

1 [Street Encroachment at 1230-1240 Twin Peaks Boulevard]

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3 **Resolution granting revocable permission to Michael Chung to occupy, excavate and**
4 **regrade an existing unimproved portion of the public right-of-way to construct and**
5 **maintain private concrete driveways with retaining walls, walkways and steps with**
6 **accommodations for drainage and new landscaping to provide pedestrian and**
7 **vehicular access to two (2) new single family dwellings at 1230-1240 Twin Peaks**
8 **Boulevard (Block 2821, Lots 022 & 021), conditioned upon the payment of an annual**
9 **assessment fee, and making environmental findings and findings of consistency with**
10 **the General Plan and the priority policies of Planning Code Section 101.1.**

11 WHEREAS, Pursuant to Public Works Code Section 786, John Schlesinger, Architect,
12 on behalf of Michael Chung (the Permittee), requested permission to occupy, excavate and
13 regrade an existing unimproved portion of the public right-of-way to construct and maintain
14 private concrete driveways with retaining walls, walkways and steps with accommodations for
15 drainage and new landscaping to provide pedestrian and vehicular access to two (2) new
16 single family dwellings at 1230-1240 Twin Peaks Boulevard. The encroachment and related
17 improvements are shown on plans filed with the Department of Public Works. Copies of such
18 plans are on file in the office of the Clerk of the Board of Supervisors in File No. 090981;
19 and,

20 WHEREAS, The Transportation Advisory Staff Committee (TASC), at its meeting of
21 April 23, 2009, recommended the proposed encroachment for approval; and,

22 WHEREAS, The Planning Department by letter dated March 12, 2009, found the
23 proposal, on balance, to be in conformity with the General Plan. This letter also includes a
24 determination relating to the encroachment pursuant to the California Environmental Quality
25 Act (California Public Resources Code sections 21000 et seq.). A copy of said letter is on file

1 with the Clerk of the Board of Supervisors in File No. 090981, and is incorporated herein by
2 reference; and,

3 WHEREAS, After a duly noticed public hearing on May 20, 2009, the Department of
4 Public Works recommended approval of the proposed encroachment; and,

5 WHEREAS, The permit and associated street encroachment agreement, which are
6 incorporated herein by reference and are on file with the Clerk of the Board of Supervisors in
7 File No. 090981, shall not become effective until:

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

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

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

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

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

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

24 (c) To remove or relocate such facilities if installation of the encroachment requires
25 said removal or relocation and to make all necessary arrangements with the owners of such

1 facilities, including payment for all their costs, should said removal or relocation be required;
2 and,

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

7 WHEREAS, The permit shall be conditioned upon payment of an annual public right-of-
8 way occupancy assessment pursuant to Public Works Code Section 786 and the initial
9 amount of said fee shall be \$675.00; and,

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

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

15 RESOLVED, That pursuant to Public Works Code Section 786, the Board of
16 Supervisors hereby grants revocable permission to Michael Chung to occupy, excavate and
17 regrade an existing unimproved portion of the public right-of-way to construct and maintain
18 private concrete driveways with retaining walls, walkways and steps with accommodations for
19 drainage and new landscaping to provide pedestrian and vehicular access to two (2) new
20 single family dwellings at 1230-1240 Twin Peaks Boulevard, conditioned upon the payment of
21 an annual occupancy assessment fee and other conditions set forth herein; and, be it

22 FURTHER RESOLVED, That the Board adopts as its own the findings of consistency
23 with the General Plan and Planning Code Section 101.1 as set forth in the Planning
24 Department letter dated March 12, 2009, and affirms the environmental determination
25 contained in said letter.

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RECOMMENDED:

Fuad S. Sweiss, PLS, PE
City Engineer and
Deputy Director for Engineering

APPROVED:

Edward D. Reiskin
Director of Public Works