

[Street Encroachment at 1 Webster Street.]

**Ordinance granting revocable permission to Cross Cultural Family Center, Inc. to occupy a portion of the public right-of-way to construct and maintain a fenced outdoor play space with a trellised entry, a seating area and stroller parking on the west side of Webster Street between Duboce Avenue and Hermann Street, for a new child development center at 1 Webster Street (Block 0874, Lot 014); waiving the annual right-of-way occupancy assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.**

Note: Additions are single-underline italics Times New Roman;  
deletions are ~~strikethrough italics Times New Roman~~.  
Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) Pursuant to Public Works Code Section 786, Fonda Davidson, Executive Director of Cross Cultural Family Center, Inc., requested permission to occupy a portion of the public right-of-way to construct and maintain a fenced outdoor play space with a trellised entry, a seating area and stroller parking on the west side of Webster Street between Duboce Avenue and Hermann Street, to satisfy conditions of approval for a new child development center, serving twenty-six (26) infants and toddlers located within the One Church Street Apartments. The encroachment and related construction are shown on plans filed with the Department of Public Works. Copies of such plans are on file in the office of the Clerk of the Board of Supervisors in File No.\_\_\_\_\_.

1 (b) The Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), at  
2 its meeting of May 23, 2002, recommended the proposed encroachment for approval.

3 (c) The Planning Department by letter dated October 6, 2005, found the proposal, on  
4 balance, consistent with the General Plan. This letter also includes a determination relating to  
5 the encroachment pursuant to the California Environmental Quality Act (California Public  
6 Resources Code sections 21000 et seq.). A copy of said letter is on file with the Clerk of the  
7 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

8 (d) After a duly noticed public hearing on March 7, 2007, the Department of Public  
9 Works recommended approval of the proposed encroachment subject to the conditions set  
10 forth below.

11 (e) The permit and associated street encroachment agreement, which are  
12 incorporated herein by reference and are on file with the Clerk of the Board of Supervisors in  
13 File No. \_\_\_\_\_, shall not become effective until:

14 (1) The Permittee executes and acknowledges the permit and delivers said permit to  
15 the City's Controller;

16 (2) Permittee delivers to the City Controller a policy of insurance provided for in said  
17 agreement and the Controller shall have had approved the same as complying with the  
18 requirement of said agreement. In lieu of said insurance policy, the Controller, in his or her  
19 discretion, may accept the certificate of an insurance company certifying to the existence of  
20 such a policy;

21 (3) The Department of Public Works records the permit and associated agreement in  
22 the office of the County Recorder; and,

23 (4) The Permittee, at the Permittee's sole expense and as is necessary as a result of  
24 this permit, shall make the following arrangements:  
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1 (i) To provide for the support and protection of facilities belonging to the  
2 Department of Public Works, San Francisco Water Department, the San Francisco Fire  
3 Department and other City Departments, and public utility companies;

4 (ii) To provide access to such facilities to allow said entities to construct,  
5 reconstruct, maintain, operate, or repair such facilities; and,

6 (iii) To remove or relocate such facilities if installation of the encroachment  
7 requires said removal or relocation and to make all necessary arrangements with the owners  
8 of such facilities, including payment for all their costs, should said removal or relocation be  
9 required.

10 (5) The Permittee shall procure the necessary permits from the Central Permit Bureau,  
11 Department of Building Inspection and/or Bureau of Street-Use and Mapping, Department of  
12 Public Works, and pay the necessary permit fees and inspection fees before starting work.

13 (6) No structure shall be erected or constructed within said street right-of-way except  
14 as specifically permitted herein; and,

15 (7) The Permittee shall assume all costs for the maintenance and repair of the  
16 encroachments and no cost or obligation of any kind shall accrue to the City and County of  
17 San Francisco by reason of this permission granted.

18 Section 2. Major Encroachment Permit Approval and Waiver of Annual Right-of-Way  
19 Occupancy Assessment Fee.

20 (a) Pursuant to Public Works Code Section 786, the Board of Supervisors hereby  
21 grants revocable permission to Cross Cultural Family Center, Inc., to occupy a portion of the  
22 public right-of-way to construct and maintain a fenced outdoor play space with a trellised  
23 entry, a seating area and stroller parking on the west side of Webster Street between Duboce  
24  
25

Avenue and Hermann Street, for a new child development center at 1 Webster Street (Block 0874. Lot 014). This permit shall be subject to the conditions set forth herein.

(b) As part of this permit approval, the 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 Department letter dated October 6, 2005, and affirms the environmental determination contained in said letter.

(c) Notwithstanding Public Works Code Section 786.7, the Board determines that this encroachment will serve the public interest, and therefore, the annual right-of-way occupancy assessment fee is hereby waived.

RECOMMENDED:

APPROVED:

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Fuad S. Sweiss  
City Engineer

Edward D. Reiskin  
Director of Public Works

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
John D. Malamut  
Deputy City Attorney