

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).]  
3

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.**

10  
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  
22

1 automatically terminate at 12:01 A.M. on May 11, 2005, unless otherwise extended by the  
2 City and County of San Francisco.

3  
4 RECOMMENDED:

5 See original for signature

6 Robert P. Beck

7 Deputy Director for Engineering

APPROVED:

See original for signature

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

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**File Number:** 040228

**Date Passed:**

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

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April 27, 2004 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

May 11, 2004 Board of Supervisors — ADOPTED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval


Excused: 1 - Ammiano

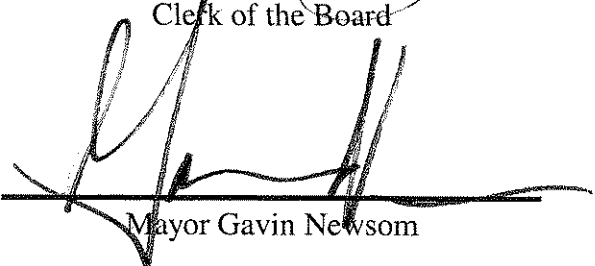
File No. 040228

I hereby certify that the foregoing Resolution was ADOPTED on May 11, 2004 by the Board of Supervisors of the City and County of San Francisco.

MAY 20 2004

Date Approved

  
Gloria L. Young  
Clerk of the Board

  
Mayor Gavin Newsom