

FILE NO. 000618RESOLUTION NO. 493-00

1 [Major Sidewalk Encroachment – Poppy Lane]

2 GRANTING REVOCABLE PERMISSION TO PATRICIA F. REILLY TO CONSTRUCT A NEW  
 3 PRIVATELY MAINTAINED CONCRETE DRIVEWAY AND RELATED IMPROVEMENTS INCLUDING  
 4 CURBS, GUTTERS, NEW UTILITIES, PIERS AND RETAINING WALLS TO MAINTAIN  
 5 APPROPRIATE GRADES AND TO PROVIDE ACCESS TO A PROPOSED NEW RESIDENCE AT  
 6 101 POPPY LANE (BLOCK 6713, LOT 56) AND ADOPTING FINDINGS PURSUANT TO PLANNING  
 7 CODE SECTION 101.1.

8 RESOLVED, That permission, revocable at the will of the Board of Supervisors and  
 9 automatically terminating upon failure to continue in force the insurance protection hereafter referred  
 10 to, is hereby granted to Patricia F. Reilly to occupy a portion of the public right-of-way, for the purpose  
 11 of constructing and maintaining a new privately maintained concrete driveway including new  
 12 pavement, curb, gutters, new utilities, piers and retaining walls as shown on the plan, a copy of which  
 13 is on file in the office of the Clerk of the Board of Supervisors; and be it

14 FURTHER RESOLVED, That the project intended by the encroachment is consistent with the  
 15 Eight Priority Policies of Planning Code Section 101.1; in that:

- 16 1. The project is for the construction of a privately maintained driveway, including new  
 17 pavement, curbs, gutters, new utilities, piers and retaining walls to provide vehicular  
 18 access to a proposed new residence at the subject property and will not adversely  
 19 affect opportunities for resident employment in and ownership of neighborhood serving  
 20 retail uses.
- 21 2. The project will not adversely affect existing housing character or neighborhood  
 22 character if the concerns in General Plan Referral 98.179R are addressed. The  
 23 proposed project will not adversely affect the cultural and economic diversity of San  
 24 Francisco's neighborhoods.
- 25

- 1 3. The project will not adversely affect the City's supply of affordable housing. The project  
2 will result in a net gain of housing.
- 3 4. The project will not increase commuter traffic so as to impede Muni transit service or  
4 overburden San Francisco's streets or neighborhood parking.
- 5 5. The project would not adversely affect San Francisco's industrial and service sectors.
- 6 6. The project will not affect the ability of the City to achieve the greatest possible  
7 preparedness to protect against injury and loss of life in an earthquake. The San  
8 Francisco Fire Department has indicated that the new driveway will be sufficient for  
9 emergency access.
- 10 7. The project will not adversely affect landmarks and historic buildings, as the proposed  
11 site is currently vacant.
- 12 8. The project does not adversely affect parks and open space; and be it

13 FURTHER RESOVLED, Pursuant to General Plan Referral 98.179R, the permit is conditioned  
14 as follows:

- 15 1. The encroachment and associated improvements on the right-of-way are public  
16 improvements, and therefore, their design shall reflect a public appearance as finally  
17 determined by the Department of Public Works in consultation with the City Planning  
18 Department;
- 19 2. The encroachment and associated improvements do not constitute an assumption by  
20 San Francisco to approve any further lengthening of the improvements in the right-of-  
21 way, to allow this encroachment to serve other lots in the future, or to constitute a  
22 justification for any future requests to widen the right-of-way;
- 23 3. To ensure public safety and emergency access, the permittee is prohibited from  
24 obstructing the right-of-way in any temporary or permanent manner;
- 25

- 1           4. The Permittee shall not encroach upon adjacent private properties unless approval is  
2           obtained from the owners of such property, and the encroachment shall not create any  
3           detriment to adjacent properties, including problems associated with grading,  
4           construction, and drainage; and be it

5           FURTHER RESOLVED, That this permit shall not become effective until:

- 6           1. There shall have been executed and acknowledged by the Permittee; and by it delivered  
7           to the City's Controller, who shall have had recorded in the office of the County  
8           Recorder a street encroachment agreement, a copy of which is on file with the Clerk of  
9           the Board of Supervisors in File No. 000618 and which is hereby declared to be  
10          a part of this resolution as if set forth fully herein, and the copy of this resolution  
11          attached thereto as Exhibit A.
- 12          2. There shall have been delivered to the Controller the policy of insurance provided for in  
13          said agreement and the Controller shall have had approved same as complying with the  
14          requirements of said agreement. The Controller may, at his option accept, in lieu of  
15          said insurance policy, the certificate of an insurance company certifying to the existence  
16          of such a policy.
- 17          3. The Department of Public Works receives a written report on said encroachments from  
18          the Fire Department and ISCOTT; and be it

19          FURTHER RESOLVED, The Permittee, at the permittee's sole expense, and as is necessary  
20          as a result of this permit, shall make arrangements: [1] to provide for the support and protection of  
21          facilities belonging to the Department of Public Works, public utility companies, the San Francisco  
22          Water Department, the San Francisco Fire Department and other City departments; [2] to remove or  
23          change the location of such facilities and provide access to such facilities for the purpose of  
24          constructing, reconstructing, maintaining, operating or repairing such facilities; and be it  
25

1 FURTHER RESOLVED, That the Permittee shall procure the necessary permits from the  
2 Department of Building Inspection and Bureau of Street-Use and Mapping, Department of Public  
3 Works, and pay the necessary permit fees and inspection fees before starting work; and be it

4 FURTHER RESOLVED, That the Board of Supervisors reserves the right to exact a permit fee,  
5 or rental, for the use of said street areas for the purpose of performance of its governmental or  
6 proprietary activities, including the constructing, reconstructing, maintaining, operating, repairing,  
7 removing and use of public utilities located under, over or along said street area; and be it

8 FURTHER RESOLVED, That no structure shall be erected or constructed within said street  
9 right-of-way except as specifically permitted herein; and be it


10 FURTHER RESOLVED, That the Permittee shall assure all costs and maintenance and repair  
11 of the encroachments and no cost or obligation of any kind shall accrue to the City and County of San  
12 Francisco by reason of this permission granted; and be it

13 FURTHER RESOLVED, That any work associated with the construction of said encroachments  
14 shall not commence until all other permit approvals required to develop the residence at 101 Poppy  
15 Lane are final and effective and construction has begun on such residence; and be it

16 FURTHER RESOLVED, That the Department of Public Works shall meet with the project  
17 sponsor and interested neighbors to explore alternative designs for roadway paving that conform with  
18 neighborhood character; provided, however, that the Department's decision to approve a design  
19 alternative that ensures public safety and is in conformity with applicable construction standards shall  
20 be final.

21 RECOMMENDED:

APPROVED:

22  
23   
24 Harlan L. Kelly, Jr.  
25 Deputy Director of Engineering  
and City Engineer

  
Mark A. Primeau, AIA  
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

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**File Number:** 000618

**Date Passed:**

Resolution granting revocable permission to Patricia F. Reilly to construct a new privately maintained concrete driveway and related improvements including curbs, gutters, new utilities, piers and retaining walls to maintain appropriate grades and to provide access to a proposed new residence at 101 Poppy Lane (Block 6713, Lot 56) and adopting findings pursuant to Planning Code Section 101.1.

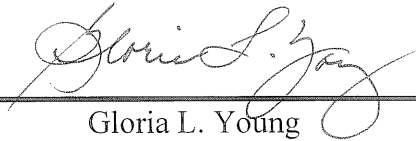
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May 30, 2000 Board of Supervisors — ADOPTED

Ayes: 9 - Becerril, Bierman, Brown, Katz, Kaufman, Newsom, Teng, Yaki, Yee  
Noes: 2 - Ammiano, Leno

File No. 000618

I hereby certify that the foregoing Resolution was ADOPTED on May 30, 2000 by the Board of Supervisors of the City and County of San Francisco.



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Gloria L. Young  
Clerk of the Board

JUN - 9 2000

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Date Approved



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Mayor Willie L. Brown Jr.