

1 [Approving Street Encroachment at Lake Merced Boulevard and Higuera Avenue]

2
3 **Resolution granting revocable permission to Park Merced Investors Properties, LLC to**
4 **occupy a portion of the public right-of-way for the installation and maintenance of a**
5 **neighborhood sign (4' high x 36' wide x 32" deep) at the corner of Lake Merced**
6 **Boulevard and Higuera Avenue in the median island (Block 0807, Lot 012), conditioned**
7 **upon the payment of an annual assessment fee.**

8
9 WHEREAS, pursuant to Public Works Code Section 786, permission was requested by
10 Stellar Management, agent for the owner, Park Merced Investors Properties, LLC to occupy a
11 portion of the public right-of-way for the installation and maintenance of a neighborhood sign
12 at the corner of Lake Merced Boulevard and Higuera Avenue in the median, as shown on the
13 plans, a copy of which is on file in the office of the Clerk of the Board of Supervisors in File
14 No. 100833; and

15 WHEREAS, The Department of City Planning, by letter dated April 14, 2010, declared
16 that the proposed encroachment does conform with the General Plan and with the priority
17 policies of Planning Code Section 101.1. A copy of said letter is on file with the Clerk of the
18 Board of Supervisors in File No. 100833, and is incorporated herein by reference; and

19 WHEREAS, At a duly noticed public hearing on June 2, 2010, the Department of Public
20 Works recommended approval of the proposed encroachment; and

21 WHEREAS, Notwithstanding the determination set forth above, it is the decision of the
22 Board of Supervisors that the propose encroachments are in the best interest of the general
23 public, are desirable and convenient with the owner's use and enjoyment of its property, and
24 is appropriate use of the public right-of-way; and

1 WHEREAS, The permit and associated encroachment agreement, which are
2 incorporated herein by reference and attached hereto as Exhibit A, shall not become effective
3 until:

4 (a) The Permittee executes and acknowledges the permit and delivers said permit to
5 the City's Controller, and

6 (b) Permittee delivers to the City Controller a policy of insurance provided for in said
7 agreement and the Controller shall have had approved the same as complying with the
8 requirement of said agreement. The Controller may, in his discretion, accept, in lieu of said
9 insurance policy, the certificate of an insurance company certifying to the existence of such a
10 policy; and

11 (c) The City Controller records the permit and associated agreement in the office of the
12 County Recorder; and

13 WHEREAS, The Permittee, at the Permittee's sole expense and as is necessary as a
14 result of this permit, shall make the following arrangements:

15 (a) To provide for the support and protection of facilities belonging to the Department of
16 Public Works, San Francisco Water Department, the San Francisco Fire Department and
17 other City Departments, and public utility companies; and

18 (b) To remove or relocate such facilities and provide access to such facilities for the
19 purpose of constructing, reconstructing, maintaining, operating, or repairing such facilities;
20 and

21 WHEREAS, The Permittee shall procure the necessary permits from the Central Permit
22 Bureau, Department of Building Inspection and/or Bureau of Street-Use and Mapping,
23 Department of Public Works, and pay the necessary permit fees and inspection fees before
24 starting work; and
25

1 WHEREAS, The Board of Supervisors shall implement an annual assessment fee for
2 the use of said right-of-ways, which shall be increased at the beginning of each fiscal year
3 based upon the Consumer Price Index quotient, and shall be re-evaluated by DPW every five
4 (5) years; and

5 WHEREAS, No structure shall be erected or constructed within said street right-of-way
6 except as specifically permitted herein; and

7 WHEREAS, The Permittee shall assume all costs for the maintenance and repair of the
8 encroachments and no cost or obligation of any kind shall accrue to the City and County of
9 San Francisco by reason of this permission granted; now, therefore, be it

10 RESOLVED, That pursuant to Public Works Code Section 786, the Board of
11 Supervisors hereby grants permission, revocable at the will of the Director of the Department
12 of Public Works, to Park Merced Investors Properties, LLC, to occupy a portion of the public
13 right-of-way for the installation and maintenance of a neighborhood sign (4' high x 36' wide x
14 32" deep) at the corner of Lake Merced Boulevard and Higuera Avenue in the median island
15 (Block 7333C, Lot 001), conditioned upon the payment of an annual assessment fee; and, be
16 it

17 FURTHER RESOLVED, That this Board adopts the findings of the Planning
18 Department, which determined that said permit is consistent with the General Plan and the
19 priority policies of Planning Code Section 101.1.



City and County of San Francisco
Tails
Resolution

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

File Number: 100833

Date Passed: August 03, 2010

Resolution granting revocable permission to Park Merced Investors Properties, LLC, to occupy a portion of the public right-of-way for the installation and maintenance of a neighborhood sign (4' high x 36' wide x 32" deep) at the corner of Lake Merced Boulevard and Higuera Avenue in the median island (Block No. 0807, Lot No. 012), conditioned upon the payment of an annual assessment fee.

August 03, 2010 Board of Supervisors - ADOPTED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 100833

I hereby certify that the foregoing Resolution was ADOPTED on 8/3/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

August 12, 2010
Date Approved