

File No. 150341

Committee Item No. 1

Board Item No. 14

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date April 27, 2015

Board of Supervisors Meeting

Date May 5, 2015

Cmte Board

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date April 23, 2015

Completed by: _____ Date _____

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

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.**

11
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.150341; 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 No.150341
5 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.150341 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.150341 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
25

1 Department letter dated September 24, 2014, and affirms the CEQA determination contained
2 in this letter.

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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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2015 APR -3 AM 11:45

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.

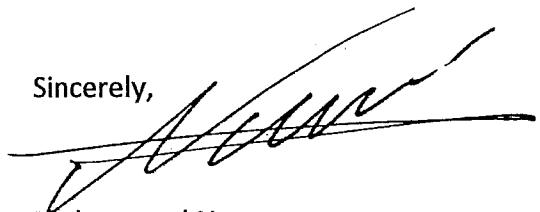
The following is a list of accompanying documents (three sets):

- 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,

A handwritten signature in black ink, appearing to read 'Mohammed Nuru', written over a horizontal line.

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

Project Co-Sponsor: Nick Elsner
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

RECEIVED

TOM ELIOT FISCH

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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.

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, *in-conformity* 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.

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 Bayview 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.

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

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



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.



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:

FINDING 1. SFMTA had no objection to the proposed encroachment, and Planning Department determined that the subject encroachment is in conformity with the General Plan.

FINDING 2. 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.

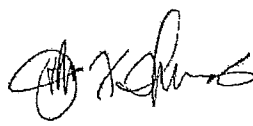
FINDING 5. The proposed encroachment has full support of the Mayor's Office on Disability (MOD).

12/24/2014

X 

Sanguinetti, Jerry
Bureau Manager

12/30/2014

X 

Sweiss, Fuad
Deputy Director and City Engineer

12/31/2014

X Mohammed Nuru

Nuru, Mohammed
Director, DPW





**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, revised, 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 from 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 permittee 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 permittee'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.

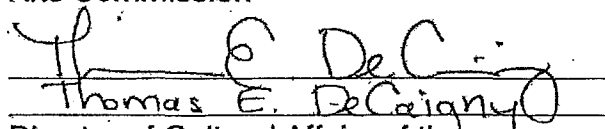
10. The permittee or subsequent owners recognize and understand that this permit may create a possessory interest subject to property taxation and that the permittee or subsequent owner or owners may be subject to the payment of such taxes.

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 30th day of March, 2015.

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



Thomas E. DeCaigny
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 March 30, 2015, before me, Lenore M. Elkarou, a notary public in and for said State, personally appeared Thomas E. De Caigny, 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 [Handwritten Signature]

(Seal)

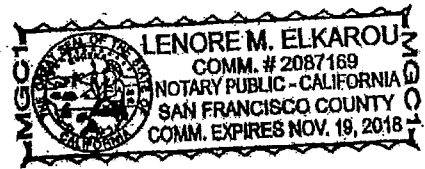


EXHIBIT A
(see attached)

TEF

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2015 APR -3 AM 11:43

BY _____

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 Sutter Street, 2nd floor, San Francisco, CA 94109

tel 415 391.7916
fax 1-415 391.7308
TEFarch.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,

A handwritten signature in black ink, appearing to read "John Paul Scott".

John Paul Scott, AIA CASp

Deputy Director for Physical Access
Mayor's office on Disability

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

1155 Market Street 1st Floor, San Francisco, CA 94103

415.554.6789
415.554.6799 TTY

415.554.6159 Fax
MOD@sfgov.org

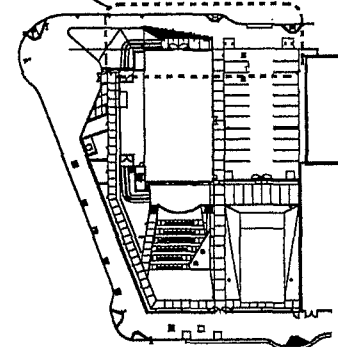
NOTES:

1. THIS IS A BARRIER REMOVAL PROJECT WITH THE MAOYR'S OFFICE ON DISABILITY.
2. ALL SIDEWALK IMPROVEMENTS, CURB CUTS, AND DRIVEWAYS WILL BE COMPLETED IN PHASE 1, SFMTA CONTRACT #1269

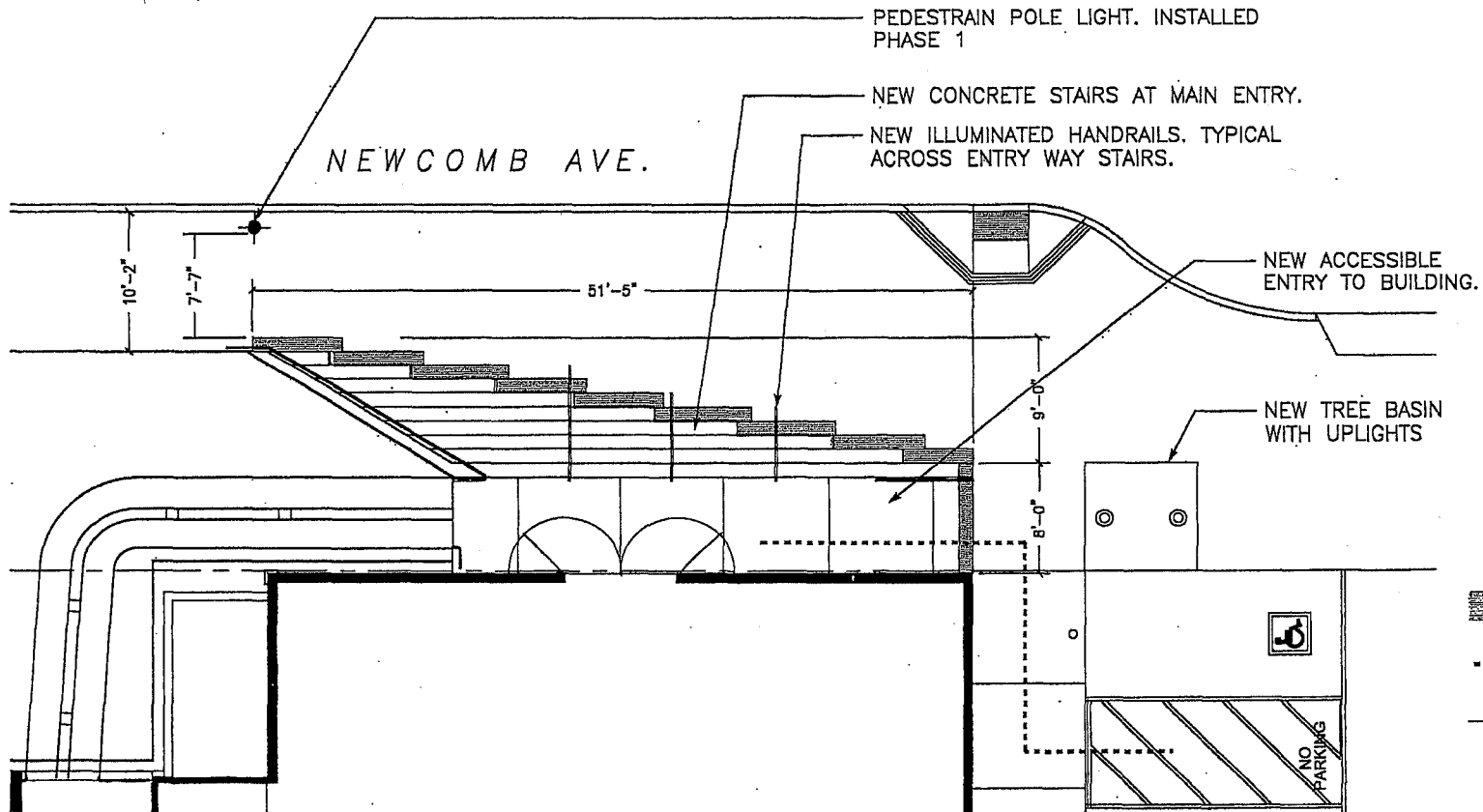
BUILDING INFORMATION

ADDRESS: 4705 3RD STREET
BLOCK/LOT: 5311/036
BPA#201312245004

ENLARGED AREA



OVERALL SITE PLAN



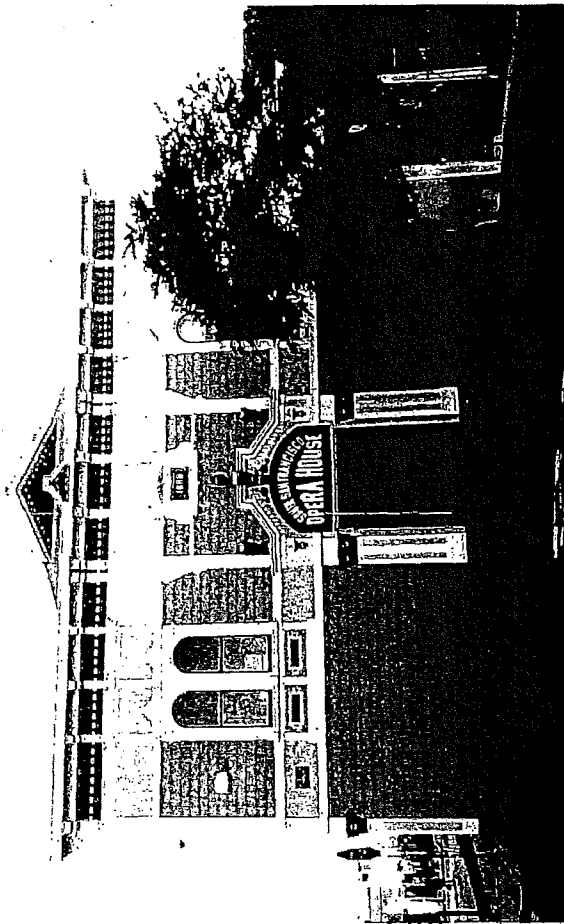
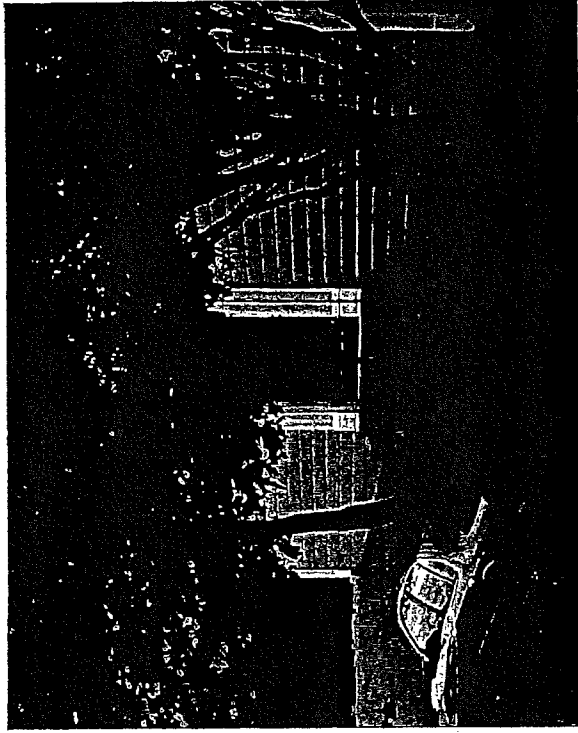
LEGEND

- TACTILE DOMES
- ACCESSIBLE PATH OF TRAVEL
- PROPERTY LINE

ENLARGED PLAN AT ACCESSIBLE ENTRY - MAJOR ENCROACHMENT PERMIT APPLICATION
SCALE: 1/8" = 1'-0"

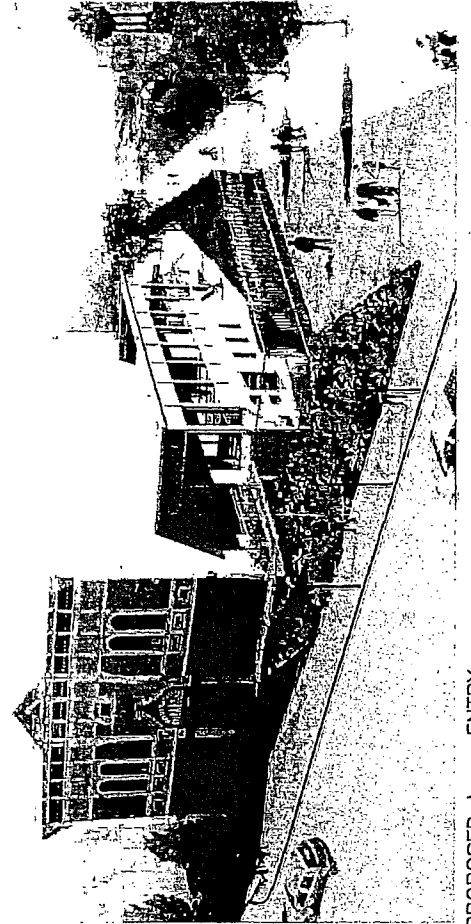
TEF

681



289

EXISTING MAIN ENTRY



PROPOSED ENTRY

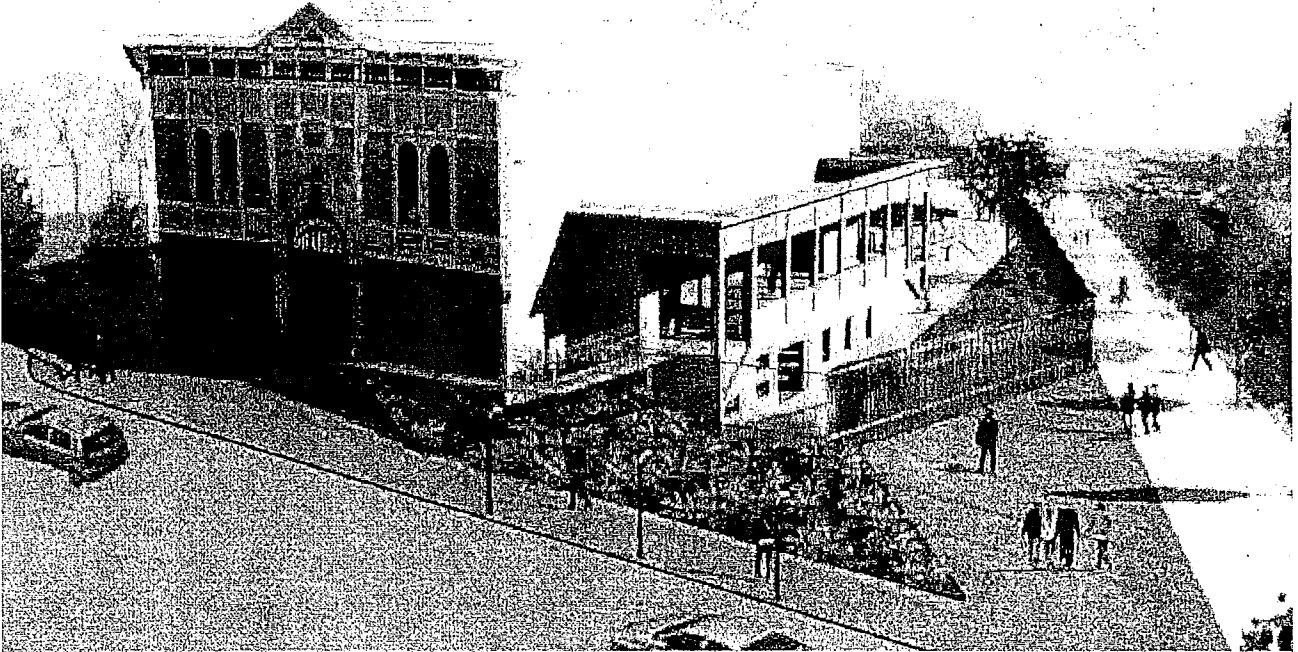
From: Dusseault, Brian [mailto:Brian.Dusseault@sfmta.com]
Sent: Monday, November 17, 2014 5:14 PM
To: Elsner, Nick; Ngan, Kenny (MTA); Olea, Ricardo (MTA)
Cc: Gabancho, Peter (MTA); Hui, Cynthia (MTA); Shah, Rahul; Gee, Oscar; Nemzoff, Judy (ART)
Subject: Bayview Opera House Major and Minor Encroachment 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.

1. 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 e-mail 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
San Francisco, CA 94103
(415) 554-5810

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
sfpublishworks.org · twitter.com/sfpublishworks

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
sfartscommission.org

[E-newsletter](#) | [Facebook](#) | [Twitter](#) | [YouTube](#) | [Flickr](#)

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 [<mailto:Ricardo.Olea@sfmta.com>]
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
sfartscommission.org

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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