

1 GRANTING REVOCABLE PERMISSION TO ANTHONY AND SANDRA CHAN TO CONSTRUCT
2 RETAINING WALLS, A DRIVEWAY, A WALKWAY AND A LANDING WITHIN THE
3 UNIMPROVED PORTION OF THE PUBLIC RIGHT-OF-WAY, FOR ACCESS TO A NEW
4 RESIDENCE AT 2168 10TH AVENUE (BLOCK 2208, LOT 13) AND ADOPTING FINDINGS
5 PURSUANT TO PLANNING CODE SECTION 101.1.

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8 RESOLVED, That permission, revocable at the will of the Board of Supervisors and
9 automatically terminating upon failure to continue in force the insurance protection hereafter referred
10 to, is hereby granted to Anthony and Sandra Chan to occupy a portion of the unimproved right-of-way
11 fronting the subject property, for the purpose of constructing and maintaining retaining walls, a
12 driveway, a walkway and a landing as shown on the plan, a copy of which is on file in the office of the
13 Clerk of the Board of Supervisors.

14 FURTHER RESOLVED, That the project intended by the encroachment is consistent with the
15 eight priority policies of Planning Code Section 101.1; in that:

- 16 1. The project is for the construction of a driveway, walkway and retaining walls
17 necessary to provide access to the property and would have no adverse effect on
18 neighborhood serving retail uses or opportunities for employment in or ownership of
19 such businesses.
- 20 2. The proposed house complements the existing character of the neighborhood.
21 Properties on the project block are single family residences uses on single lots. The
22 residence will contain one unit which is consistent with the overall density of the
23 neighborhood. The proposed encroachment will not affect the architectural character
24 of the neighborhood.

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3. The project will maintain the City's housing stock and will not diminish the affordable housing supply in the City.
4. The project will not generate significant commuter traffic which could impede Muni transit service nor overburden our streets and neighborhood parking.
5. The project would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.
6. The project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake.
7. The project would have no effect on landmarks or historic buildings.
8. The project would have no adverse effect on parks and open space or their access to sunlight and vistas.

PROVIDED HOWEVER, That this permission shall not become effective until:

- [a] There shall have been executed and acknowledged by the Permittee; and by it delivered to the City's Controller, who shall have had recorded in the office of the County Recorder a street encroachment agreement, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 981488 and which is hereby declared to be a part of this resolution as if set forth fully herein, and the copy of this resolution attached thereto as Exhibit A.
- [b] There shall have been delivered to the Controller the policy of insurance provided for in said agreement and the Controller shall have had approved same as complying with the requirements of said agreement. The Controller may, at his option accept, in lieu of said insurance policy, the certificate of an insurance company certifying to the existence of such a policy.

1 FURTHER PROVIDED, The Permittee, at the permittee's sole expense, and as is necessary as
2 a result of this permit, shall make arrangements: [1] to provide for the support and protection of
3 facilities belonging to the Department of Public Works, public utility companies, the San Francisco
4 Water Department, the San Francisco Fire Department and other City departments; [2] to remove or
5 change the location of such facilities and provide access to such facilities for the purpose of
6 constructing, reconstructing, maintaining, operating or repairing such facilities.

7 FURTHER PROVIDED, That the Permittee shall not perform work of any kind southerly of
8 the line of the southerly retaining wall, including staging of equipment, disruption of trees or other
9 vegetation, except for the right to excavate of to one foot south of the proposed line of the retaining
10 wall for the purpose of the installation of framing for the construction of said retaining wall.

11 FURTHER PROVIDED, That prior to any work, the Permittee shall have satisfied all
12 applicable conditions of approval adopted by the Board of Permit Appeals, Appeal No. 96-046,
13 Adopted February 26, 1997 and provide evidence of same to DPW and to the neighboring property
14 owners, along with a schedule setting forth the date upon which any work would commence.

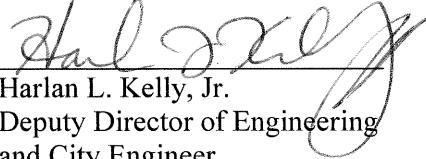
15 FURTHER PROVIDED, That the Permittee shall procure the necessary permits from the
16 Department of Building Inspection and Bureau of Street-Use and Mapping, Department of Public
17 Works, and pay the necessary permit fees and inspection fees before starting work.

18 FURTHER PROVIDED, That the Board of Supervisors reserves the right to exact a permit
19 fee, or rental, for the use of said street areas for the purpose of performance of its governmental or
20 proprietary activities, including the constructing, reconstructing, maintaining, operating, repairing,
21 removing and use of public utilities located under, over or along said street area;


22 FURTHER PROVIDED, That no structure shall be erected or constructed within said street
23 right-of-way except as specifically permitted herein;

1 FURTHER PROVIDED, That the Permittee shall assure all costs and maintenance and repair
2 of the encroachments and no cost or obligation of any kind shall accrue to the City and County of San
3 Francisco by reason of this permission granted.
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5 RECOMMENDED:

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7 Harlan L. Kelly, Jr.
8 Deputy Director of Engineering
9 and City Engineer

APPROVED:

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11 Mark A. Primeau, AIA
12 Director of Public Works
13 and City Architect
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City and County of San Francisco

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

Tails

Resolution

File Number: 981488

Date Passed:

Resolution granting revocable permission to Anthony and Sandra Chan to construct retaining walls, a driveway, a walkway and a landing within the unimproved portion of the public right-of-way, for access to a new residence at 2168 10th Avenue (Block 2208, Lot 13) and adopting findings pursuant to Planning Code Section 101.1.

December 7, 1998 Board of Supervisors — ADOPTED

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Teng, Yaki, Yee

Absent: 2 - Medina, Newsom

File No. 981488

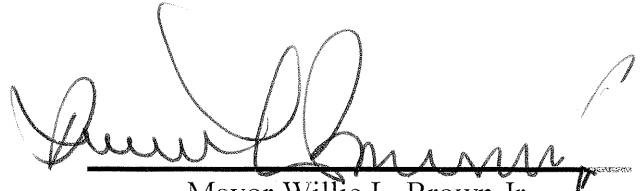
I hereby certify that the foregoing Resolution was ADOPTED on December 7, 1998 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

DEC 11 1998

Date Approved



Mayor Willie L. Brown Jr.