

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

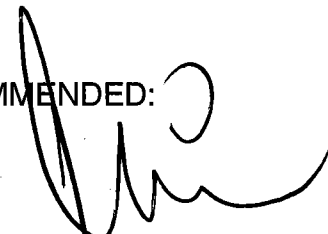
17 WHEREAS, No structure shall be erected or constructed within said street right-of-way  
18 except as specifically permitted herein; and

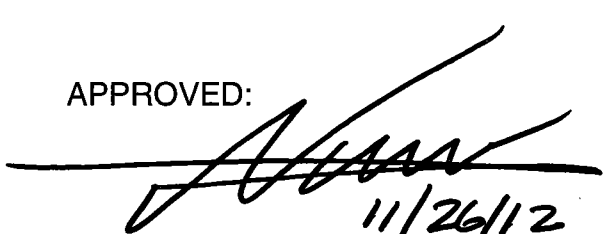
19 WHEREAS, The Permittee shall assume all costs for the maintenance and repair of the  
20 encroachments and no cost or obligation of any kind shall accrue to the City and County of  
21 San Francisco by reason of this permission granted; now, therefore, be it

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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9 RECOMMENDED:   
10 \_\_\_\_\_  
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12 Fuad Sweiss, City Engineer  
13 Deputy Director for Engineering

APPROVED:   
11/26/12  
\_\_\_\_\_  
Mohammed Nuru  
Director of Public Works

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# City and County of San Francisco

## Tails Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 121168

**Date Passed:** March 12, 2013

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

December 10, 2012 Land Use and Economic Development Committee - REFERRED  
WITHOUT RECOMMENDATION AS COMMITTEE REPORT

December 11, 2012 Board of Supervisors - RE-REFERRED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague  
and Wiener

February 11, 2013 Land Use and Economic Development Committee - REFERRED  
WITHOUT RECOMMENDATION

February 26, 2013 Board of Supervisors - CONTINUED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Wiener  
and Yee

March 12, 2013 Board of Supervisors - ADOPTED

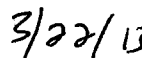
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener  
and Yee

File No. 121168

I hereby certify that the foregoing  
Resolution was ADOPTED on 3/12/2013 by  
the Board of Supervisors of the City and  
County of San Francisco.



Angela Calvillo  
Clerk of the Board

  
Mayor

Date Approved