

1 [Placement of 4 polyvinyl chloride pipes (PVC) across Miramar Avenue at 1490 Ocean
2 Avenue to interconnect existing groundwater monitoring wells as part of a recovery/clean up
3 system.]

4 **Resolution granting revocable permission to Tosco to occupy a portion**
5 **of the street area under Miramar Avenue for the purpose of installing and**
6 **maintaining four (4) schedule 80 polyvinyl chloride pipe (PVC) as part of a**
7 **recovery/clean up system.**

8 WHEREAS, That pursuant to Public Works Code Section 786, permission,
9 revocable at the will of the Board of Supervisors and automatically terminating upon
10 failure to continue in force the insurance protection hereafter referred to is hereby
11 granted to Tosco to occupy a portion of the street area, under Miramar Avenue, for
12 the purpose of installing and maintaining four (4) schedule 80 polyvinyl chloride pipes
13 (PVC) as shown on the plans, a copy of which is on file in the office of the Clerk of
14 the Board of Supervisors; and

15 WHEREAS, The Department of City Planning, by Motion No. 2000.532 R,
16 dated June 26, 2000, declared that the proposed encroachment are in conformity
17 with the General Plan and with the Eight Priority Policies of Planning Code Section
18 101.1; in that:

- 19 1. The project is for the installation of conduits under Miramar Street for a
20 recovery/clean up system, and would have no adverse effect on
21 neighborhood service retail uses or opportunities for employment in or
22 ownership of such businesses.
- 23 2. The project would have no adverse effect on the City's housing stock or
24 neighborhood character.

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1 complying with the requirement of said agreement. The Controller may, as
2 his option accept, in lieu of said insurance policy, the certificate of an
3 insurance company certifying to the existence of such a policy.

4 FURTHER PROVIDED, That the Permittee, in accordance with Government
5 Code Section 4216.1, shall become a member of, participate in, and share in
6 the costs of Underground Service Alert – Northern California (U.S.A.) regional
7 notification center.

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

10 [1] to provide for the support and protection of facilities belonging to the
11 Department of Public Works, public utility companies, the San Francisco
12 Water Department, the San Francisco Fire Department and other City
13 Departments;

14 [2] to remove or change the location of such facilities and provide access to
15 such facilities for the purpose of constructing, reconstructing, maintaining,
16 operating, or repairing such facilities.

17 FURTHER PROVIDED, The Permittee shall procure the necessary permits
18 from the Permit Bureau and/or Bureau of Street-Use and Mapping, Department of
19 and any and all other permits that may be required
20 Public Works, and pay the necessary permit fees and inspection fees before starting
21 work.

22 FURTHER PROVIDED, That the Board of Supervisors reserves the right to
23 exact a permit fee, or rental, for the use of said street area for the purpose of
24 performance of its governmental or proprietary activities, including the construction,
25 reconstruction, maintaining, operating, repairing, removing, and use of public utilities
located under, over or along said street area;

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- 3. The project would have no adverse effects on the City's supply of affordable housing.
- 4. The project would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking. During construction, a limited number of on-street parking spaces would be unavailable; however, any such impact would be temporary.
- 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 and would not affect community safety. The proposed project will be designed and constructed to comply with applicable code standards to ensure public safety in the event of an earthquake.
- 7. The project would not adverse effect on landmarks or historic buildings.
- 8. The project would have no adverse effect on parks and open space or their access to sunlight or vistas.

PROVIDED HOWEVER, That this permit 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 the recorded in the office of the City Recorder a street encroachment agreement, a copy of which is on file with the Clerk of the Board of Supervisor in File No. 010400 and which is hereby declared to be a part of this resolution attached thereto as Exhibit A.

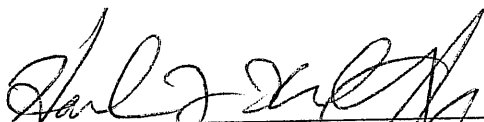
[b] There shall be delivered to the Controller the policy of insurance provided for in said agreement and the Controller shall have had approved same as

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

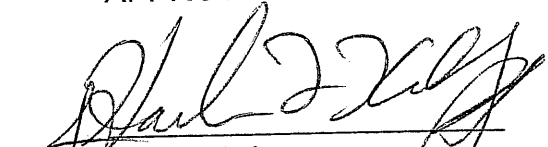
FURTHER PROVIDED, That the Permittee shall assure all costs and maintenance and repair of the encroachments at no cost or obligation of any kind shall accrue to the City and County of San Francisco by reason of this permission granted.

RECOMMENDED:



Harlan L. Kelly, Jr.
Deputy Director for Engineering
and City Engineer

APPROVED:



Edwin M. Lee
Director of Public Works



City and County of San Francisco

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

Tails Resolution

File Number: 010400

Date Passed:

Resolution granting revocable permission to Tosco to occupy a portion of the street area under Miramar Avenue for the purpose of installing and maintaining four (4) schedule 80 polyvinyl chloride pipe (PVC) as part of a recovery/clean up system.

April 2, 2001 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval

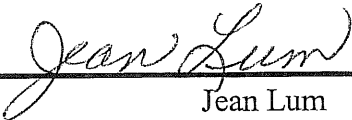
Absent: 1 - Yee

April 9, 2001 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

File No. 010400

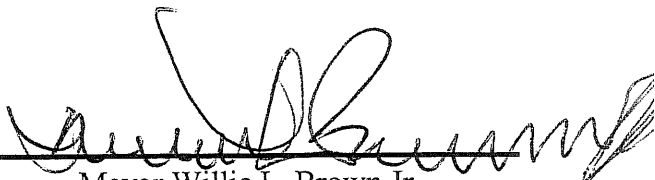
I hereby certify that the foregoing Resolution was ADOPTED on April 9, 2001 by the Board of Supervisors of the City and County of San Francisco.



Jean Lum
Acting Clerk of the Board

APR 20 2001

Date Approved



Mayor Willie L. Brown Jr.