

1 [Street Encroachment at 151 24th Avenue.]

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3 **Resolution granting revocable permission to Edgar N. Bogas and Desiree Goyette-**
4 **Bogas to occupy a portion of the public right-of-way to construct, install and maintain a**
5 **portion of a new two car garage, including new concrete retaining walls, concrete**
6 **stairs, concrete terrace, grading and landscaping, within the existing landscaped**
7 **portion of the 24th Avenue public right-of-way, to access and provide off-street parking**
8 **for the property at 151 24th Avenue (Block 1334, Lot 004) and making findings of**
9 **consistency with the priority policies of Planning Code Section 101.1.**

10 WHEREAS, pursuant to Public Works Code Section 786, permission was requested by
11 Edgar N. Bogas and Desiree Goyette-Bogas to occupy a portion of the public right-of-way to
12 construct, install and maintain a portion of a new two car garage, including new concrete
13 retaining walls, concrete stairs, concrete terrace, grading and landscaping, within the existing
14 landscaped portion of the 24th Avenue right-of-way, to access and provide off-street parking
15 for the subject property, as shown on the plans, a copy of which is on file in the office of the
16 Clerk of the Board of Supervisors in File No. ; and

17 WHEREAS, The Department of City Planning, by letter dated August 29, 2003,
18 declared that the proposed encroachments are in conformity with the General Plan and with
19 the priority policies of Planning Code Section 101.1. A copy of said letter is on file with the
20 Clerk of the Board of Supervisors in File No. , and is incorporated herein by reference;
21 and

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

25

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

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

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

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

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

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

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

22 WHEREAS, The Board of Supervisors reserves the right to exact a permit fee or rental
23 for the use of said street area; and

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

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

4 RESOLVED, That pursuant to Public Works Code Section 786, the Board of
5 Supervisors hereby grants permission, revocable at the will of the Director of the Department
6 of Public Works, to Edgar N. Bogas and Desiree Goyette-Bogas to occupy a portion of the
7 public right-of-way to construct, install and maintain a portion of a new two car garage,
8 including new concrete retaining walls, concrete stairs, concrete terrace, grading and
9 landscaping, within the existing landscaped portion of the 24th Avenue right-of-way, to access
10 and provide off-street parking for the property at 151 24th Avenue (Block 1334, Lot 004).; and,
11 be it

12 FURTHER RESOLVED, That this Board adopts the findings of the Planning
13 Department which determined that said permit is consistent with the priority policies of
14 Planning Code Section 101.1.

15
16 RECOMMENDED:
17
18 _____
19 Harlan L. Kelly, Jr.
20 Deputy Director for Engineering
21 and City Engineer

APPROVED:

Edwin M. Lee
Director of Public Works