

Amendment of the Whole  
June 4, 2007.

FILE NO. 070178

ORDINANCE NO.

1 [Street encroachment for Little Saigon neighborhood entrance at Larkin and Eddy Streets.]

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3 **Ordinance granting revocable permission to the Vietnamese Elderly Mutual Assistance**  
4 **Association to occupy a portion of the public right-of-way to construct sidewalk bulb-**  
5 **outs with two (2) 24" x 31" concrete and granite pillars at the northeast and northwest**  
6 **corners of Larkin and Eddy Streets to mark the entry to the Little Saigon neighborhood;**  
7 **waiving permit and right-of-way occupancy assessment fees and General Plan Referral**  
8 **fees; deleting two parking meter zones on Larkin Street to accommodate the**  
9 **encroachment; and making environmental findings and findings of consistency with**  
10 **the General Plan and the priority policies of Planning Code Section 101.1.**

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12 Note: Additions are single-underline italics Times New Roman;  
13 deletions are ~~strikethrough italics Times New Roman~~.  
14 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

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

16 Section 1. Findings. (a) Pursuant to Public Works Code Section 786, Phu Nguyen,  
17 President, Board of Directors of the Vietnamese Elderly Mutual Assistance Association,  
18 requested permission to occupy a portion of the public right-of-way to construct sidewalk bulb-  
19 outs with two (2) 24" x 31" concrete and granite pillars at the northeast and northwest corners  
20 of Larkin and Eddy Streets to mark the entry of the Little Saigon neighborhood. The  
21 encroachment and related construction are shown on plans filed with the Department of  
22 Public Works. Copies of such plans are on file in the office of the Clerk of the Board of  
23 Supervisors in File No. 070178.

24 (b) The Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), at  
25 its meeting of January 11, 2007, recommended the proposed encroachment for approval.

1 (c) The Planning Department by letter dated April 2, 2007, found the proposal to be  
2 consistent with the General Plan. This letter also includes a determination relating to the  
3 encroachment pursuant to the California Environmental Quality Act (California Public  
4 Resources Code sections 21000 et seq.). A copy of said letter is on file with the Clerk of the  
5 Board of Supervisors in File No.070178, and is incorporated herein by reference.

6 (d) ~~After a duly notice public hearing on \_\_\_\_\_, 2007, the Municipal  
7 Transportation Agency, in Resolution No. \_\_\_\_\_, recommended the deletion of two  
8 metered parking spaces at the northeast and northwest corner of Larkin Street at Eddy Street  
9 to allow for the installation of pillars to mark the entry of the Little Saigon neighborhood. A  
10 copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No.  
11 \_\_\_\_\_, and is incorporated herein by reference.~~

12 (e) After duly noticed public hearing on April 20, 2007, the Department of Public Works  
13 recommended approval of the proposed encroachment as set forth in DPW Order  
14 No.176,838, approved May 2, 2007. A copy of said DPW Order is on file with the Clerk of the  
15 Board of Supervisors in File No. 070178, and is incorporated herein by reference.

16 (f) (e) The permit and associated street encroachment agreement, which are  
17 incorporated herein by reference and are on file with the Clerk of the Board of Supervisors in  
18 File No. 070178, shall not become effective until:

19 (1) The Permittee executes and acknowledges the permit and delivers said  
20 permit to the City's Controller,

21 (2) Permittee delivers to the City Controller a policy of insurance provided for in  
22 said agreement and the Controller shall have had approved the same as complying with the  
23 requirement of said agreement. The Controller may, in his discretion, accept, in lieu of said  
24 insurance policy, the certificate of an insurance company certifying to the existence of such a  
25 policy; and,

1 (3) The Department of Public Works records the permit and associated  
2 agreement in the office of the County Recorder.

3 ~~(g)~~ (f) The Permittee, at the Permittee's sole expense and as is necessary as a result  
4 of this permit, shall make the following arrangements:

5 (1) To provide for the support and protection of facilities belonging to the  
6 Department of Public Works, San Francisco Water Department, the San Francisco Fire  
7 Department and other City Departments, and public utility companies;

8 (2) To provide access to such facilities to allow said entities to construct,  
9 reconstruct, maintain, operate, or repair such facilities; and,

10 (3) To remove or relocate such facilities if installation of the encroachment  
11 requires said removal or relocation and to make all necessary arrangements with the owners  
12 of such facilities, including payment for all their costs, should said removal or relocation be  
13 required; and,

14 ~~(h)~~ (g) The Permittee shall procure the necessary permits from the Central Permit  
15 Bureau, Department of Building Inspection and/or Bureau of Street-Use and Mapping,  
16 Department of Public Works.

17 ~~(i)~~ (h) No structure shall be erected or constructed within said street right-of-way  
18 except as specifically permitted herein.

19 ~~(j)~~ (i) The Permittee shall assume all costs for the maintenance and repair of the  
20 encroachments and no cost or obligation of any kind shall accrue to the City and County of  
21 San Francisco by reason of this permission granted.

22 ~~(k)~~ (j) The Board finds and determines that this encroachment will benefit the citizens  
23 of San Francisco and its visitors because it will help to establish and identify this important  
24 and dynamic neighborhood as a culinary and cultural destination.

25 Section 2. This section of the legislation shall be uncodified.

1 (a) Pursuant to Public Works Code Section 786, the Board of Supervisors hereby  
2 grants revocable permission to the to the Vietnamese Elderly Mutual Assistance Association  
3 to occupy a portion of the public right-of-way to construct sidewalk bulb-outs with two (2) 24" x  
4 31" concrete and granite pillars at the northeast and northwest corners of Larkin and Eddy  
5 Streets that mark the entrance of the Little Saigon neighborhood subject to the conditions and  
6 findings set forth above.

7 (b) That the Board adopts as its own the findings of consistency with the General Plan  
8 and Planning Code Section 101.1 as set forth in the Planning Department letter dated April 2,  
9 2007, and affirms the environmental determination contained in said letter.

10 (c) Pursuant to Public Works Code Section 786, the Board finds that a benefit will  
11 accrue to the public from this proposed encroachment, and therefore the Board hereby waives  
12 the permit fee for this permit as set forth in Public Works Code Section 2.1.1(j) and waives the  
13 public right-of-way occupancy assessment fee as set forth in Public Works Code Section  
14 786.7.

15 (d) Notwithstanding, Planning Code Sections 350 and 351, the Planning Department  
16 fee for General Plan referrals is hereby waived for the same reasons as stated above.

17 (e) Deleting two parking meter spaces one at the northeast corner of Larkin Street at  
18 Eddy Street and one at the northwest corner of Larkin Street at Eddy Street to accommodate  
19 the abovementioned pillars marking the entry of Little Saigon as follows:

20 LARKIN STREET, BOTH SIDES, ESTABLISH "TOW-AWAY NO PARKING ANYTIME"  
21 FROM EDDY STREET TO 30 FEET NORTHERLY (BOTH SIDES).

22 RECOMMENDED: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 Robert P. Beck \_\_\_\_\_ Fred V. Abadi, Ph.D.

1 City Engineer and \_\_\_\_\_ Director of Public Works

2 ~~Deputy Director for Engineering~~

3 APPROVED AS TO FORM:  
4 DENNIS J. HERRERA, City Attorney

5 By: \_\_\_\_\_  
6 John D. Malamut  
7 Deputy City Attorney

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