[Occupancy of the tow-away lane on Kearny Street and the sidewalk and a portion of the right
turn lane on Jackson Street during construction operations at 838 Kearny Street (Assessor's
Block 0195, Lot 013).]

Resolution granting revocable permission to Herrero Brothers to temporarily close and
occupy a portion of the tow-away lane on the east side of Kearny Street between
Jackson and Washington Streets; and to temporarily close and occupy the sidewalk
and a portion of the right turn lane on the south side of Jackson Street between Kearny
Street and Columbus Avenue during construction operations at 838 Kearny Street
(Assessor's Block 0195, Lot 013).

WHEREAS, pursuant to Public Works Code Section 724, 724.7 and 724.8, permission
was requested by Herrero Brothers to temporarily close and occupy the tow-away lane on
Kearny Street between Jackson and Washington Streets and the sidewalk and a portion of
the right turn lane on Jackson Street between Kearny Street and Columbus Avenue during
construction operations at 838 Kearny Street; and,

WHEREAS, The right turn lane on Jackson Street shall remain open for the last 40 feet
approaching Columbus Avenue; and,

WHEREAS, The Permittee shall provide and maintain a minimum 5-foot clear
pedestrian path of travel in the tow-away lane on Kearny Street and the right travel lane on
Kearny Street shall remain 12 feet wide; and,
WHEREAS, The southeast corner of Kearny and Jackson Streets shall remain open as a pedestrian landing; intermittent closures of the corner landing may be allowed on an as needed basis under a Special Traffic Permit from the Department of Parking & Traffic; and,

WHEREAS, Said permission to occupy the subject portions of Kearny and Jackson Streets is granted for one (1) year from date of occupancy; and,

WHEREAS, The Permittee shall provide flagpersons as necessary; shall place and maintain reflectors and/or flasher lights at each end of construction barricades; shall provide and post “Sidewalk Closed/Use Other Side” signs on Jackson Street at Kearny Street and at Columbus Avenue, and shall provide all other necessary requirements; i.e. additional signs, equipment, etc. to control pedestrian and vehicular traffic, all to the requirements of the Department of Public Works (DPW) and the Department of Parking & Traffic (DPT); and,

WHEREAS, That in consideration of this Permit being issued for the work described in the application, the Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations; and,

WHEREAS, The permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents, and employees (hereafter collectively referred to as the “City”) from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgements including without limitation, attorneys’ fees and costs (collectively, “claims”) of any kind
allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, the Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facilities or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, goodwill, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at this time, and (iv) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Permittee in, under, on, or about the property subject to this Permit or into the environment. As used herein, “hazardous material” means any substance, waste or material which, because of its quantity, concentration of physical or chemical characteristic is deemed by any federal, state or local governmental authority to pose a present or potential hazard to human health or safety or to the environment; and,

WHEREAS, The Permittee must hold harmless, indemnify and defend the City regardless of the alleged negligence of the City or any other party, except on for claims resulting directly from the sole negligence or willful misconduct of the City. The Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claims which actually or potentially falls within this indemnify
WHEREAS, The Permittee shall obtain and maintain through the terms of this Permit 
general liability, automobile liability or worker's compensation insurance as the City deems 
necessary to protect the City against claims for damages for personal injury, accidental death 
and property damage allegedly arising from any work done under this Permit. Such insurance 
shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and 
with insurers satisfactory to the City, evidencing all coverage above shall be furnished to the 
City before commencing any operations under this Permit, with complete copies of policies 
furnished promptly upon City request; and,

WHEREAS, No structure shall be erected or constructed on said sidewalk except as 
specifically permitted herein; and,

WHEREAS, The Permittee shall pay a non-refundable fee of $13,025 for the one-year 
duration of said occupancy; and,

WHEREAS, The Permittee shall, upon completion of all construction operations or 
upon determination by the Director of Public Works that said sidewalk and street occupancy is 
no longer required, restore the street areas to the satisfaction of the Department of Public 
Works and reopen the area to public use; and,
WHEREAS, This permission shall expire upon completion of said construction operations or upon determination by the Director of Public Works that said street occupancy is no longer required; and,

WHEREAS, That the Permittee shall procure the necessary permits from the Central Permit Bureau, Department of Building Inspection and/or the Bureau of Street-Use and Mapping, Department of Public Works and pay the necessary permit and inspection fees prior to occupying said area; now, therefore, be it

RESOLVED, That pursuant to Public Works Code Section 724, 724.7 and 724.8, permission revocable at the will of the Board of Supervisors, is hereby granted to Herrero Brothers to temporarily close and occupy a portion of the tow-away lane on the east side of Kearny Street between Jackson and Washington Streets; and to temporarily close and occupy the sidewalk and a portion of the right turn lane on the south side of Jackson Street between Kearny Street and Columbus Avenue, during construction operations at the aforementioned location.

RECOMMENDED:  

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

APPROVED:  

Edwin M. Lee  
Director of Public Works

**Department of Public Works**
BOARD OF SUPERVISORS
Resolution granting revocable permission to Herrero Brothers to temporarily close and occupy a portion of the tow-away lane on the east side of Kearny Street between Jackson and Washington Streets; and to temporarily close and occupy the sidewalk and a portion of the right turn lane on the south side of Jackson Street between Kearny Street and Columbus Avenue during construction operations at 838 Kearny Street (Assessor’s Block 0195, Lot 013).

February 25, 2002 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
I hereby certify that the foregoing Resolution was ADOPTED on February 25, 2002 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Date Approved

Mayor Willie L. Brown Jr.