of San Francisco 1155 Market Street, 3rd Floor San Francisco, CA 94103 (415) 554-5810 sfpublicworks.org twitter.com/sfpublicworks

From: Ngan, Kenny [mailto:Kenny.Ngan@sfmta.com] Sent: Monday, November 17, 2014 10:48 AM To: Dusseault, Brian (MTA); Olea, Ricardo (MTA) Cc: Elsner, Nick; Gabancho, Peter (MTA) Subject: FW: Not on TASC agenda, AGAIN!

DPW has provided the attached. Please advise whether TASC approval is required per our discussion this morning. Thanks

From: Gee, Oscar [mailto:Oscar.Gee@sfdpw.org]
Sent: Monday, November 17, 2014 10:29 AM
To: Ngan, Kenny
Cc: Gabancho, Peter; Elsner, Nick; Shah, Rahul
Subject: RE: Not on TASC agenda, AGAIN!

Hello Kenny,

These are the major and minor encroachments that have been given to BSM.

Nick/Rahul, do you have anything to add in regards to items for TASC?



Oscar Gee Project Manager Infrastructure Design and Construction San Francisco Public Works City and County of San Francisco 30 Van Ness Avenue, 5th Floor San Francisco, CA 94102 (415) 558-4582 <u>sfpublicworks.org · twitter.com/sfpublicworks</u>

From: Ngan, Kenny [mailto:Kenny.Ngan@sfmta.com]
Sent: Monday, November 17, 2014 7:36 AM
To: Gee, Oscar
Cc: Gabancho, Peter (MTA)
Subject: FW: Not on TASC agenda, AGAIN!

Please provide information what needs to be reviewed, so I can pass it on to Ricardo. Kenny

From: Olea, Ricardo Sent: Friday, November 14, 2014 12:42 PM To: Ngan, Kenny Cc: Gabancho, Peter Subject: RE: Not on TASC agenda, AGAIN!

Kenny –

Cynthia just didn't do it, what can I say. Can you send me exactly what needs to be reviewed by us or TASC. I don't know at this point why we need to hold it up.

Ricardo

From: Ngan, Kenny Sent: Thursday, November 13, 2014 11:41 AM To: Olea, Ricardo Cc: Gabancho, Peter Subject: FW: Not on TASC agenda, AGAIN!

Ricardo, do you know why this TASC was missed in the agenda? Thanks

From: Ngan, Kenny
Sent: Thursday, November 13, 2014 10:52 AM
To: Olea, Ricardo; Quan, Harvey; Gabancho, Peter; Dusseault, Brian
Cc: Deborah Frieden; Hui, Cynthia; Gee, Oscar; Nemzoff, Judy; Lee; Matt
Subject: RE: Not on TASC agenda, AGAIN!

Harvey/Brian,

Could Peter and I have a face to face discussion with you regarding this matter. SFMTA partnered with DPW on this project and we (SFMTA) have a stake to ensure this project is completed by DPW. TASC approval is the gating item preventing DPW to move forward, they were dropped twice from the TASC agenda. We need your help to get this TASC approved ASAP.

I will set up a meeting to discuss.

Thanks

Kenny

From: Nemzoff, Judy (ART) [mailto:judy.nemzoff@sfgov.org]
Sent: Thursday, November 13, 2014 10:44 AM
To: Olea, Ricardo; Ngan, Kenny
Cc: Deborah Frieden; Hui, Cynthia; Gee, Oscar
Subject: Not on TASC agenda, AGAIN!

Ricardo:

Although you sent confirmation we would be on today's TASC agenda, we were not. Oscar and I arrived at 10:00 this morning and were soundly sent away with no option to add an agenda item. We are now facing the likelihood that the lack of approval will now impact the sequencing of the Bayview Opera House Phase 2 project.

What's to be done? How can we be assured this will make it to December's meeting (assuming there is one given the proximity to the holidays) or is there an alternative approval process?

Who do we need to speak with at SFMTA, who shares this project with us, to get this taken care of?

Thanks for your help. Judy

Judy Nemzoff Program Director

San Francisco Arts Commission 25 Van Ness Avenue, Suite 345 San Francisco, CA 94102 T: 415-252-2596 F: 415-252-2595 <u>sfartscommission.org</u>

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From: Olea, Ricardo [mailto:Ricardo.Olea@sfmta.com]
Sent: Friday, October 24, 2014 10:59 AM
To: Nemzoff, Judy (ART)
Cc: Deborah Frieden; Hui, Cynthia (MTA)
Subject: RE: TASC approval; urgent

Judy - I've been told it will be calendared for the next TASC meeting, November 13. If there are any issues that are Fire Department related I would recommend that those be brought to their attention now if they haven't before. Thanks, Ricardo

From: Nemzoff, Judy (ART) [mailto:judy.nemzoff@sfgov.org]
Sent: Friday, October 24, 2014 10:44 AM
To: Olea, Ricardo
Cc: Deborah Frieden; Hui, Cynthia
Subject: RE: TASC approval; urgent

Ricardo: Any news? We are trying to get scheduled for TASC approval and it's quite urgent. Please advise. Judy

Judy Nemzoff Program Director

San Francisco Arts Commission 25 Van Ness Avenue, Suite 345 San Francisco, CA 94102 T: 415-252-2596 F: 415-252-2595 sfartscommission.org

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From: Olea, Ricardo [<u>mailto:Ricardo.Olea@sfmta.com</u>] Sent: Wednesday, October 22, 2014 1:18 PM To: Nemzoff, Judy (ART) Subject: RE: TASC approval; urgent

Judy - I'll see where this is. Thanks, Ricardo

From: Nemzoff, Judy (ART) [mailto:judy.nemzoff@sfgov.org]
Sent: Wednesday, October 22, 2014 10:02 AM
To: Olea, Ricardo
Cc: Gee, Oscar
Subject: TASC approval; urgent

Ricardo:

I am writing at the suggestion of Nick Elsner to ask your assistance in moving the TASC approval for the pending work at the Bayview Opera House, forward. The project, managed by DPW project Manager Oscar Gee and the architecture firm of TEF, has been bumped from the agenda twice, delaying our ability to move project with the construction project.

The Bayview Opera House, located at 4705 Third St., is owned by the San Francisco Arts Commission and is midway through a 5.4 million dollar renovation supported by multiple City agencies and is a high visibility project of the current administration. The Mayor and many department heads and dignitaries attended the groundbreaking ceremony in March. Can you please tell me how I can assist the process to assure a speedy approval? We have grave concerns about the property being vacant and the work delayed while we wait for TASC approval.

I look forward to hearing from you.

Kindly,

Judy

Judy Nemzoff Program Director

San Francisco Arts Commission 25 Van Ness Avenue, Suite 345 San Francisco, CA 94102 T: 415-252-2596 F: 415-252-2595 <u>sfartscommission.org</u>

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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: John Rahaim, Director, Planning Department Harlan Kelly, General Manager, Public Utilities Commission Tom Hui, Director, Department of Building Inspection Ed Reiskin, Executive Director, Municipal Transportation Agency Joanne Hayes-White, Chief, Fire Department
- FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee, Board of Supervisors

DATE: April 22, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Public Works on April 14, 2015:

File No. 150341

Resolution granting revocable permission to the San Francisco Arts Commission to occupy a portion of the public right-of-way to construct and maintain a new concrete entry stairway with illuminated handrails, an accessible ramp at the main point of egress and ingress and other related improvements, at the Newcomb Avenue frontage of 4705-3rd Street (Assessor's Block No. 5311, Lot No. 036); affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and 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: AnMarie Rodgers, Planning Department Aaron Starr, Planning Department Scott Sanchez, Zoning Administrator Sarah Jones, Acting Environmental Review Officer Joy Navarrete, Environmental Planning Juliet Ellis, Asst. General Manager/External Affairs Donna Hood, Commission Secretary William Strawn, Department of Building Inspection Carolyn Jayin, Department of Building Inspection Jeanie Poling, Environmental Planning Janet Martinsen, Local Government Affairs Liaison Kate Breen, Government Affairs Director Dillon Auyoung, Local Government Affairs Manager Viktoriya Wise, Chief of Staff, Sustainable Streets Division Kelly Alves, Fire Department