[Disapproving decision of the Department of Public Works to revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets.]

Motion disapproving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and upholding the appeal of Marshall C. Wallace.

WHEREAS, On January 23, 2007, the Department of Public Works issued Minor Sidewalk Encroachment Permit No. 06MSE-0181 to allow occupancy of the public right-of-way for a subsidewalk basement at 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003; and,

WHEREAS, The Department of Public Works, in a letter dated November 16, 2009, revoked the Encroachment Permit in connection with the Central Subway project at the abovementioned address. Said letter is on file with the Clerk of the Board of Supervisors in File No. 091483 and is incorporated herein by reference; and,

WHEREAS, Marshall C. Wallace filed a timely appeal of the decision of the Department of Public Works. Said appeal letter is on file with the Clerk of the Board of Supervisors in File No. 091483 and is incorporated herein by reference; and,

WHEREAS, The SFMTA Board of Directors adopted Resolution No. 08-150 on August 19, 2008, approving the Central Subway Project, the CEQA Findings and Statement of Overriding Considerations for the Central Subway Final Supplemental Environmental Impact Report (SEIS/SEIR) and the Mitigation Monitoring and Reporting program. The SEIS/SEIR, CEQA Findings, background reports, and other documents in the administrative record associated with the SEIS/SEIR collectively are on file with the Secretary of the Planning Commission, Secretary of the MTA Board of Directors, and the Clerk of the Board in File Nos.

081137 and 081138. Said documents are incorporated herein by reference and form the basis for the decisions set forth herein; and,

WHEREAS, On January 12, 2010, this Board held a duly noticed public hearing to consider the appeal of the Department of Public Works' permit revocation filed by Appellant; and,

WHEREAS, This Board has reviewed and considered the permit revocation, the appeal letter, and the other written records before the Board of Supervisors and other City departments concerning the subsidewalk basement encroachment, and heard testimony and received public comment regarding the subject permit revocation; now, therefore, be it

MOVED, That the Board disapproves the decision of the Department of Public Works concerning revocation of the Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot 003, and upholds the appeal of Marshall C. Wallace.