

1 [Street Encroachment - Adjacent to the Peru Avenue Frontage of 711 Peru Avenue]

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3 **Resolution granting revocable permission to Stanford Chiang to occupy a portion of**
4 **the Peru Avenue public right-of-way between Valmar Terrace and Felton Street to**
5 **construct and maintain various improvements, including a new bridge driveway and**
6 **associated foundation, adjacent to 711 Peru Avenue (Assessor's Block No. 5943, Lot**
7 **No. 025); conditioning the permit; affirming the Planning Department's determination**
8 **under the California Environmental Quality Act; and making findings of consistency**
9 **with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

10
11 WHEREAS, Pursuant to Public Works Code, Section 786, Robert Chiang, on behalf of
12 Property Owner Stanford Chiang, requested permission to occupy a portion of the Peru
13 Avenue public right-of-way to construct and maintain a new bridge driveway and associated
14 foundation, retaining wall structures, and required structural elements and other related
15 improvements adjacent to 711 Peru Avenue (Assessor's Block No. 5943, Lot No. 025); and

16 WHEREAS, The proposed encroachments, which would be located on a portion of
17 Peru Avenue between Valmar Terrace and Felton Street are shown on the permit plans,
18 copies of which are on file with the Clerk of the Board in File No. 151224 and incorporated
19 herein by reference; and

20 WHEREAS, The San Francisco Municipal Transportation Agency, per a memorandum
21 dated October 1, 2014, confirmed that the Transportation Advisory Staff Committee (TASC)
22 had no objections and recommended the proposed encroachment for approval; and

23 WHEREAS, The Planning Department, by letter dated August 11, 2014, found the
24 proposal to be consistent with the General Plan, and the eight priority policies of Planning
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1 Code, Section 101.1, as previously determined in the General Plan findings issued on
2 January 22, 2001, (Case 200.1181R); and

3 WHEREAS, The Planning Department, by letter dated December 5, 2000, determined
4 that this project is categorically exempt from environmental review and determined that the
5 project is in compliance with the California Environmental Quality Act (California Public
6 Resources Code, Sections 21000, et seq.); and

7 WHEREAS, Copies of said letters are on file with the Clerk of the Board in File No.
8 151224 and is incorporated herein by reference; and

9 WHEREAS, The San Francisco Public Works Structural Division, per correspondence
10 dated July 15, 2015, confirmed that the Public Works Structural Division had no objections
11 and recommended the proposed encroachment for approval; and

12 WHEREAS, After a duly noticed public hearing on August 26, 2015, Public Works (the
13 "Department", "Public Works", or "PW") recommended approval of the proposed
14 encroachments, as set forth in PW Order No. 184030, dated September 14, 2015; and

15 WHEREAS, A copy of the PW Order is on file with the Clerk of the Board in File No.
16 151224 and is incorporated herein by reference; and

17 WHEREAS, The permit and associated street encroachment agreement
18 ("Encroachment Agreement"), copies of which are on file with the Clerk of the Board in File
19 No. 151224 and incorporated herein by reference, shall not become effective until:

20 (a) The Permittee executes and acknowledges the permit and delivers said permit to
21 the Department;

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

3 (c) The Permittee delivers to Public Works a maintenance bond to ensure adequate
4 maintenance of the encroachment for the life of the encroachment. The maintenance bond
5 shall be in the amount of \$25,000; and

6 (d) The Public Works Director records the permit and associated agreement in the
7 office of the County Recorder; and

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

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

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

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

19 WHEREAS, The permit shall be conditioned upon payment of an annual public right-of-
20 way occupancy assessment pursuant to Public Works Code, Section 786, and the initial
21 amount of said fee shall be \$3,800.00: and

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

24 WHEREAS, Use of the encroachment permit area is not exclusive to the Permittee and
25 may be accessed by the general public and adjacent property owners; and

1 WHEREAS, Should an adjacent property owner request a separate encroachment
2 permit that affects said encroachment, the Board hereby delegates to the Department, in its
3 discretion, the ability to amend or modify this permit to accommodate a separate permit(s).
4 Under such circumstances, the Department shall adjust the requirements concerning permit
5 maintenance, liability, annual occupancy fee, and any other applicable conditions to
6 proportionately allocate responsibility among the permit holders; and

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

10 RESOLVED, That pursuant to Public Works Code, Section 786, the Board of
11 Supervisors hereby grants revocable permission to Stanford Chiang to occupy a portion of the
12 Peru Avenue public right-of-way between Valmar Terrace and Felton Street to construct and
13 maintain a new bridge driveway and associated foundation, retaining wall structures, and
14 required structural elements and other related improvements adjacent to 711 Peru Avenue
15 (Assessor's Block No. 5943, Lot No. 025); and, be it

16 FURTHER RESOLVED, The permission granted herein is conditioned upon the
17 requirements set forth in this resolution; and, be it

18 FURTHER RESOLVED, That this Board adopts as its own the findings of consistency
19 with the General Plan, and Planning Code, Section 101.1, as set forth in the Planning
20 Department letter dated August 11, 2014, and affirms the Planning Department's
21 determination under the California Environmental Quality Act.