File No. 121168 Committee Item No. 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development **Date** December 10, 2012

Board of Supervisors Meeting **Date** _____

Cmte Board

Cmte	Board	
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OTHER **(Use back side if additional space is needed)**

☒	☐	DPW Order No. 180761
☒	☐	General Plan Referral Letter, dtd 12/12/11
☒	☐	Street Encroachment Agreement
☒	☐	Site Plans and Maps (*oversized document)
☒	☐	Notice of Public Hearing
☐	☐	
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Completed by: Alisa Miller **Date** December 7, 2012
Completed by: _____ **Date** _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

[Street Encroachment - 54 Peralta Avenue]

Resolution granting revocable permission to Aquilina Family 2001 Revocable Trust to occupy a portion of the public right-of-way to remove and reconstruct a portion of a City owned and maintained retaining wall to construct a concrete driveway ramp, with accessible transition slopes to conform to the existing sidewalk grade, that will provide vehicular access to a proposed new residence with a garage at 54 Peralta Avenue (Assessor's Block No. 5512, Lot No. 029), conditioned upon the payment of an annual assessment fee of $215; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

WHEREAS, Pursuant to Public Works Code Section 786, SIA Consulting Corporation, authorized agent for the property owner of 54 Peralta Avenue (Block 5512, Lot 029), Aquilina Family 2001 Revocable Trust, requested permission to occupy a portion of the public right-of-way to remove a portion of a City owned and maintained retaining wall to construct a concrete driveway ramp, with accessible transition slopes to conform to the existing sidewalk grade that will provide vehicular access to a proposed new residence with a garage at the subject property. The proposed scope of work also includes reducing an existing 35% sidewalk transition slope at the northerly property line, by altering the existing sidewalk slope from its existing 16% grade to a proposed grade of 20%, and conforming to existing sidewalk grade. The encroachment and related construction are shown on plans filed with the Department of Public Works. Copies of such plans are on file in the office of the Clerk of the Board of Supervisors in File No.121168; and

WHEREAS, The Transportation Advisory Staff Committee (TASC), at its meeting of March 22, 2012, recommended the proposed encroachment for approval; and

WHEREAS, The Planning Department by letter dated December 12, 2011, found the proposal, as modified, to be consistent with the General Plan. This letter also includes a determination relating to the encroachment pursuant to the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said letter is on file with the Clerk of the Board of Supervisors in File No. 121168, and is incorporated herein by reference; and

WHEREAS, After a duly noticed public hearing on June 6, 2012, the Department of Public Works recommended approval of the proposed encroachment as set forth in DPW Order No. 180,761, approved November 2, 2012. A copy of said DPW Order is on file with the Clerk of the Board of Supervisors in File No. 121168, and is incorporated herein by reference; and

WHEREAS, The permit and associated Street Encroachment Agreement, which are incorporated herein by reference and are on file with the Clerk of the Board of Supervisors in File No. 121168, shall not become effective until:

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

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

(c) The Department of Public Works records the permit and associated agreement in the office of the County Recorder; and

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

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

(b) To provide access to such facilities to allow said entities to construct, reconstruct, maintain, operate, or repair such facilities; and

(c) To remove or relocate such facilities if installation of the encroachment requires said removal or relocation and to make all necessary arrangements with the owners of such facilities, including payment for all their costs, should said removal or relocation be required; and

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

WHEREAS, The permit shall be conditioned upon payment of an annual public right-of-way occupancy assessment pursuant to Public Works Code Section 786 and the initial amount of said fee shall be $215; and

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

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

RESOLVED, That pursuant to Public Works Code Section 786, the Board of Supervisors hereby grants revocable permission to Aquilina Family 2001 Revocable Trust, owner of 54 Peralta Avenue (Block 5512, Lot 029), to occupy a portion of the public right-of-way to construct a concrete driveway ramp with accessible transition slopes to conform to

existing sidewalk grade that will provide vehicular access to a proposed new residence with a garage at 54 Peralta Avenue, conditioned upon the payment of an annual encroachment assessment fee and other conditions set forth herein; and, be it

FURTHER RESOLVED, That the Board adopts as its own the findings of consistency with the General Plan and Planning Code Section 101.1 as set forth in the Planning Department letter dated December 12, 2011, and affirms the environmental determination contained in said letter.

RECOMMENDED:

Fuad Sweiss, City Engineer
Deputy Director for Engineering

APPROVED:

11/26/12

Mohammed Nuru
Director of Public Works

City and County of San Fra[illegible]sco

San Franc[illegible]o Department of Public Works
Office of the Deputy [illegible]ctor & City Engineer, Fuad Sweiss
Bureau of Street-Use and Mapping
875 Stevenson St., Rm. 460
San Francisco, CA 94103
(415) 554-5810 ■ www.sfdpw.org

Edwin M. Lee, Mayor
Mohammed Nuru, Director

Jerry Sanguinetti, Bureau Manager

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 NOV 27 PM 4:11

November 19, 2012

Angela Calvillo, Clerk of the Board
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Dear Ms. Calvillo:

Attached please find an original and four copies of a proposed resolution for Board of Supervisors consideration, which would grant revocable permission to Aquilina Family 2001 Revocable Trust to occupy portions of the public right-of-way to remove a portion of a city owned and maintained retaining wall to construct a concrete driveway ramp with accessible transition slopes that provides vehicular access to a proposed new residence with a garage at 54 Peralta Avenue (Block 5512, Lot029), conditioned upon the payment of an annual assessment fee of $214.83 and making findings of consistency with the priority policies of Planning Code Section 101.1.

Pursuant to Section 786 of the Public Works Code, the proposed Major Encroachment Permit was requested in a letter dated October 26, 2011 from SIA Consulting Corporation on behalf of property owner Aquilina Family 2001 Revocable Trust. The request was heard and recommended for approval by the Transportation Advisory Staff Committee (TASC) on March 22, 2012. The Planning Department, by letter dated December 12, 2011, declared that the proposed encroachments are in conformity with the General Plan and with the priority policies of Planning Code Section 101.1.

The following is a list of accompanying documents (five sets):

- Letter from SIA Consulting Corporation dated October 26, 2011.
- Letter from the Planning Department dated December 12, 2011.
- A plan for the proposed Major Encroachment Permit.
- Draft Street Encroachment Agreement.
- DPW Public Hearing Notice, a list and one (1) set of mailing labels for property owners within 300-foot radius of the subject property.

The following person may be contacted regarding this matter: Ms. Eleanor Tang of BSM at (415) 554-5854.

Sincerely,

Mohammed Nuru
Director of Public Works

Attachments: As Noted

Oct 26th, 2011

San Francisco Department of Public Works
875 Stevenson Street, Room #406
San Francisco, CA 94103

Attn:	Eleanor Tang
Project Address:	54-60 Peralta
Application:	10IE-0322 & 11ME-0004

To whom it may concern:
I, Reza Khoshnevisan, hereby request a major side walk improvement permit to raise the level of side walk in order to accommodate two single family residential units at 54-60 Peralta. Current side walk condition deficiencies are as follows;

1. Approaching from east to west, there is a steep bump with slope of greater than %35 for the first 6' which is a great trip hazard.
2. The existing retaining wall in front of the subject property has a section that has been broken off which is hazardous to pedestrians as well as the car traffic.
3. The rest of the sidewalk continues with approximate slope of %16.6 with no lighting to illuminate the path to the corner of Hampshire at night. This is an uncomfortable sidewalk at night because not only it lacks proper lighting but also it is a lot lower than Peralta street making it unsafe for pedestrians.

The following is why we feel that our proposal is a great improvement to the existing sidewalk;

1. We propose to eliminate the existing Bump (with %35 slope) to %7 for the first 17' feet and the rest of the side walk at front of the two subject lots would be at %20.
2. The broken section of the retaining wall would be saw cut, removed and the side walk would become level with the street. This eliminates the current trip hazard condition and would allow us to accommodate a curb cut to serve the proposed garage.
3. We are proposing lighting at the front wall of both proposed buildings so that the side walk could be well lit at night.

SIA Consulting Corporation 1256 Howard Street San Francisco, CA 94103
Tel: 415.922.0200 Fax: 415.922.0203

In conclusion we feel that our proposal would not only improve the side walk by eliminating trip hazards and security concerns but also it would allow the construction of 2 new single families at this site. Without a curb cut nothing could be built on the 2 subject lots and would not only deprive my client of his property rights but also it would also eliminate 2 potential dwellings off the much needed housing stuck of our great city. Please feel free to contact me in case of any questions.

Regards,

Reza Khoshnevisan
SIA Consulting Corp.
Project Sponsor

SIA Consulting Corporation 1256 Howard Street San Francisco, CA 94103
Tel: 415.922.0200 Fax: 415.922.0203

City and County of San Francisco

San Francisco Department of Public Works
Office of the Deputy Director & City Engineer, Fuad Sweiss
Bureau of Street-Use & Mapping
875 Stevenson Street, Room 460
San Francisco, CA 94103
(415) 554-5810 ■ www.sfdpw.org

Edwin M. Lee, Mayor
Mohammed Nuru, Director

Jerry Sanguinetti, Bureau Manager

DPW Order No: 180761

DIRECTOR'S DECISION FOR MAJOR (STREET) ENCROACHMENT PERMIT (11ME-0004) TO REMOVE A PORTION OF A CITY OWNED AND MAINTAINED RETAINING WALL TO CONSTRUCT A NEW DRIVEWAY AND CURB CUT FOR ACCESS TO A PROPOSED NEW GARAGE AT 54 PERALTA AVENUE (BLOCK 5512, LOT 29).

APPLICANT: SIA Consulting Corporation
1256 Howard Street
San Francisco, CA 94103
Attention: Reza Khoshnevisan

OWNER: Aquilina Family 2001 Revocable Trust
1856 – 17th Avenue
San Francisco, CA 94122

PROPERTY DESCRIPTION: Lot 029 in Assessor's Block 5512
54 Peralta Avenue
San Francisco, CA Zip Code

DESCRIPTION OF REQUEST: Major (Street) Encroachment Permit

BACKGROUND:

1. The applicant filed a Major (Street) Encroachment application with the Department of Public Works (DPW) on October 26, 2011.
2. The Planning Department has determined in their letter dated December 12, 2011 that the project in conformity with the General Plan.
3. In response to a referral to San Francisco Municipal Transportation Agency (SFMTA) the Transportation Advisory Staff Committee (TASC) considered the project at its March 22, 2012 meeting and recommended approval of the subject encroachment.
4. On May 25, 2012, DPW posted and mailed out a Notice for Public Hearing to all property owners within a 300-foot radius of the subject encroachments.
5. Two letters of objection were received during the ten (10) day public notification period.
6. A public hearing was held on June 6, 2012.
7. Hearing Officer, Ms. Debra Temple, conducted the hearing and heard the testimonies regarding the subject encroachment.
8. Mr. Reza Khoshnevisan, Project Engineer, presented the project in the hearing. He also testified that meetings have been held to listen to the neighbors' concerns with design changes made to address their concerns. Despite all of the concerns, no third party engineer has come forward to protest the proposed design.

9. Mr. Tom Aquilina, the property owner, testified that he has had many meetings with the neighborhood group over the past three (3) years and that the building design has been changed repeatedly to accommodate the concerns.
10. Ten (10) citizens testified at the hearing in opposition to the permit, citing several concerns, including adverse impacts to pedestrians due to the increased steepness of the sidewalk slope from 16% to 20%, traffic impact during construction, inadequate turning radius for van and/or small truck to access the proposed driveway and the potential of street surface flow from uphill overtopping the new curb cut and thus directing the drain down onto the sidewalk.
11. On June 8, 2012, the Hearing Officer requested the applicant to submit a Hydraulic Analysis study.
12. The applicant submitted Hydraulics Analysis on August 15, 2012.The analysis was forwarded to Infrastructure Design and Construction (IDC), Hydraulics Section for review.
13. The Hearing Officer made her decision after hearing the above testimony, and reviewing the application, reports, plans and other documents contained in the Department of Public Works files.

RECOMMENDATION: APPROVAL of the request for the Major Encroachment Permit with transmittal to the Board of Supervisors for approval based on the following findings.

FINDING 1: The proposed encroachment satisfies all technical design requirements, and the concerns brought up during the hearing have been satisfactorily addressed.

FINDING 2: Recommendation by TASC for approval.

FINDING 3: The Planning Department's determination that the proposed encroachment is in conformity with the General Plan.

FINDING 4: The proposed encroachment is desirable and convenient in conjunction with the owner's use and enjoyment of their property.

FINDING 5: The owner and his design team have already made numerous major concessions and plan revisions to address neighborhood's concerns.

11/1/2012

X

Sanguinetti, Jerry
Bureau Manager

11/1/2012

X

Sweiss, Fuad
Deputy Director and City Engineer

11/2/2012

X Mohammed Nuru

Nuru, Mohammed
Director, DPW

SAN FRANCISCO
PLANNING DEPARTMENT

General Plan Referral

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date:	December 12, 2011
Case No.	**2010.0367R** **Proposed Major Sidewalk Encroachment Outside 54-60 Peralta Avenue**
Block/Lot No.:	5512/029 & 031
Project Sponsor:	Eleanor Tang Assistant Engineer Bureau of Street-Use & Mapping 875 Stevenson Street Room 460 San Francisco, CA 94103
Staff Contact:	Jon Swae – (415) 575-9069 *jon.swae@sfgov.org*
Recommendation:	Finding the project, on balance, is **in conformity** with the General Plan
Recommended By:	John Rahaim, Director of Planning

PROJECT DESCRIPTION

On November 17, 2011, the Department received your request for a General Plan Referral as required by Section 4.105 of the Charter and Section 2A.53 of the Administrative Code. The request seeks to make changes to the sidewalk adjacent to 54-60 Peralta Avenue to accommodate pedestrian and automobile access to two new single-family homes. The project would involve the following:

1. Elimination of the existing transition slope (35%) at the easterly property line and reconstruction of the sidewalk with a 7% slope for 17' west of the easterly property line and a 20% slope along the remaining property frontage.
2. Removal of a portion of an existing retaining wall to construct a driveway and curb cut to access the proposed new garage at 54 Peralta Avenue.

The project has been reviewed for consistency General Plan policies and with the Eight Priority Policies of the Planning Code Section 101.1 and the findings are attached.

ENVIRONMENTAL REVIEW

The Department has determined that the project is Categorically Exempt from environmental review under Class 1(c) – Existing Facilities. The project involves a negligible expansion of use beyond what currently exists.

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

Relevant policies from the General Plan and comments are included below. General Plan Objectives and Policies are in **bold** font, policy text is in regular font, and staff comments are in *italics*.

HOUSING ELEMENT

OBJECTIVE 1
IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

POLICY 1.10
Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The project would support the creation of new housing on two vacant lots by adjusting the sidewalk slope to allow access to the new development. The location of the housing makes various transportation options available to residents including public transit, walking and bicycling.

TRANSPORTATION ELEMENT

OBJECTIVE 23
IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.

POLICY 23.1
Provide sufficient pedestrian movement space with a minimum of pedestrian congestion in accordance with a pedestrian street classification system.

The project would adjust the existing sidewalk slope to create a gentler slope making it easier for pedestrians to walk along this stretch of Peralta Avenue.

POLICY 23.3
Maintain a strong presumption against reducing sidewalk widths, eliminating crosswalks and forcing indirect crossings to accommodate automobile traffic.

POLICY 23.5
Minimize obstructions to through pedestrian movement on sidewalks by maintaining an unobstructed width that allows for passage of people, strollers and wheelchairs.

The project would maintain the existing sidewalk width. No diversion of pedestrian traffic is proposed.

EIGHT PRIORITY POLICIES

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

   The project would have no effect on neighborhood-serving retail uses or opportunities for resident employment.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.

   The project would have no effect on existing housing and neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced.

   The project would not affect the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

   The project would not impede MUNI transit service or overburden neighborhood parking. The project would create an entrance to a private residential garage providing off-street parking spaces.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for residential employment and ownership in these sectors be enhanced.

   The project would not negatively impact the industrial or service section of the neighborhood.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

   The project would not affect earthquake preparedness or injury and loss of life in an earthquake as currently understood by the Planning Department.

7. That landmarks and historic buildings be preserved.

   The project would not affect landmarks or historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development.
   The project would not affect parks or open space.

RECOMMENDATION:	Finding the Project, on balance, in-conformity with the General Plan

Cc: Stephen Shotland, Planning Department
Jon Swae, Planning Department

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS

STREET ENCROACHMENT AGREEMENT

WITNESSETH

In consideration of the adoption by the Board of Supervisors of the City and County of San Francisco of Resolution No. _____at its meeting of _____, a true copy of which is attached hereto marked Exhibit A, and by this reference incorporated herein, and subject to all the terms, conditions and restrictions of this Agreement, also by reference incorporated herein, Permittee agrees that in accordance with this agreement and Exhibit A:

1. The permitted encroachment shall constitute a revocable license, shall be personal to Permittee and shall not be assignable or transferable by Permittee, whether separate from or together with any interest of Permittee.

   Upon revocation the undersigned permittee, subsequent owners, or their heirs and assignees will within 30 days remove or cause to be removed the encroachment and all materials used in connections with its construction, without expense to the City and County of San Francisco, and shall restore the area to a condition satisfactory to the Department of Public Works.

2. The occupancy, construction and maintenance of the encroachment shall be in the location and as specified by the plans submitted, revises, approved and filed in the Department of Public Works. The permittee, by acceptance of this permit, acknowledges its responsibility to comply with all requirements of the occupancy, construction and maintenance of the encroachment as specified in Public Works Code Section 786 and with the sidewalk maintenance requirements specified in Public Works Code Section 706.

3. The permittee shall verify the locations of City and public service utility company facilities that may be affected by the work authorized by this permit and shall assume all responsibility for any damage to such facilities due to the work. The permittee shall make satisfactory arrangements and payments for any necessary temporary relocation of City and public utility company facilities.

4. In consideration of this Permit being issued for the work described in the application, 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.

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 (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments 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, Permittee or its subcontractors, or the offices, 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 form 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, good will, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligations arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.

Permittee shall obtain and maintain through the terms of this Permit 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 coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.

5. Permittee will, at its own expense, maintain in full force and effect an insurance policy or policies issued by insurers with ratings comparable to A-VIII, or higher that are authorized to do business in the State of California, and that are satisfactory to the City. Approval of the insurance by City shall not relieve or decrease Permittee's liability hereunder. .

   Permittee must maintain in force, during the full term of the Agreement, insurance in the following amounts and coverages. Workers' Compensation, in statutory amounts, with Employer's Liability limits not less than $1,000,000 each accident, injury, or illness: and Commercial General Liability Insurance with Limits not less than $1,000,000 each occurrence and $2,000,00 in the aggregate for bodily injury and property damage, including contractual liability, personal injury, products and completed operations; and Commercial Automobile Liability insurance with limits not less than $1,000,000 each occurrence combined single limit or bodily injury and

property damage, including owned, non-owned and hired auto coverage as applicable. Said policies shall include the City and County of San Francisco and its officers and employees jointly and severally as additional insured and shall apply as primary insurance and shall stipulate that no other insurance affected by the City and County of San Francisco will be called on to contribute to a loss covered hereunder.

All policies shall be endorsed to provide thirty (30) days advance written notice to the City of reduction, nonrenewal or material changes in coverages or cancellation of coverages for any reason. Notices shall be sent to the Department of Public Works, Central Permit Bureau, 875 Stevenson Street, Room 460, San Francisco, CA, 94103. The permission granted by said resolution shall automatically terminate upon the termination of such insurance. Upon such termination, Permittee shall restore the right-of-way, without expense to the "Personal Injuries", as used herein, shall include wrongful death.

6. The permittee shall obtain a building permit as the Central Permit Bureau, 1660 Mission Street for the construction or alteration of any building.

7. The permitee shall contact the Street Permit Section (415) 554-5810, at least 48 hours prior to starting work to arrange an inspection schedule.

8. The permittee acknowledge its responsibility to notify any successor owners of the existence of the encroachment and the successor owner's obligation to obtain a permit from the Department of Public Works 60 days in advance of any pending sale of the permittee's adjacent property. The permittee's obligation to remove the encroachment and restore the right-of-way to a condition satisfactory to the Department of Public Works shall survive the revocation, expiration or termination of this permit or sale of permittee's adjacent property.

9. The permitee's right to use City property, as set forth in this permit is appurtenant to the property described as: ***54 Peralta Avenue (Block 5512, Lot 029)***. The provisions of the permit shall bind all subsequent purchases and owners of the described property.

   Subsequent purchasers and owners shall be subject to the revocation and termination provisions set forth in this permit.

10. The permittee or subsequent owners recognize and understand that this permit may create a possessory interest subject to property taxation and that the permittee or subsequent owner or owners may be subject to the payment of such taxes.

11. The permittee or subsequent owner or owners recognize the recordation of this permit.

All of the provisions of this agreement shall be deemed provisions of said resolution. All of the provisions of said resolution shall be deemed provisions of this agreement.

In witness whereof the undersigned Permittee(s) have executed this agreement this 15 day of NOVEMBER, 20 12.

Thomas Aquilina
1856 17TH AVENUE
THOMAS AQUILINA SAN FRANCISCO, CA 94122

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN FRANCISCO)

On 11-1-12 before me, JAMES APPENRODT Notary Public in and for said County and State, personally appeared THOMAS AQUILINA personally known to me (or proven to me on the name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by this by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

(NOTARY STAMP OR SEAL)

Notary Public in and for said
County and State of CALIFORNIA

JAMES APPENRODT
Commission # 1875998
Notary Public - California
San Francisco County
My Comm. Expires Jan 7, 2014

.OT 25

OT 5A

:CK

PROJECT NAME

54-60 PERALTA AVE
SAN FRANCISCO, CA

(* Due to the size of the Plans and Maps, the complete documents can be found in File No. 121148)

SIA CONSULTING CORPORATION
1256 HOWARD STREET
SAN FRANCISCO CA 94103
TEL: (415) 922.0200
FAX: (415) 922.0203
WEBSITE:WWW. SIACONSULT.COM

SHEET TITLE

Proposed Sidewalk Improvement, Site Plan & Notes

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

LAND USE & ECONOMIC DEVELOPMENT COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will a hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Monday, December 10, 2012**

Time: **1:00 p.m.**

Location: **Legislative Chamber, Room 250 located at City Hall**
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: **File No. 121168.** Resolution granting revocable permission to Aquilina Family 2001 Revocable Trust to occupy a portion of the public right-of-way to remove and reconstruct a portion of a City owned and maintained retaining wall to construct a concrete driveway ramp, with accessible transition slopes to conform to the existing sidewalk grade, that will provide vehicular access to a proposed new residence with a garage at 54 Peralta Avenue (Assessor's Block No. 5512, Lot No. 029), conditioned upon the payment of an annual assessment fee of $215; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public records in these matters, and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matter will be available for public review on Friday, December 7, 2012.

for

Angela Calvillo, Clerk of the Board

DATED: December 6, 2012
POSTED/MAILED: December 6, 2012

LEGISLATION RECEIVED CHECKLIST

Date 11/26/2012 File Number (if applicable) 121168

[ ] Legislation for Introduction **(NEW)** ►►► **Legislation Clerk**
[ ] Legislation Pending in Committee **(AMENDED)** ►►► **Committee Clerk**
[ ] Legislation for Board Agenda **(AMENDED)** ►►► **Dep Clerk, Legislative Div**

Supervisor, Mayor, and Departmental Submittals

Grant Ordinance
- [ ] **Legislation:** Original and 4 copies
- [ ] **Signature:** Department Head, the Mayor or the Mayor's designee, plus the Controller
- [ ] **Back-up materials:** 4 full sets *(if applicable)*
- [ ] **E-Version: Sent to BOS Legislation@sfgov.org**
  - [ ] Cover letter
  - [ ] Grant Information Form
  - [ ] Disability Access Checklist
  - [ ] Letter of Intent or grant award letter from funding agency
  - [ ] Ethics Form 126 *(determined by the Committee Clerk)*

Ordinance
- [ ] **Legislation:** Original and 4 copies
- [ ] **Signature:** City Attorney
- [ ] **Back-up materials:** 4 full sets *(if applicable)*
- [ ] **E-Version: Sent to BOS Legislation@sfgov.org**
  - [ ] Cover letter
  - [ ] Back up materials *(determined by the Committee Clerk)*

Grant Resolution
- [ ] **Legislation:** Original and 4 copies
- [ ] **Signature:** Department Head, the Mayor or the Mayor's designee, plus the Controller
- [ ] **Back-up materials:** 4 full sets *(if applicable)*
- [ ] **E-Version: Sent to BOS Legislation@sfgov.org**
  - [ ] Cover letter
  - [ ] Grant Information Form
  - [ ] Disability Access Checklist
  - [ ] Letter of Intent or grant award letter from funding agency
  - [ ] Ethics Form 126 *(determined by the Committee Clerk)*

Resolution
- [✓] **Legislation:** Original and 4 copies
- [ ] **Signature:** None required
- [ ] **Back-up materials:** 4 full sets *(if applicable)*
- [✓] **E-Version: Sent to BOS Legislation@sfgov.org**
  - [ ] Cover letter
  - [ ] Back up materials *(determined by the Committee Clerk)*

ELEANOR TANG
Name

DPW - Street Use & Mapping
Department

554-5854
Telephone Number