



MEMORANDUM

TO: Carla Short, Director, Public Works
Ralph Remington, Director of Cultural Affairs, Arts Commission

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: August 7, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Stefani on July 29, 2024.

File No. 240806

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.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: john.carroll@sfgov.org.

cc:
Offices of Chair Melgar and Supervisor Stefani
David Steinberg, Public Works
Ian Schneider, Public Works
Lena Liu, Public Works
William Blackwell, Public Works
Alyssa Ventre, Arts Commission
Mary Chou, Arts Commission
Lex Leifheit, Arts Commission

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.

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

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

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

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

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

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

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

Section 2. Environmental and General Plan Findings.

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

(b) In Resolution No. _____, the Planning Commission also adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan, the eight priority policies of Planning Code Section 101.1, and the public 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
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.

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

For Clerk's Use Only