

1 [Denying Petition for Revocation of the Major Encroachment Permit - Pedestrian Bridge  
2 Spanning Kearny Street from the Hilton Hotel to Portsmouth Square]

3 **Motion denying the petition and revoking the Major Encroachment Permit for a**  
4 **pedestrian bridge spanning Kearny Street from the Hilton Hotel to Portsmouth Square.**

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6 WHEREAS, On April 27, 1970, the Board of Supervisors adopted Resolution No. 238-  
7 70, Granting Permission for Justice Investors to Occupy a Portion of Kearny Street Between  
8 Washington and Merchant Streets for a Pedestrian Bridge (“Major Encroachment Permit”); the  
9 Major Encroachment Permit is on file with the Clerk of the Board of Supervisors in File No.  
10 220327 and is incorporated in this motion as though set forth in its entirety; and

11 WHEREAS, The Major Encroachment Permit authorized the permittee to construct and  
12 maintain an ornamental overhead pedestrian bridge between the Chinese Cultural Center  
13 complex (750 Kearny Street, Assessor’s Parcel Block No. 0208, Lot No. 024) and Portsmouth  
14 Square (Assessor’s Parcel Block No. Block 0209, Lot No. 017); and

15 WHEREAS, The permission granted by the Major Encroachment Permit is revocable at  
16 the will of the Board of Supervisors, and required the permittee, their heirs or assigns, to  
17 “remove or cause to be removed the encroachment permitted by said resolution and all  
18 materials used in connection with its construction without expense to the City and County of  
19 San Francisco, and shall restore the area to a condition satisfactory to the Department of  
20 Public Works[;]”; and

21 WHEREAS, On January 13, 2022, by Motion No. 21508, the Planning Commission  
22 certified the Final EIR for the Portsmouth Square Improvement Project (“Project”); the Project  
23 includes, among other improvements to Portsmouth Square, demolishing and removing the  
24 pedestrian bridge spanning Kearny Street that connects Portsmouth Square to Hilton Hotel at  
25 750 Kearny Street; the Planning Commission determined that the Final EIR for the Project

1 reflects the independent judgment and analysis of the City and County of San Francisco, is  
2 adequate, accurate and objective, and in compliance with the California Environmental Quality  
3 Act (California Public Resources Code, Sections 21000 et seq.) and Chapter 31 of the  
4 Administrative Code; and

5 WHEREAS, On May 25, 2018, 25 petitioners submitted a Street Encroachment Permit  
6 Revocation Petition (“Petition”) to the Department of Public Works to revoke the Major  
7 Encroachment Permit; and

8 WHEREAS, Pursuant to Public Works Order No. 188406, a Director’s Hearing was  
9 convened by the Director of Public Works on October 10, 2018, to hear the Petition, receive  
10 public comment and evidence in support of and opposing the Petition; and

11 WHEREAS, According to Public Works Code, Section 786(e)(2)(B)(v), “If the Director  
12 does not issue a final written decision resolving a petition filed under this subsection (e)(2)  
13 within 180 days of the filing of the petition, then five members of the Board of Supervisors may  
14 subscribe to a notice requesting an administrative hearing regarding the permit revocation at  
15 the Board of Supervisors;” following the Director’s hearing in this case, the Director of Public  
16 Works did not issue a final written decision resolving the Petition; and

17 WHEREAS, On March 1, 2022, five members of the Board of Supervisors submitted a  
18 notice requesting an administrative hearing regarding the Petition; and

19 WHEREAS, By memorandum dated March 24, 2022, the Department of Public Works  
20 determined that the permittee is responsible for all the costs of removal of the pedestrian  
21 bridge in the event that the Major Encroachment Permit is revoked, and estimated that the  
22 costs for removal of the bridge, including construction management costs and traffic control  
23 will total to \$2,125,200; and

24 WHEREAS, On April 12, 2022, this Board held a duly noticed public hearing to  
25 consider the Petition; and

1           WHEREAS, This Board has reviewed and considered the Major Encroachment Permit,  
2 the petition and related files of the Department of Public Works, the other written records  
3 before the Board of Supervisors including all responses submitted to the petition, and heard  
4 testimony and received public comment regarding the Major Encroachment Permit; now,  
5 therefore, be it

6           MOVED, That the Board hereby denies the petition for revocation of the Major  
7 Encroachment Permit.

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