



London N. Breed  
Mayor

Mohammed Nuru  
Director

San Francisco Public Works  
1 Dr. Carlton B. Goodlett Pl.  
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July 12, 2018

Ms. Janet Lee Tse  
Lead Petitioner  
1731 Stockton Street  
San Francisco, CA 94133

RE: Petition to Revoke the Major Encroachment Permit and the Board of Supervisors  
Resolution No. 238-70

Dear Ms. Janet Lee Tse,

San Francisco Public Works has received and reviewed your petition to revoke the Major Encroachment Permit (Resolution 238-70) for the pedestrian bridge over Kearney Street from the Hilton Hotel to Portsmouth Square. The petition is hereby accepted and a Public Works Hearing regarding the petition has been scheduled.

Public Works Hearing information:

Location: City Hall  
1 Dr Carlton B Goodlett Place, Room 400  
San Francisco, CA 94102

Date & Time: Wednesday October 10, 2018 at 9:00 A.M.

Best regards,

Mohammed Nuru  
Director of Public Works

Cc: Permit Holder – Hilton?  
Jerry Sanguinetti – BSM



[Print](#)

## San Francisco Public Works Code

**SEC. 786. STREET (MAJOR) ENCROACHMENT PERMIT.**

(a) The Board of Supervisors by resolution may approve, conditionally approve, or deny applications for a street encroachment permit, also known as a major encroachment permit, to occupy the public right-of-way, as defined in Section 2.4.4, after the Public Works Director processes the permit application in accordance with the requirements of Sections 786*et seq.* The Director's processing of permits shall include a recommendation on the application to the Board of Supervisors. The street encroachment permit shall contain an encroachment agreement that provides additional detail on the permittee's rights and obligations under the permit, including maintenance of the encroachment, and establishes the regulatory relationship between Public Works and the permittee for implementation of the permit. The encroachment agreement also shall include a permittee maintenance monitoring and reporting program for Public Works' use in determining compliance with the permit terms. There is no appeal of the Board of Supervisors decision on such permits.

(b) For multi-phase or large-scale development projects, such as projects with a City-approved development agreement, the Board of Supervisors may approve, conditionally approve, or deny an application for a master street encroachment permit that applies to all or a portion of the development project site. As part of the Board of Supervisors approval or conditional approval of such master permit, the Board may provide for the contiguous and non-contiguous annexation of new areas of the project site into the master permit and assignments of obligations from the original permittee to the permittee's agent or assignee. The Board also may delegate to the Director of Public Works the ability to divide the master permit into separate master permits or individual street encroachment permits. If the Director determines in writing that a delegated action specified in this subsection (b) would involve entirely new or significantly modified encroachments that were not included as part of the Board of Supervisors approval of the multi-phase or large-scale development project or the initial master encroachment permit, then the Board of Supervisors shall approve, conditionally approve, or deny such encroachments as part of a new or modified master street encroachment permit. Notwithstanding Public Works Code Section 706 or other Municipal Codes that place sidewalk maintenance responsibility on fronting property owners, the Board of Supervisors may authorize the master street encroachment permittee or the permittee's agent or assignee, such as a homeowners' association, to comply with the terms of the Section 706 in lieu of the fronting property owner.

(c) All street encroachment permits are non-exclusive and revocable. As a condition of permit revocation, the permittee shall restore the public right-of-way to a condition satisfactory to the Public Works Director at the permittee's sole and absolute expense.

(d) The Director, in his or her discretion, may recommend denial of a street encroachment permit application. The Director shall notify the applicant in writing of this recommendation. The Director shall hold an administrative hearing on his or her recommendation to deny the application and issue a written decision on the recommendation to deny within a reasonable period after the hearing. If the basis for the denial decision relates solely to engineering design, the Director's denial decision constitutes a final decision that is not subject to appeal. If the basis for the denial decision is solely for reasons unrelated to engineering design, the applicant may appeal the Director's denial decision to the Board of Supervisors within 30 days of the date of the Director's written decision. The applicant's appeal shall be filed in writing with the Clerk of the Board of Supervisors and accompanied with 1) a copy of the Director's written decision, 2) checks in the amount of \$635 for the Clerk of the Board of Supervisors and \$400 for Public Works to compensate the City for its cost related to the appeal, and 3) documentation that constitutes evidence to support the appeal. The Clerk shall conditionally accept an appeal subject to a determination that the appellant filed the appeal in a timely manner and the appeal complies with the requirements of this Section 786(d). The Clerk shall provide notice to the appellant of the conditional acceptance. Within seven

working days of the filing of the appeal, the Clerk shall mail notice to the appellant and the Public Works Director of the acceptance or rejection of the appeal. The Clerk shall schedule a hearing on the appeal before the full Board of Supervisors no less than 15 and no more than 45 days from the appeal filing. The Clerk shall provide mailed notice of the appeal to the appellant, Public Works Director, and all organizations and individuals who previously requested notice in writing no less than 10 days prior to the date the appeal is scheduled for a Board of Supervisors hearing. The Board of Supervisors shall act by motion on a majority vote within 30 days of the date for the appeal hearing. However, the Board of Supervisors may postpone a decision if the Board does not conduct at least three regular Board meetings during such 30 days period. If such postponement occurs, the Board of Supervisors shall decide such appeal within 60 days of the date for the appeal hearing or at the next regularly scheduled Board meeting should such deadline fall within a Board recess. If the Board of Supervisors revokes the street encroachment permit, it shall adopt findings concerning the basis for revocation and the cost of any revocation and associated restoration. The Board also shall identify the responsible party that shall bear such revocation and restoration cost if it is a party other than the permittee. In addition, if the Board revokes the permit after a hearing initiated under subsection (e)(2)(B)(iv), the Board shall adopt findings concerning each of the grounds for revocation that the public revocation petition cites. Failure of the Board of Supervisors to act shall be deemed an approval of the Director's decision. The Board of Supervisors decision on appeal is final and there is no appeal.

(e) (1) The Director, in his or her discretion, may recommend revocation of a street encroachment permit. The Director shall notify the permittee in writing of this recommendation. The Director shall hold an administrative hearing on his or her recommendation to revoke the permit and issue a written decision on the recommendation to revoke within a reasonable period after the hearing. Prior to the administrative hearing, the Director shall develop an estimate of the cost of any revocation and associated restoration and identify the responsible party that shall bear such cost if it is a party other than the permittee. The Director shall provide this cost estimate to the permit holder in advance of the administrative hearing and include the estimate in the hearing's administrative record. The Permittee may appeal the Director's decision to revoke to the Board of Supervisors within 30 days of the date of the Director's written decision. The appeal process shall be the same as specified in Section 786(d).

(2) (A) (i) The public may petition the Public Works Director to revoke a permit. Within 14 days of the receipt of the public revocation petition, the Director shall determine if the petition complies with the requirements of this subsection (e)(2) and notify the lead petitioner and permit holder of his or her decision to accept the petition and schedule an administrative hearing on a specific date or to deny the petition. The Director's decision to accept or deny the petition constitutes a final decision that is not subject to appeal.

(ii) If the Director accepts the petition, he or she shall schedule an administrative hearing no earlier than 60 days and no later than 90 days after the date of petition acceptance in order to provide the permit holder with an opportunity to cure the problems associated with the permit as identified in the petition. At the administrative hearing, the Director shall provide the permit holder with an opportunity to present evidence that he or she has cured the problems identified in the petition.

(iii) Prior to any administrative hearing on the petition, the Director shall develop an estimate of the cost of any revocation and associated restoration and identify the responsible party that shall bear such cost if it is a party other than the permittee. The Director shall provide this cost estimate to the lead petitioner and the permit holder in advance of the administrative hearing and include the estimate in the hearing's administrative record.

(B) (i) Within a reasonable period after the administrative hearing, the Director shall issue a written decision on the permittee's cure, if any, and the public revocation petition and find, based on the public interest, that he or she will reject the petition, approve the petition, or initiate revocation of the permit on grounds other than those identified in the petition. The Director shall mail notice of his or her decision to the lead petitioner, the permit holder, and the Clerk of the Board of Supervisors.

(ii) If the Director approves the revocation petition or initiates revocation of the permit on grounds other than those identified in the petition, he or she shall proceed with permit revocation process as

specified in subsection (e)(1), including scheduling a new administrative hearing on the Director's revocation decision.

(iii) If the Director rejects the petition based solely on engineering design, the Director's decision constitutes a final decision that is not subject to appeal and the petition is null and void. If the Director rejects the petition based solely on a determination that the permit holder has successfully cured the problems identified in the petition, the Director's decision constitutes a final decision that is not subject to appeal and the petition is null and void.

(iv) If the Director's decision to reject the petition is neither based solely on a determination of successful cure nor based solely on engineering design, then five members of the Board of Supervisors may subscribe to a notice of appeal to reverse the Director's decision and revoke the permit. Said notice of appeal shall be filed with the Clerk of the Board of Supervisors within 30 days of the date of the Director's written decision rejecting the petition.

(C) The signature of members of the Board on the notice of appeal shall not be deemed to be any indication of their position on the merits of the appeal but rather shall indicate only that they believe there is sufficient public interest and concern in the matter to warrant a hearing by the Board of Supervisors. The scheduling and conduct of the appeal hearing shall be the same as specified in Section 786(d) once the Clerk of the Board of Supervisors receives the notice of appeal from five members of the Board, except that the Clerk shall notify the lead petitioner identified under subsection (e)(2)(D) and the permit holder instead of notifying an appellant as there is no appellant.

(D) A valid public revocation petition for purposes of this subsection (e)(2) shall be a single petition subscribed by no less than 25 San Francisco residents from the Supervisorial district in which the street encroachment permit is located. Each signature on the petition shall be notarized and accompanied with the address of the petitioner. A petition is valid only if it includes documentary evidence of one or more of the following grounds for revocation of the street encroachment permit: (i) the permittee has failed to maintain the encroachment under the terms of the permit, (ii) the encroachment presents a significant health or safety hazard, or (iii) the encroachment creates severe and negative impacts on the surrounding neighborhood that cannot be mitigated. For any street encroachment permit issued prior to June 1, 2017, a valid petition shall include any of the evidence identified in this subsection (e)(2)(D)(i)-(iii) or evidence that revocation of the permit would serve a public purpose. The petition shall identify a lead petitioner for purposes of receiving mailed notice of any Director decisions related to the petition. No more than one petition for the subject street encroachment permit shall be submitted in a single year-long period and the signatures and notary statements for that petition shall be affixed no more than six months prior to the date of submission.

(f) Beginning with fiscal year 2018-2019, the appeal fees in Section 786(d) may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller. No later than April 15th of each year, the Director and Clerk of the Board of Supervisors shall submit the Department's and Clerk's current fee to the Controller, who shall apply the price index adjustment to produce a new fee for the following year. No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which the fee is charged and (b) the fees do not produce revenue that exceeds the costs of providing the services for which each permit fee is charged. Notwithstanding the procedures set forth in this subsection (f), the Board of Supervisors, in its discretion, may modify the fees by ordinance at any time.

(g) For purposes of Sections 786 *et seq.*, a street encroachment permit shall include, but is not limited to, an encroachment above and/or below ground that extends beyond the centerline of the public right-of-way, one or more encroachments that occupy the public right-of-way adjacent to more than one property owner and the applicant(s)/permittee(s) proposes it collectively as a single permit, an encroachment where the applicant/permittee is not the property owner adjacent to the encroachment, an encroachment that exceeds one or both of the occupation limits specified in Section 723.2 governing minor sidewalk encroachments or its successor Section, and any encroachment that the Director determines to have significant impacts to the public right-of-way.

(h) If a street encroachment permit involves street reconstruction and occupancy of the majority of a through street segment or an intersection, the design shall provide for communication services as defined in Subdivision Code Section 1336 if the permittee is not providing such services as part the development of real property adjacent to the street encroachment permit. After the permittee provides such communication services, such services shall be excluded from the terms of the street encroachment permit and any associated agreements concerning the permit, and the permittee shall have no further responsibility in regard to such services. The Public Works Director is authorized to waive this requirement if the cost of providing such services is excessive in comparison to the cost of the street encroachment permit, the design of the street encroachment permit would be undermined by inclusion of the services, or for other reasons that the Director determines would adversely affect the permit or its design. This Subsection (g) shall not apply to a temporary street encroachment permit under Section 786.9.

(i) For purposes of Sections 786*et seq.*, “engineering design” shall mean professional engineering work as set forth in the Professional Engineers Act, California Business and Professions Code Sections 6700 *et seq.*

(j) The Director, after a public hearing, may adopt such orders, policies, regulations, rules, or standard plans and specifications in regard to street encroachment permits and applications as he or she deems necessary to preserve and maintain the public health, safety, welfare, and convenience. Such orders, policies, regulations, rules, or standard plans and specifications may include, but are not limited to, permit application materials, implementation and annexation procedures for master major encroachment permits, standards for establishing annual maintenance costs for encroachments, site conditions, and accessibility of sidewalks and streets.

(Added by Ord. 27-75, App. 2/5/75; amended by Ord. 401-87, App. 9/25/87; Ord. 35-18, File No. 170761, App. 3/8/2018, Eff. 4/8/2018, Oper. 6/1/2017)

## **SEC. 786.1. CONTENT OF APPLICATIONS.**

The content of applications shall be in accordance with the policies, rules and regulations of the Director of Public Works. All applications shall be on forms prescribed therefor and shall contain or be accompanied by all information required to assure the presentation of pertinent facts for proper consideration of the case and for the permanent record. The applicant may be required to file with his application the information needed for the preparation and mailing of notices as specified in Section 786.4.

(Added by Ord. 27-75, App. 2/5/75)

## **SEC. 786.2. REPORTS.**

The Public Works Director shall forward copies of the application for a street encroachment permit to the Director of Planning, the Director of Property, the Chief of the Police Department, the Chief of the Fire Department, the Transportation Director of the Municipal Transportation Agency, the General Manager of the Public Utilities Commission, the Art Commission, and to the City Engineer. The Public Works Director shall request a report from each of the listed departments concerning the effect of the proposed encroachment in relation to their duties and responsibilities. The completed reports shall be returned to the Public Works Director within 60 days of the receipt of the copies of the application by the listed departments. The departments listed above may request one extension of time not to exceed 30 days from the Public Works Director, which extension of time shall be granted.

(Added by Ord. 27-75, App. 2/5/75; amended by Ord. 35-18, File No. 170761, App. 3/8/2018, Eff. 4/8/2018, Oper. 6/1/2017)

## **SEC. 786.3. SCHEDULE OF HEARINGS.**

Upon receipt of the reports from the departments listed in Section 786.2, regarding an application for a street encroachment permit, the Public Works Director shall set a time and place for a hearing thereon within a reasonable period, not to exceed 90 days from the date Public Works receives the last report. The

Public Works Director may extend the public hearing date if any City department listed in Section 786.2, the Department itself, or the applicant requests such extension. The Director shall send written notice of the basis for the extension and a proposed date for the hearing to the City departments listed in Section 786.2 and the applicant.

(Added by Ord. 27-75, App. 2/5/75; amended by Ord. 35-18, File No. 170761, App. 3/8/2018, Eff. 4/8/2018, Oper. 6/1/2017)

**SEC. 786.4. NOTICE OF HEARING.**

The Public Works Director shall give notice of time, place and purpose of the hearing on an application for a street encroachment permit as follows:

- (a) By mail, not less than 10 days prior to the date of the hearing, to the applicant or other person or agency making the application.
- (b) By mail, not less than 10 days prior to the date of the hearing, to the owners of all real property within 300 feet of all exterior boundaries of the proposed encroachment, using for this purpose the names and addresses of the owners as shown on the latest city-wide assessment roll in the office of the Assessor-Recorder. Failure to send notice by mail to any such property owner where the address of such owners is not shown on such assessment roll shall not invalidate any proceedings in connection with such application.
- (c) By posting, not less than 10 days prior to the date of the hearing in a public place near the boundaries of the proposed encroachment.
- (d) Such other notice as the Public Works Director shall deem appropriate.

(Added by Ord. 27-75, App. 2/5/75; amended by Ord. 35-18, File No. 170761, App. 3/8/2018, Eff. 4/8/2018, Oper. 6/1/2017)

**SEC. 786.5. CONDUCT OF HEARINGS.**

- (a) **Reports and Application Revisions.** The Department shall compile the reports of the departments listed in Section 786.2 along with any application revisions, and make this information available at the hearing for the subject street encroachment permit.
- (b) **Record.** A record shall be kept of the pertinent information presented at the hearing on a street encroachment permit, and such record shall be maintained as part of the permanent public records of Public Works.
- (c) **Continuances.** The Public Works Director shall determine the instances in which cases scheduled for hearing may be continued or taken under advisement. In such cases, new notice need not be given provided the date of any further hearing is announced at the previously scheduled hearing and public notice of the continued hearing is issued.

(Added by Ord. 27-75, App. 2/5/75; amended by Ord. 35-18, File No. 170761, App. 3/8/2018, Eff. 4/8/2018, Oper. 6/1/2017)

**SEC. 786.6. RECOMMENDATION.**

The Director of Public Works shall forward to the Board of Supervisors a recommendation for approval, disapproval or modification, including applicable conditions, of an application for a revocable permit for an encroachment of a public street or place. The record of the hearing thereon and the list of all parties notified of the hearing shall be attached to the Director's recommendation. Such recommendation and attachments shall be filed with the Clerk of the Board of Supervisors within 30 days after the hearing was closed.

(Added by Ord. 27-75, App. 2/5/75)

**SEC. 786.7. PUBLIC RIGHT-OF-WAY OCCUPANCY ASSESSMENT FEE FOR STREET ENCROACHMENTS.**

(a) The Board of Supervisors reserves the right to exact a public right-of-way occupancy assessment fee for the use of the street or other public right-of-way space permitted under the provisions of Sections 786*et seq.*

(b) In accordance with Subsection (a) the public right-of-way occupancy assessment fee for street encroachments, whether permitted or unpermitted, shall be an annual fee of \$3 per square foot of occupancy of the street or other public right-of-way space. For purposes of calculating the assessment fee, the Department shall charge no less than \$100 per year even though the calculated square footage charge for the encroachment may result in a smaller assessment fee.

(c) If the Board of Supervisors has imposed an annual public right-of-way occupancy assessment fee for a street encroachment permit, the permittee shall pay the greater of the Board-adopted fee or the assessment fee set forth in Subsection (b).

(d) The public right-of-way occupancy assessment fee shall be subject to the review and adjustment procedures as set forth in Sections 2.1.1*et seq.*

(e) The public right-of-way occupancy assessment fee shall not be charged to any federal, state or local governmental agencies, commission, or departments.

(f) Notwithstanding Subsection (b), no public right-of-way occupancy assessment fee shall be charged against the permittee for elements installed: (1) as a requirement under Planning Code Section 138.1, or (2) that the Department determines are consistent with any Board of Supervisors adopted Neighborhood Plan or streetscape plan as identified in the General Plan or Planning Code, or (3) as a condition of a City-approved development agreement or a disposition and development agreement authorized by the City or the Successor Agency to the San Francisco Redevelopment Agency, or (4) for improvements associated with a Planning Commission approved in-kind agreement in accordance with the Planning Code, or (5) pursuant to a street encroachment permit issued under Section 786.9(a) or (b), or (6) for a People Place permit associated with the Places for People Program established under Administrative Code Chapter 94A.

(Added by Ord. 179-05, File No. 050986, App. 7/29/2005; Ord. 310-10, File No. 101194, App. 12/16/2010; amended by Ord. 35-18, File No. 170761, App. 3/8/2018, Eff. 4/8/2018, Oper. 6/1/2017)

## **SEC. 786.8. MAINTENANCE ENDOWMENT FOR STREET ENCROACHMENT PERMITS WHERE THE PERMITTEE IS NOT THE OWNER OF ADJACENT PROPERTY.**

(a) If a permittee is not the owner of real property adjacent to the street encroachment permit, the permit is not recorded against the real property adjacent to the street encroachment permit, or both, then the permittee shall pay the Department a maintenance endowment to ensure adequate funds are available for ongoing and future maintenance of the street encroachment permit area and any future modification or restoration of the permit area to a condition satisfactory to the Public Works Director if the permittee abandons or terminates the permit or the Director revokes the permit.

(b) The Department shall deposit all funds collected for the maintenance endowment into the Public Works Encroachment Maintenance Fund as established under Administrative Code Section 10.100-229.

(c) The permittee shall pay the maintenance endowment in annual installments that are the equivalent each year of 20% of the estimated annual maintenance cost. The permittee shall pay the annual maintenance endowment installment for 10 years with the first payment due at the time of permit issuance. As part of the permit application, the permittee shall include an estimate of the annual maintenance cost and the City Engineer shall verify said cost for purposes of the maintenance endowment required under this Section 786.8.

(d) If the Board of Supervisors authorizes or approves the transfer or assignment of a street encroachment permit to an individual or entity that is not the owner of real property adjacent to the street encroachment permit area, then the transferee or assignee shall pay the annual maintenance endowment



installment under the terms specified in subsection (c) during the time they are the permittee. The transferee's or assignee's first installment payment is due on or before the effective date of the transfer or assignment. If there are multiple transfers or assignments, the Department shall not charge an amount that would exceed the total remaining payments it would collect for the subject street encroachment permit under the 10-year term for the Maintenance Endowment Fund specified in Section 786.8(c).

(e) If the Department or any other City agency, department, or commission, including the City Attorney's Office, incurs costs in performing the permittee's maintenance obligation or abating a violation, including any City required modification or restoration, and the permittee has paid the maintenance endowment required under this Section 786.8 in full, then the permittee shall reimburse the Department for all such City costs. If the permittee still is paying the maintenance endowment required under this Section 786.8, then the permittee shall: (1) reimburse the Department for all such City costs and (2) continue to make the required payments into the Public Works Maintenance Endowment Fund.

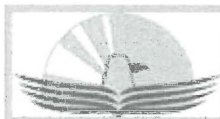
(f) In accordance with the reimbursement process of Section 786.8(e), the Director, in his or her discretion, may arrange for a reimbursement plan for the City maintenance and abatement with the permittee that takes into account the permittee's history of past permit compliance and other factors the Director deems appropriate, including but not limited to, the permittee's budget and number of employees. If the Department is reimbursed for the City's incurred costs, then the Department shall send the affected departments their share of the reimbursement.

(g) This Section 786.8 shall not apply to a street encroachment permit: (1) where the Board of Supervisors authorizes or approves the transfer or assignment of the permit from the original permittee to an individual or entity that is the successor owner(s) of real property adjacent to the street encroachment permit and the permit is recorded against the successor owner(s) real property, or (2) that the Board issues in accordance with the terms of Section 786(b) for a master encroachment permit, or (3) that the Board issues for a street plaza in accordance with Section 792 where the street plaza permittee is a different individual or entity than the holder of the underlying street encroachment permit or Public Works retains responsibility for the underlying public right-of-way, or (4) that the Director issues to a City agency, department, or commission, a State agency, or the federal government, or (5) that comprises a People Place permit associated with the Places for People Program established under Administrative Code Chapter 94A.

(h) If a street encroachment permit subject to the maintenance endowment as specified in this Section 786.8 has a construction cost of \$1 million or greater, the Board of Supervisors shall require a bond, other form of security, or payment into the Maintenance Endowment Fund in an amount required to restore the public right-of-way to a condition satisfactory to the Public Works Director based on a cost that the City Engineer determines. If the Board requires posting of a bond or other security, the permittee shall provide evidence to the Department that the bond or other security is operative on an annual basis. If the Board authorizes the Director to allow a transfer or assignment of a permit that is or will be subject to the maintenance endowment as specified in this Section 786.8 and said permit has or had a construction cost of \$1 million or greater, then the Director shall impose the same requirements as set forth in this subsection (h) as a condition of transfer or assignment. Departmental expenditures related to restoration shall be consistent with the terms of Administrative Code Section 10.100-229 or any successor law.

(Added by Ord. 35-18, File No. 170761, App. 3/8/2018, Eff. 4/8/2018, Oper. 6/1/2017)

## **SEC. 786.9. PERMITS FOR CITY DEPARTMENTS OR OTHER GOVERNMENTAL ENTITIES AND TEMPORARY ENCROACHMENTS.**



### **New Ordinance Notice**

**Publisher's Note:** This section has been **ADDED** by new legislation (Ord. 35-18, approved 3/8/2018, effective 4/8/2018, operative retroactive 6/1/2017). The text of the amendment will be incorporated below

when the amending legislation is effective.

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(a) If a City agency, department, or commission, a State agency, or the federal government applies for a street encroachment permit, the Public Works Director may approve, conditionally approve, or deny in writing the application administratively without action from the Board of Supervisors after the applicant satisfies the requirements of Sections 786*et seq.*

(b) The Public Works Director, in his or her discretion, may approve, conditionally approve, or deny in writing a temporary street encroachment permit application administratively without action from the Board of Supervisors after the applicant satisfies the requirements of Sections 786*et seq.* For purposes of this subsection (b), a temporary street encroachment permit is for a project that: (1) a City agency, department, or commission has co-sponsored and approved or authorized through an officially-adopted City program and (2) shall occupy the street or other type of public right-of-way for no longer than two years. The Director, in his or her sole discretion, may extend the permit term for a temporary street encroachment for a period not to exceed six additional months. This temporary street encroachment permit is not intended to conflict with or supersede a People Place permit associated with the Places for People Program established under Administrative Code Chapter 94A , but rather be a separate and distinct permit.

(c) The Director's approval or conditional approval of a permit under this Section 786.9 is appealable by a member of the general public or the applicant to the Board of Appeals within 15 days of the date of the Director's written decision on the permit application.

(d) If the Director recommends denial of an application under Section 786.9(a) or (b), the Director shall notify the applicant in writing of this recommendation. The Director shall hold an administrative hearing on his or her recommendation to deny the application and issue a written decision on the recommendation to deny within a reasonable period after the hearing. If the basis for the denial decision relates solely to engineering design, the Director's denial decision constitutes a final decision that is not subject to appeal. If the basis for the denial decision is solely for reasons unrelated to engineering design, the applicant may appeal the Director's denial decision to the Board of Appeals within 15 days of the date of the Director's written decision.

(e) The Director, in his or her discretion, may recommend revocation of a permit issued under this Section 786.9. The Director shall notify the permittee in writing of this recommendation. The Director shall hold an administrative hearing on his or her recommendation to revoke and issue a written decision on the recommendation to revoke within a reasonable period after the hearing. Prior to the administrative hearing, the Director shall develop an estimate of the cost of any revocation and associated restoration and identify the responsible party that shall bear such cost if it is a party other than the permittee. The Director shall provide this cost estimate to the permit holder in advance of the administrative hearing and include the estimate in the hearing's administrative record. The Permittee may appeal the Director's decision to revoke to the Board of Appeals within 15 days of the date of the Director's written decision.

(Added by Ord. 35-18, File No. 170761, App. 3/8/2018, Eff. 4/8/2018, Oper. 6/1/2017)



London N. Breed  
Mayor

Mohammed Nuru  
Director

Patrick Rivera  
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## MEMORANDUM

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**To:** Debra Lutske  
Deputy Bureau Manager  
San Francisco Public Works – Bureau of Street Use and Mapping

**FROM:** Raymond Lui, SE   
Section Manager  
San Francisco Public Works – Structural Engineering Section

**DATE:** October 3, 2018

**SUBJECT:** Cost Estimate of Kearny Street Pedestrian Bridge Demolition and Public Right-of-Way Restoration (Public Works Code § 786)

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Pursuant to Public Works Code Section 786(e)(2)(iii), we have completed an evaluation of the estimated cost of demolition of the Kearny Street Pedestrian Bridge that provides pedestrian access over Kearny Street from Portsmouth Square to the Hilton San Francisco Financial District at 750 Kearny Street in San Francisco, and the restoration of the public right-of-way. The rough-order-of-magnitude budget cost estimate included herein is not based on final, approved design and construction plans. Actual construction and restoration costs may be higher depending on final, approved designs, permit requirements and conditions, and the cost of labor and materials at the time of demolition and construction.

Constructed circa 1971, the pedestrian bridge was designed by T.Y. Lin, Kulka, Yang & Associate and the foundation support through the Portsmouth Square Parking Garage was design by H.J. Degenkolb & Associates.

Spanning over four lanes of Kearny Street, the two-span pedestrian bridge measures approximately 28 feet wide and 210 feet long. The structural system of the bridge comprises 6¼-inch thick post-tensioned concrete slab supported by transverse concrete beams that span to two perimeter post-tensioned concrete girders.

On the west end, bridge girders are supported directly on the structural slab of the upper level park with two concrete encased steel columns that extend through the four level underground garage to a combined concrete spread footing. Near mid-span, the bridge is supported on two tapered concrete columns which in turn are supported by a 5-feet wide by 30-feet long by 3-feet deep concrete footing supported by two cast-in-drilled-hole (CIDH) concrete piles measuring 3-foot diameter by 58-feet deep. On the east end, the bridge is supported by an elevated plaza via seat connections. The plaza, at the bridge support, is supported by two tapered concrete columns which in turn are supported by basement concrete columns.

The elevated plaza comprises 6-inch thick post-tensioned concrete slab supported by tapered cantilevered post-tension concrete beams.

The pedestrian bridge can be demolished from the west end to the east end at the edge of the elevated plaza. The two piers at mid-span will also need to be demolished. The playground clubhouse structure built underneath the western span will also need to be demolished. The elevated plaza at the Hilton could remain, but will need to be repaired with new guardrails to be constructed.

We estimate the rough-order-of-magnitude demolition cost to be **\$1.33 million**. (See Exhibit A.) We estimate the duration of the demolition work to be on the order of 8 to 12 weeks. Additional 4 to 6 weeks will be required to restore the Hilton elevated plaza.

We anticipate the work to include, at a minimum:

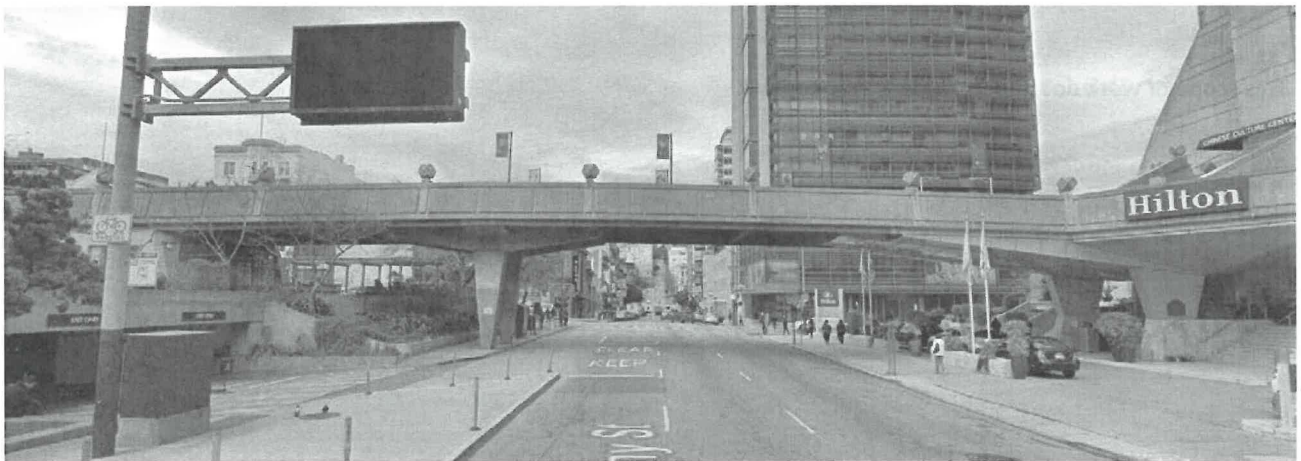
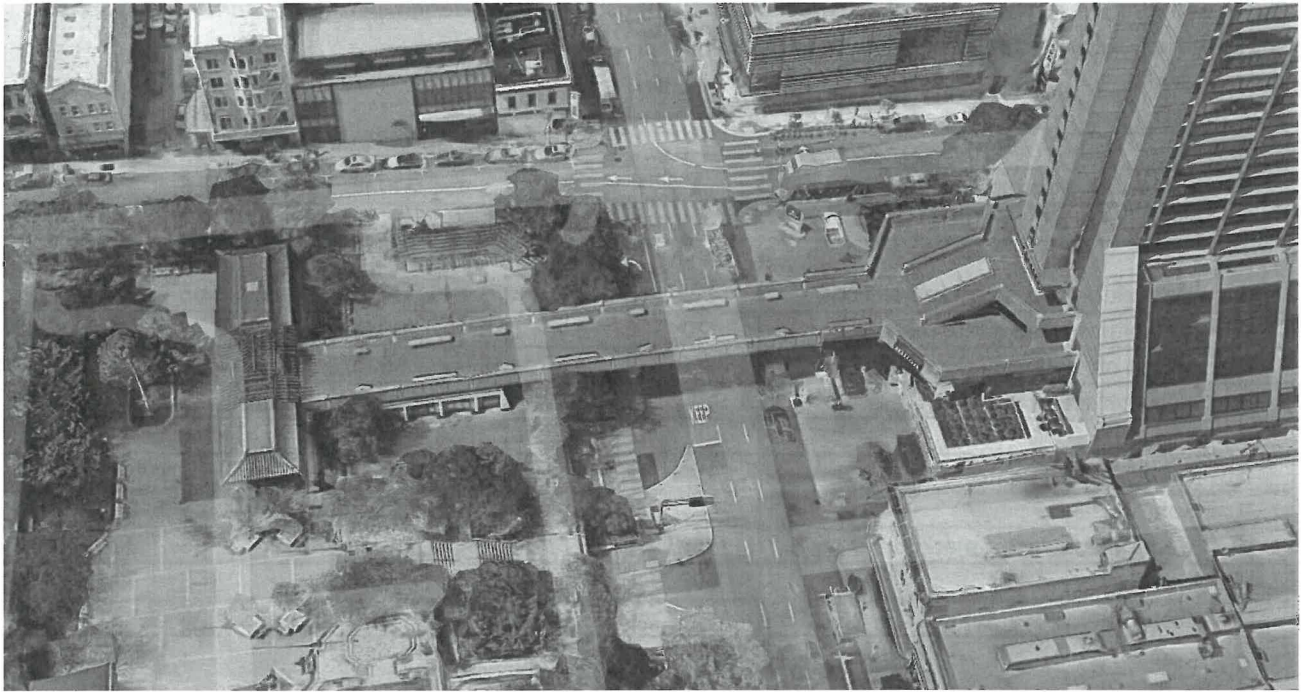
- Erection of falsework over Kearny Street and a portion Portsmouth Square
- Demolition of existing clubhouse structure
- Demolition of existing pedestrian bridge superstructure with multiple phasing to allow for partial vehicular and pedestrian use of Kearny Street
- Demolition of existing tapered concrete columns
- Off-haul and disposal of debris
- Reconstruction of elevated plaza
- Removal of temporary falsework and clean-up

Existing footings, CIDH piles, and columns will be abandoned in place. Minor work to repair the sidewalk will be required.

We anticipate that this work will require closure of all traffic lanes and pedestrian sidewalks for a three-day weekend to erect the falsework. We anticipate closure of at least two traffic lanes and a pedestrian sidewalk for the duration of the work. We also anticipate partial closure of the park for the duration of the work. These costs, and any other traffic control costs plus any Muni rerouting costs, have not been included in our budget estimate.

In addition, vehicular egress from the parking garage will be greatly impacted during demolition of the western half of the bridge. Additional traffic control may be required for safe egress. We anticipate a full time flagger to be posted at the job site to help with traffic control for the duration of the work.

This estimate does not include any soft costs associated with this project such as development of plans and specifications, or community outreach and project management, and other exclusions identified in Exhibit A.



## EXHIBIT A

### Cost Estimates for Kearny Street Pedestrian Bridge Demolition

Please note that these are estimated construction costs only; soft costs for design, permitting, construction support and construction management have not been included.

#### Trail Steps

Line	Description	Unit		Unit Price		Subtotal
1	Falsework erection and removal	1	LS	\$ 150,000.00	LS	\$ 150,000.00
2	Demolition of clubhouse	2500	s.f.	\$ 15.00	per s.f.	\$ 37,500.00
3	Demolition of bridge superstructure	285	c.y.	\$ 1,000.00	per c.y.	\$ 285,000.00
4	Demolition of concrete piers	20	c.y.	\$ 500.00	per c.y.	\$ 10,000.00
5	Debris off-haul and disposal	400	c.y.	\$ 60.00	per c.y.	\$ 24,000.00
6	Reconstruction of plaza	1	LS	\$ 250,000.00	LS	\$ 250,000.00
7						\$ -
8	Mobilization	10%				\$ 75,650.00
9	Subtotal					\$ 832,150.00
10	General Contractor markup	15%				\$ 124,822.50
11	Contingency	45%				\$ 374,467.50
12	<b>total</b>					<b>\$ 1,331,440.00</b>

This scope of work does not include traffic control.