



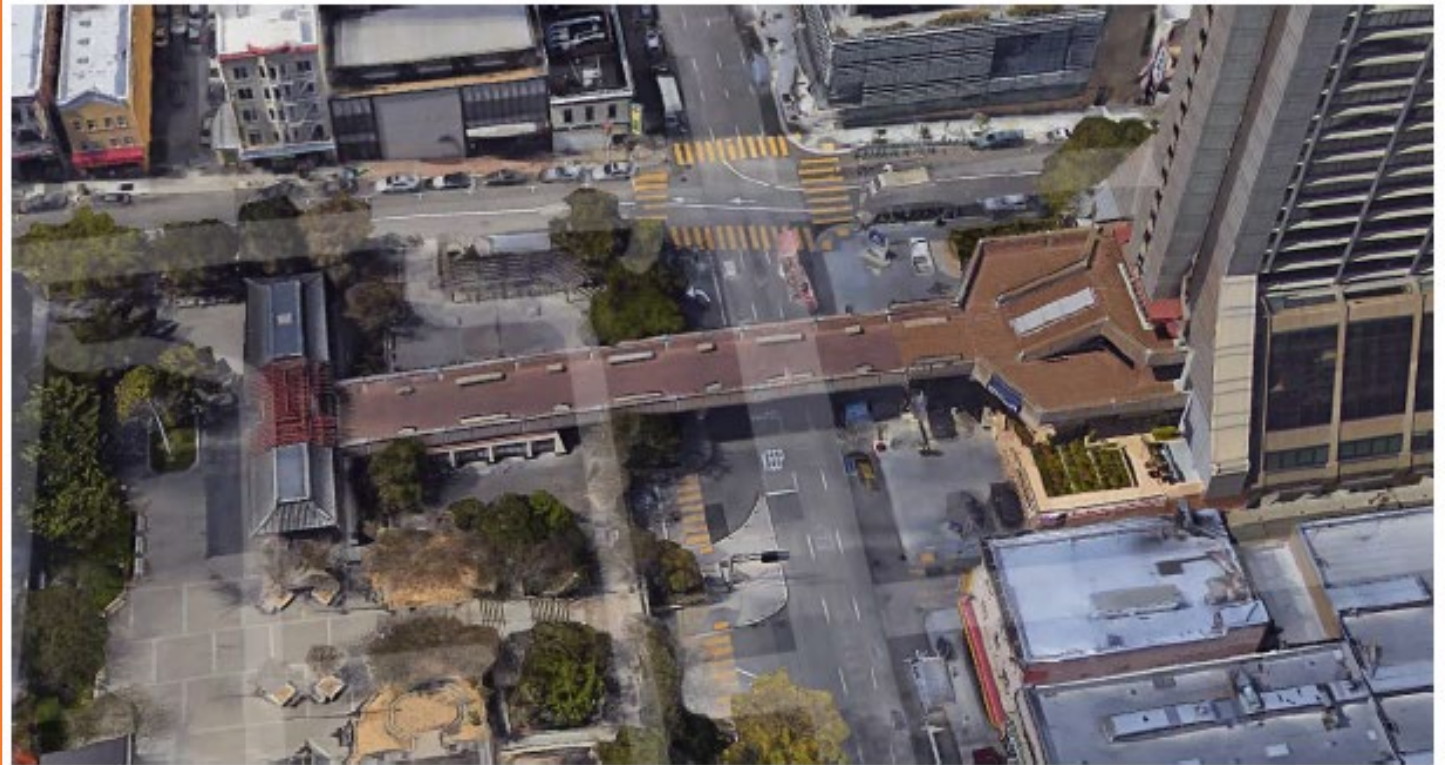
Petition for Revocation of a Major
Encroachment Permit
Kearny Street Pedestrian Bridge

San Francisco Board of Supervisors Hearing April 12, 2022

Timeline

May 2018

Public Works receives a public petition requesting revocation of the encroachment permit for the Portsmouth Square Pedestrian Bridge



Timeline


January 1967

Board of Supervisors approves resolution supporting the proposed bridge project “in principle,” pending approval from various City departments and commissions.

April 1970

Public Works informs the Board of Supervisors that the Arts Commission, the Recreation and Park Department and San Francisco Planning signed off on the project. Public Works has no objections but takes the position of “no recommendation” on whether it should proceed.

(2) 198-70


CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE DIRECTOR OF PUBLIC WORKS April 13, 1970 260 CITY HALL SAN FRANCISCO CALIFORNIA 94102

Kearny Street Between Washington and Merchant Streets - Pedestrian Bridge to Chinese Cultural Center

Revocable Encroachment Permit - Your File- 198-70

Through Mr. Thomas J. Mellon
Chief Administrative Officer

Board of Supervisors
City and County of San Francisco

Attention of Mr. Robert J. Dolan
Clerk of the Board

Gentlemen:

By memorandum dated March 23, 1970 you requested a report and recommendation on the application by Justice Investors to encroach over Kearny Street with a pedestrian bridge linking the Chinese Cultural Center Hotel complex with Portsmouth Square.

By Resolution No. 73-67 adopted January 23, 1967, the Board of Supervisors indicated its willingness in principle to cooperate with the applicant by making available such City Property as necessary to construct the pedestrian bridge provided the plans for the bridge are approved by the various interested City Departments and commissions.

The Department of Public Works had recommended to the Board of Supervisors by letter of January 17, 1967 that air rights should be vacated for the bridge since it was to be an integral part of the cultural complex. However, since it has become apparent that the Recreation and Park Commission may not vacate park land but only issue revocable permission for the anchorage in Portsmouth Square, the matter of vacating air space becomes academic and, therefore, the application is being processed as a revocable encroachment permit.

By letters to this Department dated March 17 and 25, 1970 the Art Commission has advised of the Phase III approval of the bridge by its Resolution No. 9588-1969-S adopted October 6, 1969 and approval of the latest plans by the Civic Design Committee at its meeting of March 25, 1970.

applied to Regulation to Committee 4-15-70-DR

Board of Supervisors
April 13, 1970
Page 2

The Department of City Planning by letter dated March 24, 1970 has advised that the bridge is in conformity with the Master Plan and conditions imposed have been met with the exception of the Children's Play Area.

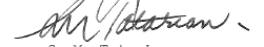
The Recreation and Park Commission approved the initial plans by Resolution No. 7739 adopted November 14, 1968, with conditions regarding the Children's Play Area in Portsmouth Square. The applicant is presently working with the Manager of the Recreation and Park Department to implement the conditions imposed by the Commission.

The applicant has complied with all the requests of this Department set forth in a letter to the Redevelopment Agency dated October 21, 1968 with the exception of the placement of the bridge piers on the west side of Kearny Street.

✓ This Department has requested that the bridge columns on the west side of Kearny Street be placed behind the sidewalk, which is only 10 feet wide, thereby allowing unobstructed passage on the sidewalk for pedestrians and emergency services and allowing the unobstructed view of the sidewalk area from passing vehicles. We have discussed with the developer and other involved agencies the possibility of relocating the columns either to the west adjacent to the property line where the columns would be of less obstruction to pedestrians or immediately within the slope area of Portsmouth Square where there would be no obstruction. However, the cost of such relocation would be substantial since the columns must be extended through the garage.

✓ This Department has no objection to the bridge in general; however, in view of the conflicting requirements, this Department will make no recommendation regarding the proposed legislation. Therefore, the necessary Resolution is forwarded without the recommendation of the Director of Public Works and the approval of the Chief Administrative Officer.

Very truly yours,


S. M. Tatarian
Director of Public Works

Attach: Resolution

cc: S. F. Redevelopment Agency
P. O. Box 636
San Francisco, Calif. 94101
Justice Investors
2412 Russ Bldg.
San Francisco, Calif. 94104

Timeline

April 1970

Board of Supervisors adopts resolution to approve the Kearny Street Pedestrian Bridge.

Language in the adopting resolution states that permission for the encroachment permit needed to build the bridge is “revocable at the will of the Board of Supervisors.”

FILE NO. <u>198-70</u>	RESOLUTION NO. <u>238-70</u>
1 GRANTING PERMISSION TO JUSTICE INVESTORS TO OCCUPY A PORTION OF KEARNY	
2 STREET BETWEEN WASHINGTON AND MERCHANT STREETS FOR A PEDESTRIAN BRIDGE	
3	
4 RESOLVED, That permission revocable at the will of the Board of	
5 Supervisors and automatically terminating upon failure to continue in	
6 force the insurance protection hereinafter referred to, is hereby granted	
7 to Justice Investors to occupy a portion of Kearny Street between Wash-	
8 ington and Merchant Streets in front of Lot 21 in Block 208 for the	
9 purpose of constructing and maintaining an ornamental overhead pedestrian	
10 bridge between the Chinese Cultural Center complex and Portsmouth Square	
11 all as shown on Drawings A-45, A-46 and A-48 entitled Chinese Cultural	
12 and Trade Center prepared by Clement Chen and Assoc. and John Carl	
13 Warnecke and Assoc., Associated Architects and dated March 17, 1970,	
14 a copy of each of which is on file in the office of the Clerk of the	
15 Board of Supervisors.	
16 PROVIDED, HOWEVER, That this permission shall not become effec-	
17 tive until:	
18 (a) There shall have been executed and acknowledged by	
19 the permittee, and by it delivered to City's Controller	
20 who shall have had recorded in the office of the County	
21 Recorder a street encroachment agreement, a copy of which	
22 is on file with the Clerk of the Board of Supervisors in	
23 File No. <u>198-70</u> , and which is hereby declared to be	
24 a part of this resolution as if set forth fully herein,	
25 and the copy of this resolution attached thereto as	
26 Exhibit A.	
27 (b) There shall have been delivered to the Controller the	
28 policy of insurance provided for in said agreement and	
29 the Controller shall have approved same as complying	
30	
BOARD OF SUPERVISORS	

Timeline

May 2018

Revocation petition received by Public Works

October 2018

Public Works Director holds hearing on the request but continues hearing until CEQA completed

May 18, 2018

Mohammed Nuru
Director, SF Public Works
1 Dr. Carlton B. Goodlett Place, Rm 348
San Francisco, CA 94102

Dear Director Mohammed Nuru

Please find enclosed, the Street Encroachment Permit Revocation Petition, to revoke the Street (or Major) Encroachment Permit identified via the Assessor as Block 208, Lot 21 located on the easterly side of Kearny Street, between Washington and Merchant Streets.

On May 7, 1970, the Board of Supervisors approved a Major Encroachment Permit, on file in Resolution No. 238-70, which granted Justice Investors (the Permittee) the right to develop the airspace over Kearny Street with a private pedestrian bridge, which connects the third floor of the Chinatown Hilton with Portsmouth Square. Public access and availability of the pedestrian bridge has been severely restricted and subject to the whims of the Permittee. In fact, the bridge has been utilized as a lucrative private event space for the Chinatown Hilton, with its suspended outdoor location overlooking the downtown and Chinatown neighborhoods.

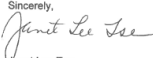
Over the last century and a half, (long before the Permittee created their bridge), Portsmouth Square, one of the three original parks in San Francisco, has functioned as the "living room" of Chinatown. Over a quarter of a century ago, in 1987, the community helped craft the Portsmouth Square Masterplan, which addressed the needs of the Chinatown community at that time.

In 1991, the Portsmouth Square Improvement Project relocated a children's play area because the bridge created an unhealthy environment for children, casting a constant shadow over the sandbox and surrounding play structure. In 2012, Rec and Park Commissioner Allan Low and a broad coalition of community-based organizations initiated the planning process to bring the Portsmouth Square Masterplan into the 21st century. In 2014, the Existing Condition Report of Portsmouth Square concluded that the bridge was "underutilized," and the area underneath and surrounding the bridge was dark, unsafe and a magnet for vagrants.

After an extensive community-led planning process, and on the eve of coalescing around a new Portsmouth Square Masterplan that will last well into the 22nd century, District 3 residents have overwhelmingly voted to support the planning proposal that would open up Portsmouth Square. 77% of residents surveyed during the Portsmouth Square Improvement Project workshop series voted for the planning proposal that would necessitate the removal of the bridge. This winning proposal would not only usher in a sustainable vision for Portsmouth Square, but offer an additional 19,000 square feet of public recreational space.

Chinatown currently has the second least amount of public open space per capita behind District 6. It also has the distinction of being the densest neighborhood in the City, where a majority of the residents live in tiny Single Room Occupancy (SRO) residential hotels. Mr. Wing Hoo Leung, President of the Community Tenants Association (CTA), the largest tenant organization in the City, has long advocated for more publicly accessible open space. Mr. Leung has signed on to this petition, representing the thousands of low-income seniors who make up CTA.

We petition the City and request the revocation of the above-referenced Permit, on the grounds that its negative impacts on our community are unmitigatable.

Sincerely,

Janet Lee Tse
District 3 resident & petitioner


RECEIVED
2018 MAY 24 AM 10:13
SAN FRANCISCO PUBLIC WORKS
DIRECTOR'S OFFICE

CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.


State of California }

County of San Francisco }

On 04-22-2018 before me, ,
personally appeared Janet Lee Tse,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

 (Notary Public Seal)

WAYNE BROOKS JR
COMM. #2109759
NOTARY PUBLIC-CALIFORNIA
SAN FRANCISCO COUNTY
My Comm. Expires Mar. 13, 2019

ADDITIONAL OPTIONAL INFORMATION INSTRUCTIONS FOR COMPLETING THIS FORM
This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgement

DESCRIPTION OF THE ATTACHED DOCUMENT
Petition for Revocation
(Title or description of attached document)

Number of Pages 1 Document Date 04/22/2018

CAPACITY CLAIMED BY THE SIGNER
☐ Individual (s)
☐ Corporate Officer
(Title)
☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other

2015 Version www.NotaryClasses.com 800-873-9865

Petition for Revocation of a Street Encroachment Permit Pursuant to Public Works Code Section 786

Lead Petitioner	Name: <u>Janet Lee Tse</u>	Contact Information (Mailing address, Phone Number): <u>1731 Stockton St. SF CA 94133 (415) 859-0311</u>		
Subject Permit Information	Describe Permit and Approximate Location of Permit (or an Adjacent Address) <u>Assessor Block 208 Lot 21 located on easterly side of Kearny St. btwn Washington & Merchant St.</u>	Permit Number (if available) <u>On file in Resolution No. 238-70</u>	Board of Supervisors Legislation Approving Permit (if available)	Permit Issuance Date (if available)
Grounds for Revocation Petition	<p>The undersigned declare that they are hereby subscribers to this Revocation Petition. Requirements for a valid Revocation Petition are:</p> <p>(1) A single Revocation Petition for the subject Street (or Major) Encroachment Permit that is submitted at least one year after any prior Revocation Petition for the Permit;</p> <p>(2) The Revocation Petition shall be subscribed by:</p> <p>(a) no less than 25 San Francisco residents and</p> <p>(b) the petitioners shall be current residents of the Supervisorial district in which the Street Encroachment Permit is located;</p> <p>(3) Each signature on the Revocation Petition shall be notarized within 6 months of the Revocation Petition submission date and accompanied by the address of the petitioner;</p> <p>(4) The Revocation Petition shall include documentary evidence of one or more of the following grounds for revocation of the Street Encroachment Permit that are listed below:</p> <p>Please check one or more of the following grounds for revocation (and include evidence of the ground(s) to revoke the Street (or Major) Encroachment Permit as part of the Revocation Petition that the lead petitioner submits to Public Works):</p> <p><input type="checkbox"/> The permittee has failed to maintain the encroachment under the terms of the Permit.</p> <p><input type="checkbox"/> The encroachment presents a significant health or safety hazard.</p> <p><input type="checkbox"/> The encroachment creates severe and negative impacts on the surrounding neighborhood that cannot be mitigated.</p> <p>If petitioners seeks revocation of a Street (or Major) Encroachment Permit that the City issued prior to June 1, 2017, the lead petitioner may provide a public policy basis to revoke the subject Permit instead of or in addition to any of the grounds for revocation listed above. Please explain the public policy basis (and include evidence of the public policy to revoke the Permit as part of the Revocation Petition that the lead petitioner submits to Public Works):</p> <p><u>Please see enclosed.</u></p>			
For Official Use Only:	Date Public Works Receives the Complete Revocation Petition:	Public Works Staff Information:		
		Printed Name: _____ Signature: _____		

Timeline

January 2022

Planning Commission certifies CEQA Final EIR

February 2022

CEQA Final EIR appeal period expires



San Francisco
Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

PLANNING COMMISSION MOTION NO. 2 1058

HEARING DATE: JANUARY 13, 2022

Record No.: 2018-013597ENV
Project Title: Portsmouth Square Improvement Project
Zoning: P (Public) Use District, C-3-O (Downtown Office)
OS (Open Space), 200-S Height and Bulk Districts
0209/017, 0208/024
Block/Lot:
Project Sponsor: San Francisco Recreation and Park Department
Cara Ruppert, Project Manager – (628) 652-6645
cara.ruppert@sfgov.org
Staff Contact: Megan Calpin – (628) 652-7508
megan.calpin@sfgov.org

ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PROJECT AT 733 AND 750 KEARNY STREET. THE PROJECT WOULD RENOVATE THE EXISTING PORTSMOUTH SQUARE PARK WITH A NEW CHILDREN'S PLAYGROUND, EXERCISE EQUIPMENT, SHADE STRUCTURES, SEATING AREAS, WAYFINDING, SIGNAGE, SIDEWALKS, LANDSCAPING, TERRACES, RAMPS, AND A NEW 8,300-SQUARE-FOOT CLUBHOUSE AND WOULD DEMOLISH AND REMOVE THE PEDESTRIAN BRIDGE SPANNING KEARNY STREET THAT CONNECTS PORTSMOUTH SQUARE TO 750 KEARNY STREET, A 27-STORY HOTEL BUILDING.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby **CERTIFIES** the Final Environmental Impact Report identified as Case No. 2018-013597ENV, for the Portsmouth Square Improvement Project (hereinafter "Project"), based on the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 et seq., hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
 - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on September 23, 2020. This notice was mailed to the Department's list of persons requesting such notice, and to owners and occupants of properties within 300 feet of the project site on September 23, 2020.
 - B. On August 4, 2021, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public

Demolition

2022 Preliminary cost estimate:
\$1.42 million (does not include soft costs estimated to be ~50% of the project cost)


Bridge demolition duration:
8 to 12 weeks

Hilton plaza restoration duration:
An additional 4 to 6 weeks



Carla Short, Interim Director | Director's Office
carla.short@sfdpw.org | T. 628.271.3078 | 49 South Van Ness Ave. Suite 1600, San Francisco, CA 94103

MEMORANDUM

DATE: March 24, 2022
TO: Angela Calvillo, Clerk of the Board
FROM:  Carla Short, Interim Director, San Francisco Public Works
SUBJECT: Kearny Street Pedestrian Bridge Removal

This memo is in response to your request for an estimated cost to remove the pedestrian bridge over Kearny Street, and the party responsible for the cost of removal.

Public Works issued a major encroachment permit in 1970 that was approved by the Board of Supervisors through Resolution No. 238-70. "The permission granted by this resolution was a revocable license. The permittee, their heirs or assigns, will remove or cause to be removed the encroachment permitted by said resolution and all materials used in connection with its construction without expense to the City and County of San Francisco, and shall restore the area to a condition satisfactory to the Department of Public Works." It is, therefore, Public Works' determination that the permittee must bear all the costs of removal.

The memo from the Clerk of the Board also requested a cost estimate for removal of the bridge. Please see the attached report for the cost estimate of \$1,416,800.00, which does not include design and construction management costs, or traffic control, estimated to be approximately 50% of the project cost, bringing the total to \$2,125,200.

Demolition

Minimum work scope

- Erection of falsework over Kearny Street and a portion Portsmouth Square
- Demolition of existing clubhouse structure
- Demolition of existing pedestrian bridge superstructure with multiple phasing to allow for partial vehicular and pedestrian use of Kearny Street
- Demolition of existing tapered concrete columns
- Off-haul and disposal of debris
- Reconstruction of elevated plaza
- Removal of temporary falsework and cleanup
- Traffic Control

EXHIBIT A

Cost Estimates for Kearny Street Pedestrian Bridge Demolition

Please note that these are estimated construction costs only; soft costs for design, permitting, construction support and construction management have not been included.

Trail Steps

Line	Description	Unit		Unit Price		Subtotal
1	Falsework erection and removal	1	LS	\$ 150,000.00	LS	\$ 150,000.00
2	Demolition of clubhouse	2500	s.f.	\$ 15.00	per s.f.	\$ 37,500.00
3	Demolition of bridge superstructure	285	c.y.	\$ 1,000.00	per c.y.	\$ 285,000.00
4	Demolition of concrete piers	20	c.y.	\$ 500.00	per c.y.	\$ 10,000.00
5	Debris off-haul and disposal	400	c.y.	\$ 60.00	per c.y.	\$ 24,000.00
6	Reconstruction of plaza	1	LS	\$ 250,000.00	LS	\$ 250,000.00
7						\$ -
8	Mobilization	10%				\$ 75,650.00
9	Subtotal					\$ 832,150.00
10	General Contractor markup	15%				\$ 124,822.50
11	Contingency	45%				\$ 374,467.50
12	total					\$ 1,331,440.00

This scope of work does not include traffic control.