

1 [Preparation of Findings Granting Petition and Revoking the Major Encroachment Permit -
2 Pedestrian Bridge Spanning Kearny Street from the Hilton Hotel to Portsmouth Square]

3 **Motion directing the Clerk of the Board to prepare findings granting the petition and**
4 **revoking the Major Encroachment Permit for a pedestrian bridge spanning Kearny**
5 **Street from the Hilton Hotel to Portsmouth Square.**

6
7 WHEREAS, On April 27, 1970, the Board of Supervisors adopted Resolution No. 238-
8 70, Granting Permission for Justice Investors to Occupy a Portion of Kearny Street Between
9 Washington and Merchant Streets for a Pedestrian Bridge (“Major Encroachment Permit”); the
10 Major Encroachment Permit is on file with the Clerk of the Board of Supervisors in File No.
11 220327 and is incorporated in this motion as though set forth in its entirety; and

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

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

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

1 Hotel at 750 Kearny Street; the Planning Commission determined that the Final EIR for the
2 Project reflects the independent judgment and analysis of the City and County of San
3 Francisco, is adequate, accurate and objective, and in compliance with the California
4 Environmental Quality Act (California Public Resources Code, Sections 21000 et seq.) and
5 Chapter 31 of the Administrative Code; and

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

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

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

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

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

25

1 WHEREAS, On April 12, 2022, this Board held a duly noticed public hearing to
2 consider the Petition and, at the conclusion of the hearing, granted the petition; now,
3 therefore, be it

4 MOVED, That this Board directs the Clerk of the Board to prepare the findings
5 specifying the basis for its decision granting the petition and revoking the Major Encroachment
6 Permit.

7
8 n:\land\as2022\1900434\01593843.docx

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25