

1 [Construct retaining walls in public right-of-way in order to provide for a parking garage
2 driveway and a level entry to a new resident at 719 Peru Avenue (Block 5943, Lot 24).]
3

4 **Resolution granting, through May 10, 2005, revocable permission to Alan Tran to**
5 **occupy a portion of the street area along Peru Avenue for the purpose of constructing**
6 **and maintaining retaining walls in order to provide for a parking garage driveway and**
7 **a level entry to a new building at 719 Peru Avenue (Assessor Block 5943, Lot 024);**
8 **conditioned upon the payment of a \$1,000 fee from Alan Tran to the City and County**
9 **of San Francisco.**
10

11 WHEREAS, That pursuant to Public Works Code Section 786, permission, revocable
12 at the will of the Board of Supervisors and automatically terminating upon failure to continue
13 in force the insurance protection hereafter referred to is hereby granted to Alan Tran to
14 occupy a portion of the street area to construct retaining walls in order to provide for a
15 parking garage driveway and a level entry to a new resident at 719 Peru Avenue (Block
16 5943, Lot 024) as shown on the plans, a copy of which is on file in the office of the Clerk of
17 the Board of Supervisors; and,

18 WHEREAS, The Department of City Planning, by Motion No. 1999.685 R, dated
19 October 4, 2000, declared that the proposed encroachment would be in conformity with the
20 General Plan if the following conditions are met:

- 21 1. Permanent and unobstructed easement for ingress and egress across the
22 public right-of-way is given to the adjacent property (715 Peru, Assessor's
23 Block 5943, lot 025) and,
24 2. Such easement must satisfy all relevant building code

25 WHEREAS, That this permit shall not become effective until:

1 [a] There shall have been executed and acknowledged by the Permittee; and by it
2 delivered to the City's Controller, who shall have the recorded in the office of
3 the City Recorder a street encroachment agreement, a copy of which is on file
4 with the Clerk of the Board of Supervisor in File No. 04227, and;

5 [b] There shall have been executed and acknowledged by the Permittee; and by it
6 delivered to the City Controller, who shall have the recorded in the office of the
7 City Recorder a maintenance agreement, a copy of which is on file with the
8 Clerk of the Board of Supervisor in File No. 040227, and;

9 [c] There shall be delivered to the Controller the policy of insurance provided for in
10 said agreement and the Controller shall have had approved same as
11 complying with the requirement of said agreement. The Controller may, as his
12 option accept, in lieu of said insurance policy, the certificate of an insurance
13 company certifying to the existence of such a policy, which is hereby declared
14 to be a part of this resolution as if set forth fully herein; and,

15 [d] There shall have been executed and acknowledge by the Permittee; and by it
16 delivered to the City's Controller, who shall recorded in the office of the City
17 Recorder a maintenance agreement, a copy of which is on file with the Clerk of
18 the Board of Supervisor in File No. 040227, and;

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

21 [1] to provide for the support and protection of facilities belonging to the
22 Department of Public Works, public utility companies, the San Francisco Water
23 Department, the San Francisco Fire Department and other City Departments;
24
25

1 [2] to remove or change the location of such facilities and provide access to such
2 facilities for the purpose of constructing, reconstructing, maintaining, operating,
3 or repairing such facilities; and,

4 WHEREAS, The Permittee shall procure the necessary permits from the Central
5 Permit Bureau, Department of building Inspections, and/or Bureau of Street-Use and
6 Mapping, Department of Public Works, and pay the necessary permit fees and inspection
7 fees before starting work; and,

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

13 WHEREAS, That no structure shall be erected or constructed within said street right-
14 of-way except as specifically permitted herein; and,

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

18 RESOLVED, That pursuant to Public Works Code Section 786, permission, revocable
19 at the will of the Board of Supervisors and automatically terminating upon failure to continue
20 in force ~~toe~~ the provisions and requirements of the Street Encroachment Agreement
21 hereafter referred to, is hereby granted, through May 10, 2005, to Alan Tran to occupy a
22 portion of the street area to construct retaining walls in order to provide for a parking garage
23 driveway and a level entry to a new resident at 719 Peru Avenue (Block 5943, Lot 024) as
24 shown on the plans, a copy of which is on file in the office of the Clerk of the Board of
25 Supervisors. This permission is conditioned upon the payment of a \$1,000 fee from Alan

1 Tran to the City and County of San Francisco. This permission shall automatically terminate
2 at 12:01 A.M. on May 11, 2005, unless otherwise extended by the City and County of San
3 Francisco.

4
5 RECOMMENDED:

6 See original for signature

7 Robert P. Beck

8 Deputy Director for Engineering

APPROVED:

See original for signature

Edwin M. Lee

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: 040227

Date Passed:

Resolution granting, through May 10, 2005, revocable permission to Alan Tran to occupy a portion of the street area along Peru Avenue for the purpose of constructing and maintaining retaining walls in order to provide for a parking garage driveway and a level entry to a new building at 719 Peru Avenue (Assessor Block 5943, Lot 024); conditioned upon the payment of a \$1,000 fee from Alan Tran to the City and County of San Francisco.

April 27, 2004 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

May 11, 2004 Board of Supervisors — ADOPTED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

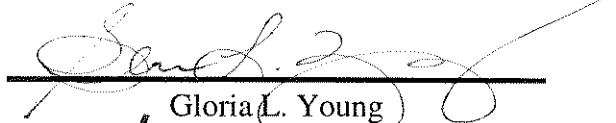
Excused: 1 - Ammiano

File No. 040227

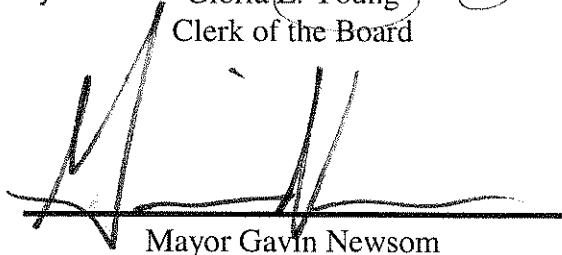
I hereby certify that the foregoing Resolution was ADOPTED on May 11, 2004 by the Board of Supervisors of the City and County of San Francisco.

MAY 20 2004

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom