

1 [Reconstruct existing railroad spur as a new elevated platform for access to 160 Harrison
2 Street.]

3 **Resolution granting revocable permission to Abovet Communications,**
4 **Inc. to reconstruct an existing railroad spur (elevated platform) along Main**
5 **Street as access to their building located at 160 Harrison Street.**

6 WHEREAS, That pursuant to Public Works Code Section 786, permission,
7 revocable at the will of the Board of Supervisors and automatically terminating upon
8 failure to continue in force the insurance protection hereafter referred to is hereby
9 granted to Abovet to occupy a portion of the sidewalk area, along Main Street
10 frontage, for the purpose of constructing and maintaining a new elevated platform for
11 accessing the building and as shown on the plans, a copy of which is on file in the
12 office of the Clerk of the Board of Supervisors; and

13 WHEREAS, The Department of City Planning, by Motion No. 15908, dated:
14 July 6,2000, declared that the proposed encroachment are in conformity with the
15 General Plan and with the Eight Priority Policies of Planning Code Section 101.1; in
16 that:

- 17 1. The Project will not displace any existing retail uses. The building
18 previously was used as a warehouse and has been vacant for many years.
19 In addition, by providing approximately 5,000 square feet for ground floor
20 accessory retail, the Project will create new opportunities for retail
21 employment and ownership.
- 22 2. The Project will have no negative impact on existing and proposed
23 housing. By reusing an existing 60+ year old warehouse building, the
24 Project will help maintain elements of the existing character of Harrison
25 street. There is no existing housing on the property. The Project is

1 PROVIDED HOWEVER, That this permit shall not become effective until:

2 [a] There shall have been executed and acknowledged by the Permittee; and
3 by it delivered to the City's Controller, who shall have the street
4 encroachment agreement recorded in the office of the City Recorder, a
5 copy of which is on file with the Clerk of the Board of Supervisor in File No.
6 010555 and which is hereby declared to be a part of this resolution
7 attached thereto as Exhibit A.

8 [b] There shall be delivered to the Controller the policy of insurance provided
9 for in said agreement and the Controller shall have had approved same as
10 complying with the requirement of said agreement. The Controller may, as
11 his option, accept, in lieu of said insurance policy, the certificate of an
12 insurance company certifying to the existence of such a policy.

13 FURTHER PROVIDED, That the Permittee, in accordance with Government
14 Code Section 4216.1, shall become a member of, participate in, and share in
15 the costs of Underground Service Alert – Northern California (U.S.A.) regional
16 notification center.

17 FURTHER PROVIDED, The Permittee, at the permittee's sole expense, and
18 as is necessary as a result of this permit shall make arrangements:

19 [1] to provide for the support and protection of facilities belonging to the
20 Department of Public Works, public utility companies, the San Francisco
21 Water Department, the San Francisco Fire Department and other City
22 Departments;

23 [2] to remove or change the location of such facilities and provide access to
24 such facilities for the purpose of constructing, reconstructing, maintaining,
25 operating, or repairing such facilities.

1 consistent with the existing neighborhood character in light of the existing
2 and proposed uses. The Project is designed to add economic diversity to
3 the area by providing space targeted as use serving the multimedia and
4 Internet industries, which are key growth sectors in the City's economy.

5 3. The Project would have no adverse impact on the City's existing supply of
6 affordable housing, since there is no housing on the site or immediately
7 adjacent to it, and the activity would be compatible with any new housing
8 uses in adjacent sites. The current "P" zoning of the Project site does not
9 permit housing. Assuming that the site would in the future be rezoned
10 consistent with the Rincon Hill district, the site would have the potential for
11 some degree of housing use at such time. The Project Sponsor has agreed
12 to a condition of approval with respect to an adjacent site (which is also
13 likely to be developed for a mix of housing and other uses in the future),
14 reducing the potential amount of commercial use on that adjacent site. This
15 condition makes it probable that any loss of potential future housing on the
16 160 Harrison site will be offset by increased housing on the adjacent site.
17 Therefore, development of an ISX on the Project site will allow the
18 development of an important facility without diminishing the amount of
19 housing likely to be developed on this block.

20 4. The Project is near the Transbay Terminal and is very well served by public
21 transit (including MUNI, BART, and AC Transit, among others) to the
22 Project site. The Project will include an amount of parking which will meet
23 the anticipated demand. The Project is also near the Fremont Street Exit
24 from Interstate 80, and the First and Harrison Streets on-ramp, and
25 therefore would not overburden neighborhood streets with commuter traffic

1 to and from the highway or the Bay Bridge. Moreover, the Project will
2 generate a relatively modest level of commuter traffic. Employment density
3 (at most about 50 workers at any one time) is relatively low, and the site
4 vicinity is well served by public transit. Visitors will access the site at all
5 hours of the day and night, adding little or nothing to peak period traffic.
6 Finally, the Project will provide sufficient parking to meet the reasonable
7 demands generated by the use, and therefore will not burden existing
8 neighborhood parking.

9
10 5. The building on the site is currently vacant and therefore no industrial uses
11 will be displaced. In addition, the Project does not include commercial
12 office space.

13
14 6. The current building on the site will be renovated and brought up to
15 applicable seismic safety standards, probably utilizing a base isolation
16 system.

17
18 7. The building is not by itself of significant architectural or historic character.
19 However, adaptive reuse of this building will help maintain the overall
20 existing character of this section of Harrison Street, which includes several
21 buildings along Harrison Street that are designated for preservation in the
22 Rincon Hill Plan.

23 8. The Project has no impact on open space or parks or their access to
24 sunlight and vistas. The Project will involve reuse of an existing building,
25 with addition of some mechanical equipment on the roof area.

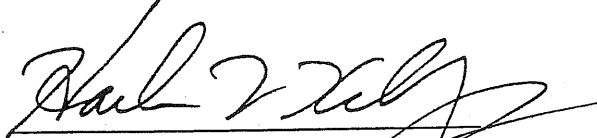
1 FURTHER PROVIDED, The Permittee shall procure the necessary permits
2 from the Permit Bureau and/or Bureau of Street-Use and Mapping, Department of
3 Public Works, and pay the necessary permit fees and inspection fees before starting
4 work.

5 FURTHER PROVIDED, That the Board of Supervisors reserves the right to
6 exact a permit fee, or rental, for the use of said street area for the purpose of
7 performance of its governmental or proprietary activities, including the construction,
8 reconstruction, maintaining, operating, repairing, removing, and use of public utilities
9 located under, over or along said street area;

10 FURTHER PROVIDED, That no structure shall be erected or constructed
11 within said street right-of-way except as specifically permitted herein;

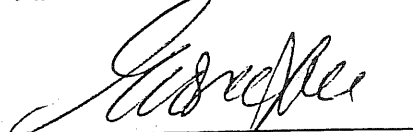
12 FURTHER PROVIDED, That the Permittee shall assure all costs and
13 maintenance and repair of the encroachments at no cost or obligation of any kind
14 shall accrue to the City and County of San Francisco by reason of this permission
15 granted.

16
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18 RECOMMENDED:

19 

20 Harlan L. Kelly, Jr.
21 Deputy Director for Engineering
22 and City Engineer

APPROVED:

23 

24 Edwin M. Lee
25 Director of Public Works



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 010555

Date Passed:


Resolution granting revocable permission to Abovenet Communications, Inc. to reconstruct an existing railroad spur (elevated platform) along Main Street as access to their building located at 160 Harrison Street.

May 7, 2001 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee


File No. 010555

I hereby certify that the foregoing Resolution was ADOPTED on May 7, 2001 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
for Clerk of the Board

MAY 18 2001

Date Approved


Mayor Willie L. Brown Jr.