

1 [Street Encroachment - Chinese Hospital - 835 Jackson Street]

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3 **Resolution granting revocable permission to the Chinese Hospital to occupy a portion of**  
4 **the public right-of-way to construct, install, and maintain the following infrastructure**  
5 **improvements: one 5,000 gallon fuel oil storage tank and four PG&E transformer vaults**  
6 **at the Jackson Street frontage, a new 10" sewer line, under the sidewalk and parallel to**  
7 **the property line, two 6,000 gallon sewer holding tanks, one new rain water storage tank,**  
8 **and two pump station vaults at the James Place frontage, for hospital operations at 835**  
9 **Jackson Street (Assessor's Block No. 0192, Lot No. 041), conditioned upon the payment**  
10 **of an annual assessment fee of \$1,913.00; and making environmental findings, findings**  
11 **of consistency with the General Plan and the priority policies of Planning Code, Section**  
12 **101.1.**

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14 WHEREAS, Pursuant to Public Works Code Section 786, permission was requested by  
15 KCA Engineers, authorized agents for the owner, Chinese Hospital, to occupy a portion of the  
16 public right-of-way to construct, install one (1) 5,000 gallon fuel oil storage tank and four (4)  
17 PG&E transformer vaults at the Jackson Street frontage; a new 10" sewer line under the  
18 sidewalk and parallel to the property line, two (2) 6,000 gallon sewer holding tanks, one (1) rain  
19 water storage tank, and two (2) pump station vaults at the James Place frontage, as shown on  
20 the plans, a copy of which is on file in the office of the Clerk of the Board of Supervisors in File  
21 No. 130756; and

22 WHEREAS, The Planning Department, by letter dated January 30, 2013, declared that  
23 the proposed encroachments are in conformity with the General Plan and to the priority policies  
24 of Planning Code Section 101.1. A copy of said letter is on file with the Clerk of the Board of  
25 Supervisors in File No. 130756, and is incorporated herein by reference; and

1           WHEREAS, San Francisco Municipal Transportation Agency (SFMTA), in the minutes of  
2 the Transportation Advisory Staff Committee (TASC) dated December 31, 2012 recommended  
3 conditional approval of the encroachments; provided that during construction, the contractor  
4 provides temporary traffic control; and

5           WHEREAS, Following a duly noticed public hearing on May 29, 2013, the  
6 Department of Public Works recommended approval of the proposed encroachment via DPW  
7 Order Number 181,388, approved June 18, 2013; a copy of which is on file in the office of the  
8 Clerk of the Board of Supervisors in File No. 130756; and

9           WHEREAS, Notwithstanding the determination set forth above, it is the decision of the  
10 Board of Supervisors that the proposed encroachment is in the best interest of the general  
11 public, is desirable and convenient with the owner's use and enjoyment of its property, and is  
12 appropriate use of the public right-of-way; and

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

16           (a) The Permittee executes and acknowledges the permit and delivers said permit to the  
17 City's Controller;

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

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

25           WHEREAS, The Permittee, at the Permittee's sole expense and as is necessary as a

1 result of this permit, shall make the following arrangements:

2 (a) To provide for the support and protection of facilities belonging to the Department of  
3 Public Works, San Francisco Public Utilities Commission, the San Francisco Fire Department  
4 and other City Departments, and public utility companies; and

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

7 WHEREAS, The Permittee shall procure the necessary permits from Bureau of Street-  
8 Use and Mapping, Department of Public Works, and pay the necessary permit fees and  
9 inspection fees before starting work; and

10 WHEREAS, The Board of Supervisors shall implement an annual assessment fee of  
11 \$1,913.00 for the use of said rights-of-way, which shall be increased at the beginning of each  
12 fiscal year based upon the Consumer Price Index quotient, and shall be re-evaluated by DPW  
13 every five (5) years; and

14 WHEREAS, No structures shall be erected or constructed within said street right-of-way  
15 except as specifically permitted herein; and

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

19 RESOLVED, That pursuant to Public Works Code Section 786, the Board of Supervisors  
20 hereby grants permission, revocable at the will of the Director of the Department of Public  
21 Works, to Chinese Hospital, to occupy portions of the public rights-of-way to construct, install  
22 and maintain one (1) 5,000 gallon fuel oil storage tank and four (4) PG&E transformer vaults at  
23 the Jackson Street frontage, a new 10" sewer line under the sidewalk and parallel to the  
24 property line, two (2) 6,000 gallon sewer holding tanks, one (1) rain water storage tank, and two  
25 (2) pump station vaults at the James Place frontage, for hospital operations at 835 Jackson

1 Street (Block 0192, Lots 041), conditioned upon the payment of an annual assessment fee of  
2 \$1913.00 and other conditions set forth herein; and, be it

3 FURTHER RESOLVED, That this Board finds the permit to be consistent with the  
4 General Plan and priority policies of Planning Code Section 101.1. for the reasons set forth in  
5 the City Planning Department letter.

6 APPROVED:

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10 Mohammed Nuru

11 Director of Public Works  
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**City and County of San Francisco**  
**Tails**  
**Resolution**

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

**File Number:** 130756

**Date Passed:** July 30, 2013

Resolution granting revocable permission to the Chinese Hospital to occupy a portion of the public right-of-way to construct, install, and maintain the following infrastructure improvements: one 5,000 gallon fuel oil storage tank and four Pacific Gas & Electric Company transformer vaults at the Jackson Street frontage, a new 10" sewer line, under the sidewalk and parallel to the property line, two 6,000 gallon sewer holding tanks, one new rain water storage tank, and two pump station vaults at the James Place frontage, for hospital operations at 835 Jackson Street (Assessor's Block No. 0192, Lot No. 041), conditioned upon the payment of an annual assessment fee of \$1,913; and making environmental findings, findings of consistency with the General Plan, and the priority policies of Planning Code, Section 101.1.

July 29, 2013 Land Use and Economic Development Committee - AMENDED

July 29, 2013 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

July 30, 2013 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 130756

**I hereby certify that the foregoing Resolution was ADOPTED on 7/30/2013 by the Board of Supervisors of the City and County of San Francisco.**

**Angela Calvillo**  
Clerk of the Board

  
**Mayor**

8/7/2013  
**Date Approved**