

1 [Street Encroachment - 54 Peralta Avenue]

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3 **Resolution granting revocable permission to Aquilina Family 2001 Revocable Trust to**
4 **occupy a portion of the public right-of-way to remove and reconstruct a portion of a**
5 **City owned and maintained retaining wall to construct a concrete driveway ramp, with**
6 **accessible transition slopes to conform to the existing sidewalk grade, that will provide**
7 **vehicular access to a proposed new residence with a garage at 54 Peralta Avenue**
8 **(Assessor’s Block No. 5512, Lot No. 029), conditioned upon the payment of an annual**
9 **assessment fee of \$215; and making environmental findings and findings of**
10 **consistency with the General Plan and the priority policies of Planning Code Section**
11 **101.1.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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