

1 GRANTING REVOCABLE PERMISSION TO GPS MANAGEMENT SERVICES (THE GAP), INC.
2 TO EXCAVATE AND INSTALL THREE (3) 4" TELECOMMUNICATION CONDUITS ACROSS
3 FOLSOM STREET FOR AN UNDERGROUND TELECOMMUNICATIONS SYSTEM TO
4 INTERLINK THE NEW GAP HEADQUARTERS BUILDING AT 250 EMBARCADERO (BLOCK
5 3741, LOT 35) WITH AN EXISTING BUILDING AT 345 SPEAR STREET (BLOCK 3744, LOT 3)
6 AND ADOPTING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

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RESOLVED, That permission, revocable at the will of the Board of Supervisors and automatically terminating upon failure to continue in force the insurance protection hereafter referred to, is hereby granted to GPS Management Services (The GAP), Inc. to occupy a portion of the street area under Folsom Street, between Spear and Steuart Streets, for the purpose of constructing and maintaining three (3) 4-inch telecommunication conduits as shown on the plan, a copy of which is on file in the office of the Clerk of the Board of Supervisors.

FURTHER RESOLVED, That the project intended by the encroachment is consistent with the eight priority policies of City Planning Code Section 101.1; in that:

1. The project is for installation of conduits under Folsom Street for an underground telecommunication system to link the new Gap Headquarters Building at 250 Embarcadero with an existing building at 345 Spear Street, and would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.
2. The project would have no adverse effect on the City's housing stock or on neighborhood character.

- 1 3. The project would have no adverse effect on the City's supply of affordable housing.
- 2 4. The project would not result in commuter traffic impeding MUNI transit service or
- 3 overburdening the streets or neighborhood parking.
- 4 5. The project would not adversely affect the industrial or service sectors or future
- 5 opportunities for resident employment or ownership in these sectors.
- 6 6. The project would not adversely affect achieving the greatest possible preparedness
- 7 against injury and loss of life in an earthquake and would not affect community safety.
- 8 7. The project would not adverse effect on landmarks or historic buildings.
- 9 8. The project would have no adverse effect on parks and open space or their access to
- 10 sunlight or vistas.

11 PROVIDED HOWEVER, That this permission shall not become effective until:

- 12 [a] There shall have been executed and acknowledged by the Permittee; and by it
- 13 delivered to the City's Controller, who shall have had recorded in the office of the
- 14 County Recorder a Street Encroachment Agreement, a copy of which is on file with
- 15 the Clerk of the Board of Supervisors in File No. 001460 and which is hereby
- 16 declared to be a part of this resolution as if set forth fully herein, and the copy of this
- 17 resolution attached thereto as Exhibit A.
- 18 [b] There shall have been delivered to the Controller the policy of insurance provided for
- 19 in said agreement and the Controller shall have had approved same as complying with
- 20 the requirements of said agreement. The Controller may, at his option accept, in lieu
- 21 of said insurance policy, the certificate of an insurance company certifying to the
- 22 existence of such a policy.
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1 FURTHER PROVIDED, The Permittee, in accordance with Government Code Section
2 4216.1, shall become a member of participate in, and share in the costs of Underground Service
3 alert – Northern California (U.S.A.) regional notification center.

4 FURTHER PROVIDED, The rights granted here do not constitute a cable TV franchise and
5 do not authorize transmission of video programming over City right-of-way or any other signals that
6 would constitute Cable TV service.

7 FURTHER PROVIDED, The Permittee, at the permittee's sole expense, and as is necessary as
8 a result of this permit, shall make arrangements: [1] to provide for the support and protection of
9 facilities belonging to the Department of Public Works, public utility companies, the San Francisco
10 Water Department, the San Francisco Fire Department and other City departments; [2] to remove or
11 change the location of such facilities and provide access to such facilities for the purpose of
12 constructing, reconstructing, maintaining, operating or repairing such facilities.

13 FURTHER PROVIDED, That the Permittee shall procure the necessary permits from the
14 Permit Bureau and/or Bureau of Street-Use and Mapping, Department of Public Works, and pay the
15 necessary permit fees and inspection fees before starting work.

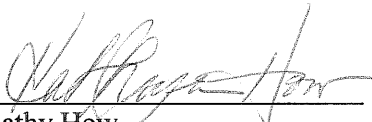
16 FURTHER PROVIDED, That the Board of Supervisors reserves the right to exact a permit fee,
17 or rental, for the use of said street areas for the purpose of performance of its governmental or
18 proprietary activities, including the constructing, reconstructing, maintaining, operating, repairing,
19 removing and use of public utilities located under, over or along said street area;

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

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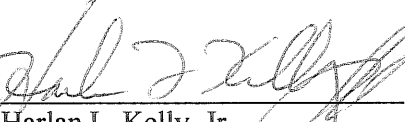
FURTHER PROVIDED, That the Permittee shall assure all costs and maintenance and repair of the encroachments and no cost or obligation of any kind shall accrue to the City and County of San Francisco by reason of this permission granted.

RECOMMENDED:



Kathy How
Acting Deputy Director of Engineering
and City Engineer

APPROVED:



Harlan L. Kelly, Jr.
Acting 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: 001460

Date Passed:

Resolution granting revocable permission to GPS Management Services (The GAP), Inc. to excavate and install three (3) 4" telecommunication conduits across Folsom Street for an underground telecommunications system to interlink the new GAP Headquarters Building at 250 Embarcadero (Block 3741, Lot 35) with an existing building at 345 Spear Street (Block 3744, Lot 3) and adopting findings pursuant to Planning Code Section 101.1.

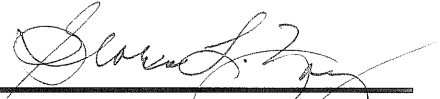
October 16, 2000 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Leno, Newsom, Teng,
Yaki, Yee

Absent: 1 - Kaufman

File No. 001460


I hereby certify that the foregoing Resolution was ADOPTED on October 16, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

OCT 27 2000

Date Approved



Mayor Willie L. Brown Jr.