

142-07

FILE NO. 070178

ORDINANCE NO.

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

2
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.
15 Board amendment deletions are ~~strikethrough-normal~~.

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

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

25 (b) The Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), at
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
2 to be 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
13 Public Works recommended approval of the proposed encroachment as set forth in DPW
14 Order No. 176,838, approved May 2, 2007. A copy of said DPW Order is on file
15 with the Clerk of the Board of Supervisors in File No. 070178, and is incorporated herein by
16 reference.

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

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

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

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

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

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

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

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

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

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

21 (j) (i) The Permittee shall assume all costs for the maintenance and repair of the
22 encroachments and no cost or obligation of any kind shall accrue to the City and County of
23 San Francisco by reason of this permission granted.
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25

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

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

5 (a) Pursuant to Public Works Code Section 786, the Board of Supervisors hereby
6 grants revocable permission to the Vietnamese Elderly Mutual Assistance Association
7 to occupy a portion of the public right-of-way to construct sidewalk bulb-outs with two (2) 24" x
8 31" concrete and granite pillars at the northeast and northwest corners of Larkin and Eddy
9 Streets that mark the entrance of the Little Saigon neighborhood subject to the conditions and
10 findings set forth above.

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

14 (c) Pursuant to Public Works Code Section 786, the Board finds that a benefit will
15 accrue to the public from this proposed encroachment, and therefore the Board hereby waives
16 the permit fee for this permit as set forth in Public Works Code Section 2.1.1(j) and waives the
17 public right-of-way occupancy assessment fee as set forth in Public Works Code Section
18 786.7.

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

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

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

1 RECOMMENDED:

APPROVED:

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4 Robert P. Beck

Fred V. Abadi, Ph.D.

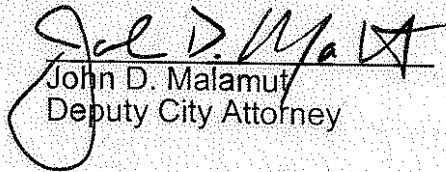
5 City Engineer and

Director of Public Works

6 Deputy Director for Engineering

7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By:


John D. Malamut
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 070178

Date Passed:

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

June 12, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

June 19, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Absent: 1 - Daly

File No. 070178

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on June 19, 2007 by
the Board of Supervisors of the City and
County of San Francisco.



Kay Gulbengay
Interim Clerk of the Board

JUN 27 2007

Date Approved



Mayor Gavin Newsom