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.

WHEREAS, That pursuant to Public Works Code Section 786, 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 Abovenet to occupy a portion of the sidewalk area, along Main Street frontage, for the purpose of constructing and maintaining a new elevated platform for accessing the building and as shown on the plans, a copy of which is on file in the office of the Clerk of the Board of Supervisors; and

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

1. The Project will not displace any existing retail uses. The building previously was used as a warehouse and has been vacant for many years. In addition, by providing approximately 5,000 square feet for ground floor accessory retail, the Project will create new opportunities for retail employment and ownership.

2. The Project will have no negative impact on existing and proposed housing. By reusing an existing 60+ year old warehouse building, the Project will help maintain elements of the existing character of Harrison street. There is no existing housing on the property. The Project is
PROVIDED HOWEVER, That this permit shall not become effective until:

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

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

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

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

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

[2] to remove or change the location of such facilities and provide access to such facilities for the purpose of constructing, reconstructing, maintaining, operating, or repairing such facilities.
consistent with the existing neighborhood character in light of the existing
and proposed uses. The Project is designed to add economic diversity to
the area by providing space targeted as use serving the multimedia and
Internet industries, which are key growth sectors in the City’s economy.

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

4. The Project is near the Transbay Terminal and is very well served by public
transit (including MUNI, BART, and AC Transit, among others) to the
Project site. The Project will include an amount of parking which will meet
the anticipated demand. The Project is also near the Fremont Street Exit
from Interstate 80, and the First and Harrison Streets on-ramp, and
therefore would not overburden neighborhood streets with commuter traffic
to and from the highway or the Bay Bridge. Moreover, the Project will generate a relatively modest level of commuter traffic. Employment density (at most about 50 workers at any one time) is relatively low, and the site vicinity is well served by public transit. Visitors will access the site at all hours of the day and night, adding little or nothing to peak period traffic. Finally, the Project will provide sufficient parking to meet the reasonable demands generated by the use, and therefore will not burden existing neighborhood parking.

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

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

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

8. The Project has no impact on open space or parks or their access to sunlight and vistas. The Project will involve reuse of an existing building, with addition of some mechanical equipment on the roof area.
FURTHER PROVIDED, The Permittee shall procure the necessary permits from the Permit Bureau and/or Bureau of Street-Use and Mapping, Department of Public Works, and pay the necessary permit fees and inspection fees before starting work.

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

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

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

RECOMMENDED:

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

APPROVED:

Edwin M. Lee
Director of Public Works
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
Clerk of the Board

Mayor Willie L. Brown Jr.