

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: March 10, 2022

To: Members of the Board of Supervisors
Carla Short, Interim Director, Public Works
John Winfield, Justice Investors

From: *ACC* Angela Calvillo, Clerk of the Board of Supervisors

Subject: Notice of Filing: Administrative Hearing - Major Encroachment Permit
Pedestrian Bridge, Kearny Street to Portsmouth Square

The Office of the Clerk of the Board of Supervisors ("Board") is in receipt of a notice that five Members of the Board have subscribed to the request for an administrative hearing regarding revocation of the Major Encroachment Permit petition for the Pedestrian Bridge spanning Kearny Street (Assessor's Block No. 0208, Lot No. 024) to Portsmouth Square (Assessor's Block No. 0209, Lot No. 017); pursuant to Public Works Code, Section 786. The permit is held by Justice Investors ("permit holder").

A date has been scheduled for the administrative hearing at the Regular Meeting of the Board of Supervisors on:

Tuesday, April 12, 2022, at 3:00 p.m.

Please provide the names and contact information (address and/or email) for all individuals and organizations you wish to be notified of the hearing and we will send notice to all parties no less than ten days prior to the hearing date.

On (or within 30 days of) April 12, 2022, the Board must act by motion on a majority vote to consider revocation of the permit, which was previously approved on April 30, 1970, by Resolution No. 238-70 (attached). On October 10, 2018, Public Works conducted a Director's Hearing to consider the public petition submitted by 25 Chinatown and North Beach stakeholders, however, the Director did not issue a final written decision to resolve the petition filed.

By copy of this memo and pursuant to Public Works Code, Section 786(e)(2)(v), the Director of Public Works is requested to provide the Board and the permit holder with the following information by no later than Monday, March 21, 2022: a report estimating the cost of the revocation and associated restoration and identifying the responsible party that shall bear the costs if the party is anyone other than the permittee.

In addition, also by no later than Monday, March 21, 2022, the Director of Public Works is requested to provide the Board with a copy of the original petition and the administrative record from the Director's Hearing for inclusion in the Board file(s).

More information on this matter and administrative hearing will be forthcoming. If you have any questions or concerns in the meantime, please call (415) 554-5184.

Member, Board of Supervisors
District 3



City and County of San Francisco

AARON PESKIN

March 1, 2022

Angela Calvillo, Clerk of the Board
1 Dr. Carlton B. Goodlett Place, #244
San Francisco, CA 94115

RE: Board of Supervisors notice to hear MEP permit revocation

Madame Clerk:

With the support of my undersigned colleagues, I hereby submit notice, pursuant to SEC. 786(e)(2)(A)(v) of the Public Works Code, to bring the Major Encroachment Permit (approved through Board of Supervisors Resolution 238-70) governing the Pedestrian Bridge spanning Kearny Street from the Hilton Hotel (750 Kearny, Block 0208 Lot 024) to Portsmouth Square (Block 0209 Lot 017) to the Board of Supervisors for an administrative hearing to consider revocation of the permit at a March 2022 Committee of the Whole to be determined by your office.

Pursuant to Public Works Order No: 188406, a Director's Hearing was convened to hear the public petition submitted by 25 Chinatown and North Beach stakeholders (on file with Public Works) to revoke the Kearny Street Bridge permit, based on the ownership group's alleged violations of the terms of the permit agreement. Public Works duly held the hearing, took public comment and reviewed community exhibits on October 10, 2018.

According to Board of Supervisors Ordinance No. 31-19 – [Public Works Code – Major Encroachment Permit Revocation Hearings], *"if the Director of Public Works does not issue a final written decision resolving a petition filed under subsection (e)(2) within 180 days of the filing of the petition, then five members of the Board of Supervisors may subscribe to a notice requesting an administrative hearing regarding the permit revocation at the Board of Supervisors."*

Given that it has been four years since the permit revocation was duly noticed and held, and the Director of Public Works has still not issued a decision, the undersigned Supervisors request a hearing to resolve the Kearny Street Bridge permit issue and additional logistical next steps as outlined in the original permit agreement.

Sincerely,

Handwritten signature of Aaron Peskin.

Aaron Peskin

Handwritten signature of Shamann Walton.

Shamann Walton

Handwritten signature of Dean Preston.

Dean Preston

Handwritten signature of Connie Chan.

Connie Chan

Handwritten signature of Gordon Mar.

Gordon Mar

1 GRANTING PERMISSION TO JUSTICE INVESTORS TO OCCUPY A PORTION OF KEARNY
2 STREET BETWEEN WASHINGTON AND MERCHANT STREETS FOR A PEDESTRIAN BRIDGE

3
4 RESOLVED, That permission revocable at the will of the Board of
5 Supervisors and automatically terminating upon failure to continue in
6 force the insurance protection hereinafter referred to, is hereby granted
7 to Justice Investors to occupy a portion of Kearny Street between Wash-
8 ington and Merchant Streets in front of Lot 21 in Block 208 for the
9 purpose of constructing and maintaining an ornamental overhead pedestrian
10 bridge between the Chinese Cultural Center complex and Portsmouth Square
11 all as shown on Drawings A-45, A-46 and A-48 entitled Chinese Cultural
12 and Trade Center prepared by Clement Chen and Assoc. and John Carl
13 Warnecke and Assoc., Associated Architects and dated March 17, 1970,
14 a copy of each of which is on file in the office of the Clerk of the
15 Board of Supervisors.

16 PROVIDED, HOWEVER, That this permission shall not become effec-
17 tive until:

18 (a) There shall have been executed and acknowledged by
19 the permittee, and by it delivered to City's Controller
20 who shall have had recorded in the office of the County
21 Recorder a street encroachment agreement, a copy of which
22 is on file with the Clerk of the Board of Supervisors in
23 File No. 198-70, and which is hereby declared to be
24 a part of this resolution as if set forth fully herein,
25 and the copy of this resolution attached thereto as
26 Exhibit A.

27 (b) There shall have been delivered to the Controller the
28 policy of insurance provided for in said agreement and
29 the Controller shall have approved same as complying
30

1 with the requirements of said agreement. The Controller
2 may, at his option, accept, in lieu of said insurance.
3 policy, the certificate of an insurance company certify-
4 ing to the existence of such policy.

5 FURTHER PROVIDED, That the permittee shall procure the neces-
6 sary permits from the Central Permit Bureau, Department of Public
7 Works, and pay the necessary fees, before starting work.

8 FURTHER PROVIDED, That in the event this permission for said
9 encroachment is rescinded, annulled or revoked by the Board of Super-
10 visors of the City and County of San Francisco, the permittee shall
11 provide additional exits from the cultural complex in conformance with
12 the San Francisco Building Code.

13 FURTHER PROVIDED, That the permittee shall make arrangements
14 with the public utility companies and the San Francisco Water Depart-
15 ment for any change in location of their facilities which may be
16 necessary, or for access for the purpose of constructing, reconstruct-
17 ing, maintaining, operating, repairing and/or removing their facilities.

18 FURTHER PROVIDED, That the permittee shall assume all costs,
19 maintenance and repair of the encroachment and no cost or obligation
20 of any kind shall accrue to the City and County of San Francisco by
21 reason of this permission granted.

22
23 DESCRIPTION APPROVED:

24
25 
26 City Engineer

752
7/30

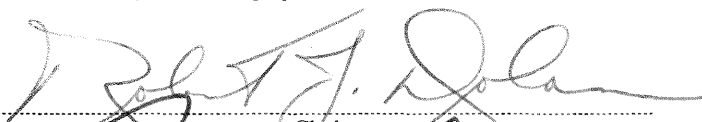
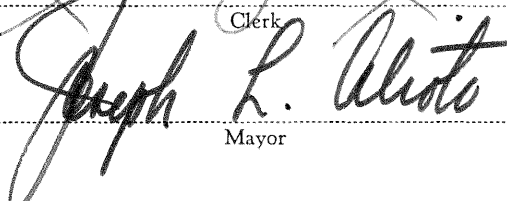
Adopted:—Board of Supervisors, San Francisco..... **APR 27 1970**

Ayes: Supervisors Barbagelata, Boas, ~~Ertola~~, Feinstein, ~~Francois~~, Gonzales, Mailliard, ~~Mendelsohn~~, Pelosi, Tamaras, ~~von Beroldingen~~.

~~Not on Supervisors~~.....

Absent: Supervisors..... **ERTOLA FRANCOIS MENDELSONN vonBEROLDINGEN**

I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.


Clerk

Mayor

198-70
File No.

APR 30 1970
Approved