

1 [Disapproving decision of the Department of Public Works to revoke Encroachment Permit for
2 24-34 Ellis Street.]

3 **Motion disapproving the decision of the Department of Public Works to revoke a Minor**
4 **Sidewalk Encroachment Permit for 24-34 Ellis Street, Assessor Block No. 327, Lot No.**
5 **003, in connection with the Central Subway Project, and upholding the appeal of**
6 **Harvey C. Hacker.**

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8 WHEREAS, On June 7, 2006, the Department of Public Works issued Minor Sidewalk
9 Encroachment Permit No. 03MSE-157 to allow occupancy of the public right-of-way for a
10 subsidewalk basement at 24-34 Ellis Street, Assessor Block No. 327, Lot No. 008; and,

11 WHEREAS, The Department of Public Works, in a letter dated November 16, 2009,
12 revoked the Encroachment Permit in connection with the Central Subway project at the
13 abovementioned address. Said letter is on file with the Clerk of the Board of Supervisors in
14 File No. 091391 and is incorporated herein by reference; and,

15 WHEREAS, Harvey C. Hacker filed a timely appeal of the decision of the Department
16 of Public Works. Said appeal letter is on file with the Clerk of the Board of Supervisors in File
17 No. 091391 and is incorporated herein by reference; and,

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

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1 081137 and 081138. Said documents are incorporated herein by reference and form the
2 basis for the decisions set forth herein; and,

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

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

10 MOVED, That the Board disapproves the decision of the Department of Public Works
11 concerning revocation of the Minor Sidewalk Encroachment Permit for 24-34 Ellis Street,
12 Assessor Block No. 327, Lot 008, and upholds the appeal of Harvey C. Hacker.

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