

1 [Construct retaining walls in public right-of-way in order to provide for a parking garage
2 driveway and a level entry to a new resident at 715 Peru Avenue (Block 5943, Lot 25).]

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4 **Resolution granting, through May 10, 2005, revocable permission to Robert C. M. &
5 Lori O. W. Chiang to occupy a portion of the street to construct retaining walls in
6 public right-of-way in order to provide for a parking garage driveway and a level entry
7 to a new resident at 715 Peru Avenue (Block 5943, Lot 025); conditioned upon the
8 payment of a \$1,000 fee from Robert and Lori Chiang to the City and County of San
9 Francisco.**

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11 WHEREAS, That pursuant to Public Works Code Section 786, permission, revocable
12 at the will of the Board of Supervisors and automatically terminating upon failure to continue
13 in force the insurance protection hereafter referred to is hereby granted to Robert C. M. &
14 Lori O. W. Chiang to occupy a portion of the street area to construct retaining walls in order
15 to provide for a parking garage driveway and a level entry to a new resident at 715 Peru
16 Avenue (Block 5943, Lot 025) as shown on the plans, a copy of which is on file in the office
17 of the Clerk of the Board of Supervisors; and,

18 WHEREAS, The Department of City Planning, by Motion No. 2000.1181 R, dated
19 January 22, 2001, declared that the proposed encroachment would be in conformity with the
20 General Plan if the following conditions are met:

- 21 1. Permanent and unobstructed easement for ingress and egress across the
22 public right-of-way is given to the adjacent property (719 Peru, Assessor's
23 Block 5943, lot 024) and,
24 2. Such easement must satisfy all relevant building code

25 WHEREAS, That this permit shall not become effective until:

1 [a] There shall have been executed and acknowledged by the Permittee; and by it delivered to
2 the City's Controller, who shall have the recorded in the office of the City Recorder a
3 street encroachment agreement, a copy of which is on file with the Clerk of the Board of
4 Supervisor in File No. 040228, and;

5 [b] There shall have been executed and acknowledged by the Permittee; and by it delivered to
6 the City Controller, who shall have the recorded in the office of the City Recorder a
7 maintenance agreement, a copy of which is on file with the Clerk of the Board of
8 Supervisor in File No. 040228, and;

9 [c] There shall be delivered to the Controller the policy of insurance provided for in said
10 agreement and the Controller shall have had approved same as complying with the
11 requirement of said agreement. The Controller may, as his option accept, in lieu of said
12 insurance policy, the certificate of an insurance company certifying to the existence of
13 such a policy, which is hereby declared to be a part of this resolution as if set forth fully
14 herein; and,

15 [d] There shall have been executed and acknowledge by the Permittee; and by it delivered to
16 the City's Controller, who shall recorded in the office of the City Recorder a maintenance
17 agreement, a copy of which is on file with the Clerk of the Board of Supervisor in File No.
18 040228, and;

19 WHEREAS, The Permittee, at the permittee's sole expense, and as is necessary as a
20 result of this permit shall make arrangements:

21 [1] to provide for the support and protection of facilities belonging to the Department of Public
22 Works, public utility companies, the San Francisco Water Department, the San Francisco Fire
23 Department and other City Departments;

24 [2] to remove or change the location of such facilities and provide access to such facilities for the
25 purpose of constructing, reconstructing, maintaining, operating, or repairing such facilities; and,

1 WHEREAS, The Permittee shall procure the necessary permits from the Central Permit
2 Bureau, Department of building Inspections, and/or Bureau of Street-Use and Mapping, Department
3 of Public Works, and pay the necessary permit fees and inspection fees before starting work; and,

4 WHEREAS, That the Board of Supervisors reserves the right to exact a permit fee, or rental,
5 for the use of said street area for the purpose of performance of its governmental or proprietary
6 activities, including the construction, reconstruction, maintaining, operating, repairing, removing, and
7 use of public utilities located under, over or along said street area; and,

8 WHEREAS, That no structure shall be erected or constructed within said street right-
9 of-way except as specifically permitted herein; and,

10 WHEREAS, That the Permittee shall assure all costs and maintenance and repair of
11 the encroachments at no cost or obligation of any kind shall accrue to the City and County of
12 San Francisco by reason of this permission granted; now, therefore, be it

13 RESOLVED, That pursuant to Public Works Code Section 786, permission, revocable
14 at the will of the Board of Supervisors and automatically terminating upon failure to continue
15 in force ~~toe~~ the provisions and requirements of the Street Encroachment Agreement
16 hereafter referred to, is hereby granted, through May 10, 2005, to Robert C. M. & Lori O. W.
17 Chiang to occupy a portion of the street area to construct retaining walls in order to provide
18 for a parking garage driveway and a level entry to a new resident at 715 Peru Avenue (Block
19 5943, Lot 025) as shown on the plans, a copy of which is on file in the office of the Clerk of
20 the Board of Supervisors. This permission is conditioned upon the payment of a \$1,000 fee
21 from Robert and Lori Chiang to the City and County of San Francisco. This permission shall
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1 automatically terminate at 12:01 A.M. on May 11, 2005, unless otherwise extended by the
2 City and County of San Francisco.

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4 RECOMMENDED:

5 See original for signature

6 Robert P. Beck

7 Deputy Director for Engineering

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APPROVED:

See original for signature

Edwin M. Lee

Director of Public Works