

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: August 7, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 240806
Public Works Code, Planning Code - Fee Waiver for Vicha Ratanapakdee Mosaic Stairway

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.



City and County of San Francisco

Master Report

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

File Number: 240806 **File Type:** Ordinance **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Land Use and Transportation Committee

File Name: Public Works Code, Planning Code - Fee Waiver for Vicha Ratanapakdee Mosaic Stairway **Date Introduced:** 07/30/2024

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Ordinance amending the Public Works Code to waive the major encroachment permit fees for a project to install and maintain mosaic tiles on the Vicha Ratanapakdee Way stairs located in the Anza Vista neighborhood between O'Farrell Street and Terra Anza Avenue and amending the Planning Code to waive the General Plan referral fee associated with this encroachment permit; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Sponsor: Stefani

History of Legislative File 240806

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	07/30/2024	ASSIGNED UNDER 30 DAY RULE	Land Use and Transportation Committee	08/29/2024	

1 [Public Works Code, Planning Code - Fee Waiver for Vicha Ratanapakdee Mosaic Stairway]

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3 **Ordinance amending the Public Works Code to waive the major encroachment permit**
 4 **fees for a project to install and maintain mosaic tiles on the Vicha Ratanapakdee Way**
 5 **stairs located in the Anza Vista neighborhood between O'Farrell Street and Terra Anza**
 6 **Avenue and amending the Planning Code to waive the General Plan referral fee**
 7 **associated with this encroachment permit; affirming the Planning Commission's**
 8 **determination under the California Environmental Quality Act; and making findings of**
 9 **consistency with the General Plan, and the eight priority policies of Planning Code,**
 10 **Section 101.1.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 12 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 14 **Board amendment additions** are in double-underlined Arial font.
 15 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 16 **Asterisks (* * * *)** indicate the omission of unchanged Code
 17 subsections or parts of tables.

18 Be it ordained by the People of the City and County of San Francisco:

19 Section 1. General Background and Findings.

20 (a) The Vicha Ratanapakdee Way Stairway is the public right-of-way in the Anza Vista
 21 neighborhood between O'Farrell Street and Terra Anza Avenue, which runs parallel to Anza
 22 Vista and St. Joseph's Avenues and is perpendicular to O'Farrell Street and Terra Anza
 23 Avenue. Mr. Ratanapakdee was an 84-year-old immigrant from Thailand who was well known
 24 in the Anza Vista neighborhood for his hour-long walks each morning, a ritual that kept him
 25 vibrant and healthy during the COVID-19 pandemic.

1 (b) On January 28, 2021, Mr. Ratanapakdee, while walking peacefully in the
2 neighborhood, was suddenly and violently shoved to the pavement by an assailant, resulting
3 in severe head injuries from which Mr. Ratanapakdee tragically died shortly after the attack.
4 In honor of Mr. Ratanapakdee and in recognition of this tragic event and its impact on San
5 Francisco, the Board of Supervisors adopted, and the Mayor signed, Resolution No. 235-22,
6 officially changing the name of Sonora Lane to “Vicha Ratanapakdee Way.” A copy of this
7 Resolution is on file with the Clerk of the Board of Supervisors in File No. 220248.

8 (c) The Justice for Vicha Ratanapakdee Foundation plans to create a collaborative
9 public art mosaic installation at Vicha Ratanapakdee Way. Such an art installation (the
10 “Project”) would enhance the pedestrian experience on the Vicha Ratanapakdee Way
11 Stairway by making a more attractive passage that will visually honor the life of Mr.
12 Ratanapakdee in the form of symbols and patterns and reinforce the importance of peace
13 among all peoples, in accordance with Mr. Ratanapakdee’s deepest values.

14 (d) The Justice for Vicha Ratanapakdee Foundation intends to partner with mosaic
15 artists Sarah Siskin and Thitiwat Phromratanapongse to complete the Project with volunteers
16 assisting in maintaining the stairway. Sarah Siskin is a mural artist and educator with
17 extensive experience in community-focused art, having founded the Bay Area Mural Festival
18 and contributed to international projects. Thitiwat Phromratanapongse is a mural artist with a
19 fine arts background, known for his work with the Estria Foundation and community-driven
20 projects in the Bay Area.

21 (e) The Project received a Letter of Support from San Francisco Public Works on
22 January 31, 2024 for this Tier 3 Project under the Love Our Neighborhoods Program. A copy
23 of said Letter of Support is on file with the Clerk of the Board of Supervisors in File No.

24 _____.

1 (f) On May 6, 2024, the Arts Commission, in Resolution No. 0506-24-137, approved
2 the Project. A copy of this Resolution is on file with the Clerk of the Board of Supervisors in
3 File No. _____.

4 (g) Pursuant to Public Works Code Sections 786 et seq., Public Works issues the
5 approval for a Tier 3 Love Our Neighborhood Project in contrast to most other major
6 encroachment permits that require Board of Supervisors approval. In order to maximize use
7 of the financial contributions to the Justice for Vicha Ratanapakdee Foundation and other
8 financial contributions for purposes of design, fabrication, installation, and maintenance of the
9 Project, and in recognition of the dedication and commitment of the Anza Vista neighborhood
10 to the Project, the Board of Supervisors intends to waive fees associated with the Project.

11 (h) On July 24, 2024, Supervisor Stefani introduced a Resolution of Intent to waive
12 permit-related fees for this Project. The Board of Supervisors adopted, and the Mayor signed,
13 Resolution No. _____. A copy of this Resolution in on file with the Clerk of the
14 Board of Supervisors in File No. _____ and is incorporated herein by reference.

15
16 Section 2. Environmental and General Plan Findings.

17 (a) On _____, the Planning Commission, in Resolution No. _____
18 determined that the actions contemplated in this ordinance comply with the California
19 Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). The
20 Board affirms this determination. A copy of said Resolution is on file with the Clerk of the
21 Board of Supervisors in File No. _____, and is incorporated herein by reference.

22 (b) In Resolution No. _____, the Planning Commission also adopted findings
23 that the actions contemplated in this ordinance are consistent, on balance, with the City's
24 General Plan, the eight priority policies of Planning Code Section 101.1, and the public
25 necessity findings of Planning Code Section 302. The Board adopts these findings as its own.

1 Section 3. Waiver of Public Works Major Encroachment Permit-Related Fees and
2 Planning Code General Plan Referral Fee for the Vicha Ratanapakdee Mosaic Stairway
3 Project.

4 (a) In recognition of the benefits to the community of the Vicha Ratanapakdee Mosaic
5 Stairway Project, its symbolism of a tragic event affecting a beloved member of our
6 community, and its ability to raise awareness about hate crime and mark San Francisco’s
7 solidarity in the fight against hate crime, the Board of Supervisors hereby waives the fees
8 associated with a major encroachment permit under Public Works Code Sections 786 et seq.
9 Such fees, including but not limited to those for permit processing of a Love Our
10 Neighborhoods Tier 3 project, street improvement permit, and inspection, as set forth in Public
11 Works Code Sections 2.1.1 et seq., are estimated to be approximately \$3,000 plus 7.5% of
12 the construction cost for the inspection fee.

13 (b) The Board of Supervisors also waives the Planning Code fees associated with
14 General Plan referral for a major encroachment permit that Public Works would issue in
15 accordance with Public Works Code Sections 786 et seq. This fee is estimated to be
16 approximately \$4,800.

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18 Section 4. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

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1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

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4 APPROVED AS TO FORM:
5 DAVID CHIU, City Attorney

6 By: /s/ JOHN D. MALAMUT
7 JOHN D. MALAMUT
8 Deputy City Attorney

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LEGISLATIVE DIGEST

[Public Works Code, Planning Code - Fee Waiver for Vicha Ratanapakdee Mosaic Stairway]

Ordinance amending the Public Works Code to waive the major encroachment permit fees for a project to install and maintain mosaic tiles on the Vicha Ratanapakdee Way stairs located in the Anza Vista neighborhood between O'Farrell Street and Terra Anza Avenue and amending the Planning Code to waive the General Plan referral fee associated with this encroachment permit; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The Love Our Neighborhoods Project permit program, established in Ordinance No. 252-23, identified certain proposals for the installation and maintenance of tiles on public stairways as Tier 3 projects. Tier 3 projects require a major encroachment permit under Public Works Code Sections 786 et seq., and Public Works approves such permits in contrast to most other major encroachments that require Board of Supervisors approval. Under the Public Works Code major encroachment permit provisions, Public Works charges various fees as set forth in Public Works Code Sections 2.1.1 et seq. In addition, major encroachment permits also require a San Francisco General Plan consistency finding. The fee for the General Plan referral to obtain the consistency finding is found in the Planning Code.

Amendments to Current Law

This ordinance would amend the Public Works Code to waive all fees associated with a major encroachment permit for a Tier 3 Love Our Neighborhoods Project. The legislation also would amend the Planning Code to waive the General Plan referral fee required for a major encroachment permit. The ordinance also would make findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Background Information

The purpose of this legislation is to recognize the benefits to the community of the Vicha Ratanapakdee Mosaic Stairway Project, its symbolism of a tragic event affecting a beloved member of our community, and its ability to raise awareness about hate crime and mark San Francisco's solidarity in the fight against hate crime.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Stefani

Subject:

Public Works Code, Planning Code - Fee Waiver for Vicha Ratanapakdee Mosaic Stairway

The text is listed:

Ordinance amending the Public Works Code to waive the major encroachment permit fees for a project to install and maintain mosaic tiles on the Vicha Ratanapakdee Way stairs located in the Anza Vista neighborhood between O'Farrell Street and Terra Anza Avenue and amending the Planning Code to waive the General Plan referral fee associated with this encroachment permit; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

Signature of Sponsoring Supervisor: /s/ Catherine Stefani