

File No. 130979

Committee Item No. 4

Board Item No. 49

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 7, 2013

Board of Supervisors Meeting Date October 22, 2013

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Public Correspondence

OTHER

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<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>General Plan Referral, dtd 2/8/13</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Arts Commission Minutes for 2/6/12</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DPW Order No. 181272</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Street Encroachment Agreement</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Hidden Garden Steps Project Plan</u>
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Completed by: Alisa Miller Date October 4, 2013

Completed by: Alisa Miller Date October 15, 2013

1 [Encroachment Permit - Hidden Garden Tiled Steps Project - 16th Avenue between
2 Kirkham and Lawton Streets]

3 **Resolution granting revocable permission to The Hidden Garden Steps Organizing**
4 **Committee to occupy a portion of the public right-of-way to install and maintain a**
5 **mosaic tiled mural on the risers, and non-slip paving tiles on the treads of the existing**
6 **City concrete stairway, and a garden habitat adjacent to the existing concrete City**
7 **stairway, along 16th Avenue between Kirkham and Lawton Streets; accepting as a gift**
8 **to the City said tiled steps, garden habitat, and a \$20,000 maintenance fund for the tiled**
9 **steps; and making findings of consistency with the General Plan, and the eight priority**
10 **policies of Planning Code, Section 101.1.**

11
12 WHEREAS, Pursuant to Public Works Code Section 786, permission was requested by
13 The Hidden Garden Steps Organizing Committee to occupy a portion of the public right-of-
14 way to install a mosaic tiled mural on the risers and non-slip paving tiles on the treads of the
15 existing City concrete stairway, a garden habitat adjacent to the existing concrete City
16 stairway along 16th Avenue between Kirkham and Lawton Streets, as shown on the permit
17 plans. The Hidden Garden Steps Organizing Committee has also offered as a gift to the City
18 and County of San Francisco, the tiled steps project, the associated landscaping and a
19 \$20,000 maintenance fund for the tiled steps. Copies of the permit plans and The Hidden
20 Garden Steps Organizing Committee's gift offer are on file in the office of the Clerk of the
21 Board of Supervisors in File No. 130979 and are incorporated herein by reference; and

22 WHEREAS, The Transportation Advisory Staff Committee (TASC) at its meeting of
23 January 10, 2013, recommended approval of the proposed tiled steps and landscaping
24 improvements; and
25

1 WHEREAS, The Planning Department, by letter dated February 8, 2013, determined
2 that the proposed improvements are in conformity with the General Plan and with the eight
3 priority policies of Planning Code, Section 101.1. A copy of said letter is on file with the Clerk
4 of the Board of Supervisors in File No. 130979 and is incorporated herein by reference; and

5 WHEREAS, The San Francisco Arts Commission by Resolution No. 0206-12-026
6 approved the design of the Hidden Garden Steps project, and a tile mural by Aileen Barr and
7 Colette Crutcher at 16th Avenue at Kirkham Street. A copy of said Resolution is on file with
8 the Clerk of the Board of Supervisors in File No. 130979 and is incorporated herein by
9 reference; and

10 WHEREAS, After a duly noticed public hearing on April 17, 2013, the Department of
11 Public Works by Order No. 181272, approved May 9, 2013, recommended approval of the
12 proposed encroachments. A copy of said Order is on file with the Clerk of the Board of
13 Supervisors in File No. 130979 and is incorporated herein by reference; and

14 WHEREAS, The permit and associated encroachment agreement (the "Encroachment
15 Agreement") shall not become effective until:

16 (a) The Permittee executes and acknowledges the permit and delivers said permit to
17 the City's Controller;

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

23 (c) The City Controller records the permit and associated agreement in the office of the
24 County Recorder; and
25

1 WHEREAS, The Encroachment Agreement is attached to the permit as Exhibit A.
2 Copies of said Permit and the Agreement are on file with the Clerk of the Board of
3 Supervisors in File No. 130979 and are incorporated herein by reference; and

4 WHEREAS, The Permittee, at the Permittee's sole expense and as is necessary as a
5 result of this permit, shall make the following arrangements:

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

9 (b) To remove or relocate such facilities and provide access to such facilities for the
10 purpose of constructing, reconstructing, maintaining, operating, or repairing such facilities;
11 and

12 WHEREAS, The Permittee shall procure the necessary permits from the Central Permit
13 Bureau, Department of Building Inspection, Department of Public Works Bureau of Street-Use
14 and Mapping, or both, and pay the necessary permit fees and inspection fees before starting
15 work; and

16 WHEREAS, No structure shall be erected or constructed within the subject street right-
17 of-way except as specifically permitted herein; and

18 WHEREAS, The Department of Public Works recommends that the Board accept the
19 tiled steps and garden habitat, along with a \$20,000 maintenance fund as a gift to the
20 Department of Public Works on behalf of the City and County of San Francisco upon
21 completion of the permit work. The Department further recommends that upon completion,
22 inspection, and approval of the permit work, the maintenance requirements set forth herein
23 shall become the responsibility of the Department of Public Works, and the Permittee shall be
24 released from any duty or obligation whatsoever under the Encroachment Agreement,
25

1 including without limitation, any and all indemnification, liability, and insurance obligations
2 provided for therein (the "Encroachment Agreement Release"); and,

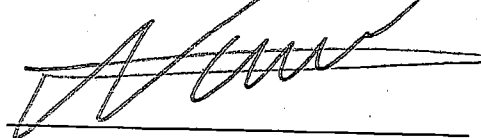
3 WHEREAS, Notwithstanding the Encroachment Agreement Release, after Department
4 of Public Works final inspection and approval of the permit work, the Permittee, as part of the
5 gift offer to the City, agrees to establish a \$20,000 fund for the purpose of maintaining the tiled
6 steps project until such funds have been fully depleted; now, therefore be it;

7 RESOLVED, That pursuant to Public Works Code Section 786, the Board of
8 Supervisors hereby approves permission, revocable at the will of the Director of the
9 Department of Public Works, to The Hidden Garden Steps Organizing Committee to occupy a
10 portion of the public right-of-way to install a mosaic tiled mural on the risers and non-slip
11 paving tiles on the treads of the existing City concrete stairway and a garden habitat adjacent
12 to the existing concrete City stairway along 16th Avenue between Kirkham and Lawton
13 Streets; and, be it

14 FURTHER RESOLVED, The Board of Supervisors hereby accepts as a gift to the City
15 and County of San Francisco the offer from The Hidden Garden Steps Organizing Committee
16 for said tiled steps project and garden habitat along with a \$20,000 maintenance fund as set
17 forth in the conditions that the Department of Public Works recommended; and, be it

18 FURTHER RESOLVED, That this Board finds the permit to be consistent with the
19 General Plan and priority policies of Planning Code Section 101.1 for the reasons set forth in
20 the City Planning Department letter.

21 APPROVED:

22 
23

24 Mohammed Nuru

25 Director of Public Works

Department of Public Works
BOARD OF SUPERVISORS



Edwin M. Lee, Mayor
Mohammed Nuru, Director

Office of the Director
1 Dr. Carlton B. Goodlett Place, City Hall, Room 348
San Francisco, CA 94102
(415) 554-6920 ■ www.sfdpw



September 27, 2013

Angela Calvillo, Clerk of the Board
City Hall, Room 244
San Francisco, CA 94102-4689

Dear Clerk of the Board:

Attached please find an original, two copies, and one electronic copy of a proposed resolution for Board of Supervisors consideration. This resolution would grant revocable permission to The Hidden Garden Steps Organizing Committee to occupy a portion of the public right-of-way to install and maintain a mosaic tiled mural, and to install and maintain a garden habitat adjacent to the existing City stairway along 16th Avenue between Kirkham and Lawton Streets; and accepting as a gift to the City said tiled steps, garden habitat and a \$20,000 maintenance fund. The resolution would also make findings of consistency with the priority policies of Planning Code Section 101.1.

Pursuant to Section 786 of the Public Works Code, The Hidden Garden Steps Organizing Committee, the Permittee, requested a Major Encroachment Permit in a letter dated November 16, 2012. The Transportation Advisory Staff Committee (TASC) heard this request on January 10, 2013 and recommended it for approval. The Planning Department, by letter dated February 8, 2013, found the project, on balance, to be in conformity with the General Plan and with the priority policies of Planning Code Section 101.1. The San Francisco Arts Commission by Resolution No. 0206-12-026 approved the design of the Hidden Garden Steps project, a tile mural by Aileen Barr and Colette Crutcher.

The following is a list of accompanying documents (three sets):

- Letter from The Hidden Garden Steps Organizing Committee dated November 16, 2012 requesting the Major Encroachment Permit.
- Memo from San Francisco Municipal Transportation Agency (SFMTA) dated April 29, 2013 indicating approval by TASC.
- Letter from the Planning Department indicating project's compliance with the General Plan, dated February 8, 2013.

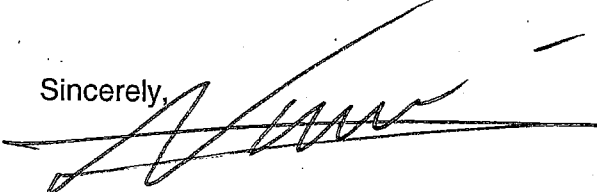


- San Francisco Arts Commission Resolution No. 0206-12-026 approving the design of the project.
- DPW Order No. 181272, approved May 9, 2013, recommending the approval of the proposed Major Encroachment.
- Proposed plans for the Major Encroachment Permit.
- Signed and Notarized Street Encroachment Agreement.
- Letter from The Hidden Garden Steps Organizing Committee dated July 16, 2013 offering the gift of the tiled steps and maintenance fund.

The Department of Public Works recommends approval of the permit, and supports the acceptance of the subject tiled steps and a portion of the maintenance fund as a gift to the City.

The following person may be contacted regarding this matter: Mr. Nick Elsner of BSM at (415) 554-6186.

Sincerely,


 Mohammed Nuru
 Director of Public Works

Attachments: As Noted





Hidden Garden Steps

A Community Project with Public Art

November 16, 2012

Nick Elsner
San Francisco Department of Public Works
875 Stevenson, #460
San Francisco, CA 94102

Dear Mr. Elsner:

Thanks a million for all your assistance as we move forward with the community-based volunteer-driven Hidden Garden Steps project. Our effort to create another neighborhood gathering place by installing mosaic tiled steps, a mural, and a garden habitat of California natives and other drought-tolerant plants, including many that help the engendered Green Hairstreak butterfly to thrive, will provide substantial improvements to the City-County property on 16th Avenue between Kirkham and Lawton streets in San Francisco's Inner Sunset District.

We've been very successful at building a broad-based coalition as a San Francisco DPW Street Parks Program project and a San Francisco Parks Alliance project with Supervisor Sean Elsbernd's support. Our informal community partners include the Inner Sunset Park Neighbors, the Nature in the City Green Hairstreak [Butterfly] Corridor, and Woodside International School (the art instructor and her students have already completed a colorful mural at the foot of the stairs to beautify what previously was a drab gray concrete wall often marred by graffiti). We also routinely attract students (e.g., Washington High School Key Club volunteers) who join neighbors in monthly onsite clean-ups to sweep the steps, remove graffiti, add plants to the gardens, and complete other onsite work.

Donors have been wonderfully supportive and generous: more than 200 people locally as well as from seven states outside of California and from the UK have given more than \$100,000 toward the project. Media coverage has also been favorable; *SF Weekly*, for example, called Hidden Garden Steps "Best Community Art" project in 2011, and our local neighborhood and city-wide newspaper and radio colleagues have been increasingly covering our successes.

We're looking forward to continuing to work with you through the application process that will move us closer to completion of the project. Please don't hesitate to let us

know if there's anything else we need to do as we seek approval at the City-County level for the Hidden Garden Steps project.

With warmest regards,



Paul Signorelli

Hidden Garden Steps organizing committee co-chair (with Licia Wells and Liz McLoughlin)

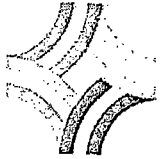
1558 16th Avenue

San Francisco, CA. 94122

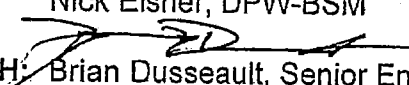
415.681.5224

paul@paulsignorelli.com





MEMORANDUM

DATE: April 29, 2013
TO: Nick Elsner, DPW-BSM
THROUGH:  Brian Dusseault, Senior Engineer
FROM: ^{NW} Norman Wong, Associate Engineer
SUBJECT: Hidden Garden Steps (16th Avenue between Kirkham and Lawton Streets) – Major Encroachment Permit

At its meeting of January 10, 2013, TASC recommended approval for the major encroachment permit to install mosaic tiles steps, a mural, and garden habitat on and adjacent to a City owned public stairway on 16th Avenue between Kirkham and Lawton Streets.

The Major Encroachment Permit should include this and other necessary temporary traffic control conditions required of the builder.

If you have any questions, please call me at 701-4600. Thank you.

Edwin M. Lee
Mayor

Tom Nolan
Chairman

Cheryl Brinkman
Vice-Chairman

Leona Bridges
Director

Malcolm Heinicke
Director

Jerry Lee
Director

Joël Ramos
Director

Cristina Rubke
Director

Edward D. Reiskin
Director of
Transportation

One South Van Ness Ave.
Seventh Floor
San Francisco, CA 94103

Tele: 415.701.4500

www.sfmta.com

/NW
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SAN FRANCISCO PLANNING DEPARTMENT

General Plan Referral

Date: February 8, 2013
Case No. Case No. 2012.1532R
Hidden Garden Steps

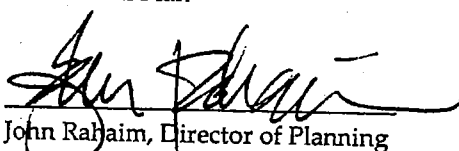
Block/Lot No: None. On the 16th Avenue right-of-way between Kirkham Street and Lawton Street

Project Sponsor: Nick Elsner
Department of Public Works
875 Stevenson St., #460
San Francisco, CA 94102

Applicant: Paul Signorelli
1558 16th Avenue
San Francisco, CA 9412

Staff Contact: Steve Wertheim – (415) 558-6612
steve.wertheim@sfgov.org

Recommendation: Finding the project, on balance, is in conformity with the General Plan

Recommended By: 
John Rahaim, Director of Planning

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project is to install mosaic tiled steps, a mural, and a garden habitat on and adjacent to a City-owned public stairway on 16th Avenue between Kirkham and Lawton Streets. The stairway is currently unadorned concrete. The project is a cooperative effort between the Department of Public Works' Street Parks Program, the San Francisco Parks Alliance, and the local community.

ENVIRONMENTAL REVIEW

On December 28, 2012, the Environmental Planning Section of the Planning Department determined that the proposed project are Categorical Exempt from Environmental Review under CEQA Class 1(c) as an existing pedestrian trail and Class 4(e) as a minor temporary use of land having negligible or no permanent effects on the environment.

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

As described below, the Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 and is, on balance, **in-conformity** with the following Objectives and Policies of the General Plan:

Note: General Plan Objectives and Policies are in **bold font**; General Plan text is in regular font. Staff comments are in *italic font*.

ARTS ELEMENT

POLICY I-1.1

Promote inclusion of artistic considerations in local decision-making.

Comment: Through the mosaic and mural, the proposed improvements incorporate artistic considerations into the decision on how to improve the public stairway on 16th Avenue.

POLICY I-1.4

Provide access to the creative process and cultural resources for all neighborhoods, cultural communities, and segments of the city and its populations.

Comment: This proposed project provides a creative process and cultural resources to this part of the Inner Sunset.

POLICY III-1.5

Include the participation of artists in City capital improvements and public works projects which do not fall under current Percent for Art programs.

Comment: The proposed improvements are being designed by local artists, and are outside of current Percent for Art programs.

POLICY V-2.2

Determine the means of providing in-kind resources and services to the arts.

Comment: The contribution of the Department of Public Works to implementing this project reflects an in-kind contribution by the City to the arts.

POLICY V-3.1

Develop partnerships with the private sector and the business community to encourage monetary and non-monetary support of the arts, as well as sponsorships of arts organizations and events.

Comment: The project reflects a partnership between the City and the private sector for both monetary and non-monetary support of the arts.

RECOMMENDATION:	Finding the Project, on balance, in-conformity with the General Plan
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Eight General Plan Priority Policies Findings

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.
The project will not affect existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses.
2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.
The project will not affect housing, and would enhance neighborhood character.
3. That the City's supply of affordable housing be preserved and enhanced.
The project would have no adverse effect on the City's supply of affordable housing.
4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.
The project would not increase demand in such a way as to result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking.
5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for residential employment and ownership in these sectors be enhanced.
The project would not affect the existing economic base in this area.
6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.
The project would not affect the City's preparedness to protect against injury and loss of life in an earthquake.
7. That landmarks and historic buildings be preserved.
The project will not affect landmarks or historic buildings.
8. That our parks and open space and their access to sunlight and vistas be protected from development.
The improvements would not affect parks or open space, and will enhance the utility of the stairway as a public space.

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February 6, 2012

MEETING OF THE FULL ARTS COMMISSION

Monday, February 6, 2012

3:00 p.m.

City Hall Room 416

Revised Minutes

Director of Cultural Affairs Tom DeCaigny called the meeting to order at 3:05 p.m.

1. Roll Call

Commissioners Present

JD Beltran
Mark Breitenberg
John Calloway
Amy Chuang
Chuck Collins
Sherene Melania
Roberto Ordeñana
Jessica Silverman
Barbara Sklar
Kimberlee Stryker
Ron Miguel, ex officio

Commissioners Absent

Gregory Chew
Leo Chow
Dorka Keehn
Cass Calder Smith

Mr. DeCaigny introduced the two new Commissioners, Roberto Ordeñana and Chuck Collins. He explained that Commissioner Ordeñana was a 34-year-old native San Franciscan of Nicaraguan descent, and briefly described his work in social justice and community-building for almost fifteen years. Mr. DeCaigny explained that Commissioner Ordeñana is the Development Director of the San Francisco Lesbian, Gay, Bisexual and Transgender Community Center, and spent nearly a decade as Director of Community Development Programs, leading arts and culture programs, children, youth and family services; and community development and policy initiatives. Before that, he managed peer-led HIV prevention programs at the STOP AIDS Project, and has served on the LGBT Advisory Committee of the San Francisco Human Rights Commission, and as president of the board of directors of BAY Positives. He added that Commissioner Ordeñana is a graduate of San Francisco State, and lives in the Mission District, where he was born and raised.

Mr. DeCaigny said that Commissioner Collins was also a native San Franciscan, President and CEO of the YMCA of San Francisco. He has served as President and CEO of the Family Service Agency of San Francisco, and has a long history of community service, including membership on the boards of directors of the National Urban League and the San Francisco Museum of Modern Art. He also served as Chair of the Board of Trustees of the San Francisco Art Institute.

was on the board of directors of the San Francisco Museum of Modern Art, one of the venues for the traveling exhibition. She called for a vote on that item.

The motion passed unanimously, with Commissioner Collins abstaining.

RESOLUTION NO. 0206-12-019:

Motion to approve the loan of Jay DeFeo's artwork *Masquerade in Black*, 1974-1975, an acrylic and mixed media painting, approximately 96 in. x 96 in. (San Francisco Arts Commission Accession Number 1980.6) to the exhibition Jay DeFeo Retrospective, organized by the Whitney Museum of American Art in New York. The traveling exhibition will be on view at the San Francisco Museum of Modern Art from November 3, 2012 to February 3, 2013 and from February 28 to June 2, 2013 at the Whitney Museum of American Art.

Finally, President Beltran called for a vote on the remaining Consent Calendar, excluding items 3, 5 and 16.

The Consent Calendar of the remaining items was approved as follows.

RESOLUTION NO. 0206-12-020:

Approval: RESOLVED, that this Commission does hereby adopt the following items on the Consent Calendar and their related Resolutions:

Approval of Committee Minutes

1. **RESOLUTION NO. 0206-12-021:** Motion to approve the Community Arts, Education and Grants Committee Meeting Minutes of January 10, 2012.
2. **RESOLUTION NO. 0206-12-022:** Motion to approve the Visual Arts Committee Meeting Minutes of January 18, 2012.

**Community Arts, Education and Grants Committee Recommendations
(January 10, 2012)**

3. **RESOLUTION NO. 0206-12-023:** Motion to enter into a contract not to exceed \$50,000 with Deborah Frieden to serve as the project management consultant for the renovation and restoration of the Bayview Opera House.

Visual Arts Committee Recommendations (January 18, 2012)

4. **RESOLUTION NO. 0206-12-024:** Motion to approve conceptual design by Merge Conceptual Design for an artwork for the Fire Station at the new Public Safety Building.
5. **RESOLUTION NO. 0206-12-025:** Motion to approve the logo (option one) for the San Francisco Arts Commission for recommendation to the full Arts Commission.
6. **RESOLUTION NO. 0206-12-026:** Motion to approve the design of the Hidden Garden Steps project, a tile mural by Aileen Barr and Colette Crutcher on 16th Avenue and Kirkham Street. The mural is sponsored by the San Francisco Parks Alliance and supported by the Department of Public Works "Street Parks" program.
7. **RESOLUTION NO. 0206-12-027:** Motion to approve the revised design by Paul Kos for an artwork for the Community Plaza at the new Public Safety Building on the condition that the artist further simplify the design and prioritize the primary elements.
8. **RESOLUTION NO. 0206-12-028:** Motion to approve revised design by Bill Fontana for an artwork at the North Beach Branch Library.

City and County of San Francisco



Edwin M. Lee, Mayor
Mohammed Nuru, Director

San Francisco Department of Public Works
Office of the Deputy Director & City Engineer, Fuad Sweiss
Bureau of Street-Use & Mapping
1155 Market Street, 3rd Floor
San Francisco Ca 94103
(415) 554-5810 www.sfdpw.org



Jerry Sanguinetti, Bureau Manager

DPW Order No: 181272

RECOMMENDATION OF APPROVAL FOR A MAJOR (STREET) ENCROACHMENT PERMIT TO INSTALL MOSAIC TILED STEPS, A MURAL AND A GARDEN HABITAT ON AND ADJACENT TO A CITY OWNED PUBLIC STAIRWAY ON 16TH AVENUE BETWEEN KIRKHAM AND LAWTON STREETS.

APPLICANT: Hidden Garden Steps organizing Committee
Attn: Paul Signorelli
1558 16th Avenue
San Francisco, CA 94122

PROPERTY IDENTIFICATION: DPW maintained stairway within 16th Avenue public right-of-way between Kirkham and Lawton Streets.

DESCRIPTION OF REQUEST: Major (Street) Encroachment Permit

BACKGROUND:

1. The Hidden Garden Steps Organizing Committee filed an application with the Department of Public Works (DPW) for a Major (Street) Encroachment Permit for the installation and maintenance of mosaic tiled steps, a mural and a garden habitat of California native and other drought tolerant plants, to create a neighborhood gathering place within the subject space.
2. The Transportation Advisory Staff Committee (TASC) at its meeting of January 10, 2013, recommended approval for the proposed tiled step, mural and landscaping improvements.
3. The Planning Department by letter dated February 8, 2013 determined the proposed improvements to the existing City maintained steps to be in conformity with the General Plan.
4. The San Francisco Arts Commission by Resolution No. 0206-12-026 approved the design of the Hidden Garden Steps project, a tile mural by Aileen Barr and Colette Crutcher at 16th Avenue and Kirkham Street.



San Francisco Department of Public Works
Making San Francisco a beautiful, livable, vibrant, and sustainable city.

5. This improvement project has been very successful in building a coalition as a DPW Street Parks Program and San Francisco Parks Alliance Projects, with support from former Supervisor Sean Elsbernd and various community groups including the Inner Sunset Park Neighbors, the Nature in the City Green Hairstreak (Butterfly) Corridor and Woodside International School.
6. The subject mural is sponsored by the San Francisco Parks Alliance and supported by the DPW Street Parks Program.
7. This project has attracted students who join neighbors in monthly on-site clean-ups of the subject area, including sweeping the steps, graffiti removal, and the planting of additional landscaping.
8. This project has also received favorable media coverage and SF Weekly called this project the "Best Community Project" of 2011.
9. DPW mailed public hearing notices on April 2, 2013 to property owners within 300-foot of the subject location, notifying them of a public hearing on April 17, 2013, to consider the proposed Major (Street) Encroachment Permit at the subject location.
10. On April 16, 2013, DPW received written comments from the property owner at 1491 15th Avenue objecting to the proposed improvements citing that the tiled steps would bring too much traffic to an already busy Kirkham Street.
11. Hearing Officer, Mr. Abel Romero, conducted the hearing and heard testimony presented by DPW Staff, recommending the proposed improvements for approval.
12. Several members of the Organizing Committee attended the hearing and testified in support of the improvement project.
13. No testimony was presented in opposition to the subject improvements during the hearing.
14. The Hearing Officer made his decision after hearing the above testimony, and reviewing the application, reports, plans and other documents contained in the Department of Public Works files

FINDING 1. The proposed improvements, based on review of the submitted plans, are in compliance with San Francisco Building Code (SFBC), 2010 ADA Standards for Accessible Design and Title II of the ADA, otherwise known as 28 CFR Part 35 "Nondiscrimination on the Basis of Disability in State and Local Government Services.


FINDING 2. The subject encroachment is desirable and convenient to the neighborhood community and students of Woodside International School.

FINDING 3. The proposed encroachment design and improvements satisfy all technical requirements as they relate to City Standards and the Public Works Code.



RECOMMENDATION: Recommendation of APPROVAL of the request for the proposed tiled steps, mural and garden habitat within the 16th Avenue public right-of-way.

5/2/2013

X 

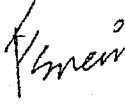
Sanguinetti, Jerry
Bureau Manager

5/9/2013

X Mohammed Nuru

Nuru, Mohammed
Director, DPW

5/9/2013

X 

Sweiss, Fuad
Deputy Director and City Engineer



San Francisco Department of Public Works
Making San Francisco a beautiful, livable, vibrant, and sustainable city.



**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS**

STREET ENCROACHMENT AGREEMENT

WITNESSETH

In consideration of the adoption by the Board of Supervisors of the City and County of San Francisco of Resolution No. _____ at its meeting of _____, a true copy of which is attached hereto marked Exhibit A, and by this reference incorporated herein, and subject to all the terms, conditions and restrictions of this Agreement, also by reference incorporated herein, Permittee agrees that in accordance with this agreement and Exhibit A:

1. The permitted encroachment shall constitute a revocable license, shall be personal to Permittee and shall not be assignable or transferable by Permittee, whether separate from or together with any interest of Permittee.

Upon revocation the undersigned permittee, subsequent owners, or their heirs and assignees will within 30 days remove or cause to be removed the encroachment and all materials used in connections 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.

2. The occupancy, construction and maintenance of the encroachment shall be in the location and as specified by the plans submitted, revised, approved and filed in the Department of Public Works. The permittee, by acceptance of this permit, acknowledges its responsibility to comply with all requirements of the occupancy, construction and maintenance of the encroachment as specified in Public Works Code Section 786 and with the sidewalk maintenance requirements specified in Public Works Code Section 706.
3. The permittee shall verify the locations of City and public service utility company facilities that may be affected by the work authorized by this permit and shall assume all responsibility for any damage to such facilities due to the work. The permittee shall make satisfactory arrangements and payments for any necessary temporary relocation of City and public utility company facilities.
4. In consideration of this Permit being issued for the work described in the application, Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.

Permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, Permittee or its subcontractors, or the offices, agents or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facilities or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, good will, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligations arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.

Permittee shall obtain and maintain through the terms of this Permit insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.

5. Permittee will, at its own expense, maintain in full force and effect an insurance policy or policies issued by insurers with ratings comparable to A-VIII, or higher that are authorized to do business in the State of California, and that are satisfactory to the City. Approval of the insurance by City shall not relieve or decrease Permittee's liability hereunder.

Permittee must maintain in force, during the full term of the Agreement, insurance in the following amounts and coverages. Workers' Compensation, in statutory amounts, with Employer's Liability limits not less than \$1,000,000 each accident, injury, or illness; and Commercial General Liability Insurance with Limits not less than \$1,000,000 each occurrence and \$2,000,00 in the aggregate for bodily injury and property damage, including contractual liability, personal injury, products and completed operations; and Commercial Automobile Liability Insurance with limits not less than \$1,000,000 each occurrence combined single limit or bodily injury and

property damage, including owned, non-owned and hired auto coverage as applicable. Said policies shall include the City and County of San Francisco and its officers and employees jointly and severally as additional insured and shall apply as primary insurance and shall stipulate that no other insurance affected by the City and County of San Francisco will be called on to contribute to a loss covered hereunder.

All policies shall be endorsed to provide thirty (30) days advance written notice to the City of reduction, nonrenewal or material changes in coverages or cancellation of coverages for any reason. Notices shall be sent to the Department of Public Works, Central Permit Bureau, 875 Stevenson Street, Room 460, San Francisco, CA, 94103. The permission granted by said resolution shall automatically terminate upon the termination of such insurance. Upon such termination, Permittee shall restore the right-of-way, without expense to the "Personal Injuries", as used herein, shall include wrongful death.

6. The permittee shall obtain a building permit as the Central Permit Bureau, 1660 Mission Street for the construction or alteration of any building.
7. The permittee shall contact the Street Permit Section (415) 554-5810, at least 48 hours prior to starting work to arrange an inspection schedule.
8. The permittee acknowledge its responsibility to notify any successor owners of the existence of the encroachment and the successor owner's obligation to obtain a permit from the Department of Public Works 60 days in advance of any pending sale of the permittee's adjacent property. The permittee's obligation to remove the encroachment and restore the right-of-way to a condition satisfactory to the Department of Public Works shall survive the revocation, expiration or termination of this permit or sale of permittee's adjacent property.
9. The permittee's right to use City property, as set forth in this permit is appurtenant to the property described as: Hidden Garden Steps - 116th Avenue right-of-way between Kildham and Lawton. The provisions of the permit shall bind all subsequent purchases and owners of the described property.

Subsequent purchasers and owners shall be subject to the revocation and termination provisions set forth in this permit.

10. The permittee or subsequent owners recognize and understand that this permit may create a possessory interest subject to property taxation and that the permittee or subsequent owner or owners may be subject to the payment of such taxes.
11. The permittee or subsequent owner or owners recognize the recordation of this permit.

All of the provisions of this agreement shall be deemed provisions of said resolution. All of the provisions of said resolution shall be deemed provisions of this agreement.

In witness whereof the undersigned Permittee(s) have executed this agreement this 26th day of September, 2013.

M. J. O'Grady

MATTHEW O'GRADY

STATE OF CALIFORNIA

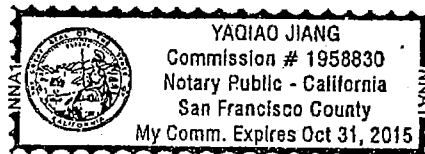
COUNTY OF San Francisco) SS)

On 09/26/2013 before me, YAQIAO JIANG Notary Public in
and for said County and State, personally appeared Matthew John O'Grady
~~personally known to me~~ (or proven to me on the 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 this by his/~~her/their~~ signature(s) on the
instrument the person(s), or entity upon behalf of which the person(s) acted, executed
the instrument.

WITNESS my hand and official seal

(NOTARY STAMP OR SEAL)

YAQIAO JIANG
Notary Public in and for said
County and State



Hidden Garden Steps:

July 16, 2013

Mohammed Nuru, Director of Public Works
1155 Market Street, 3rd Floor
SF CA 94103

RECEIVED
JUL 18 2013

PERMIT SECTION

Dear Mr. Nuru:

I am writing on behalf of the Hidden Garden Steps organizing committee.

In reference to Permit Application No. 12ME-0009, upon approval of our Project (on 16th Avenue, between Kirkham and Lawton streets in San Francisco's Inner Sunset District) by the Board of Supervisors and subsequent issuance of a permit from the Department of Public Works, we intend to install the 148-step ceramic-tile mosaic created by artists Aileen Barr and Colette Crutcher.

Upon completion of the project, we hope you will accept our gift of the tiled steps and a maintenance fund of at least \$20,000 for any repairs needed for the Steps mosaic.

It has been a tremendous pleasure to work with the support of SF DPW and other City/County colleagues during the nearly four years it has taken to reach this point, and we are looking forward to installation of the completed mosaic as soon as other onsite work by DPW is completed.

With warmest regards and heartfelt thanks for DPW's collaborations on the project,



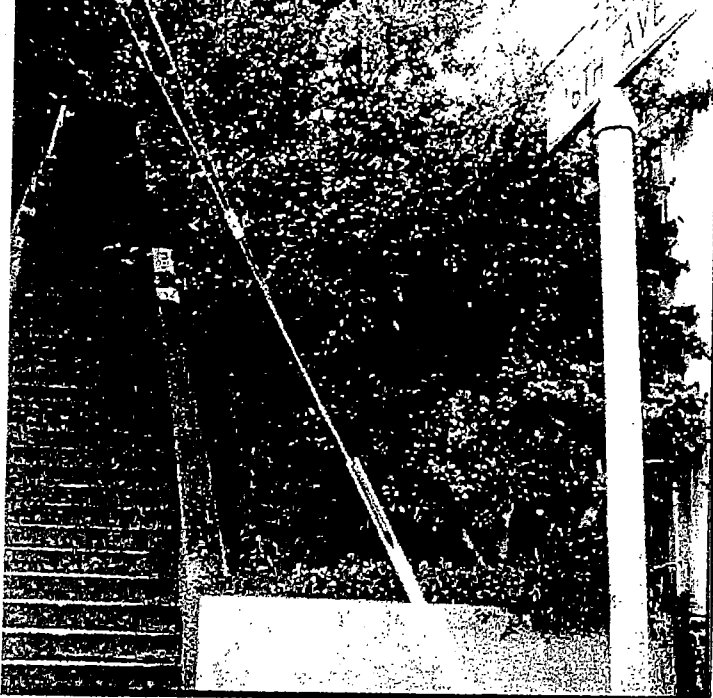
--Paul Signorelli

Hidden Garden Steps organizing committee co-chair
paul@paulsignorelli.com
415.681-5224

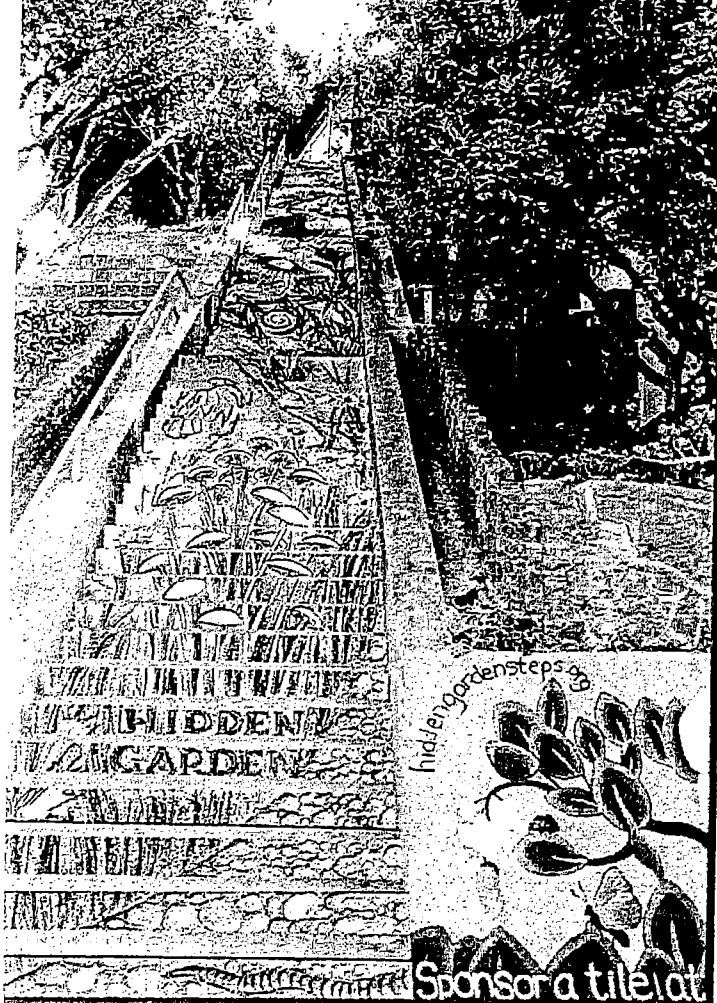
HIDDEN GARDEN STEPS

www.hiddengardensteps.org

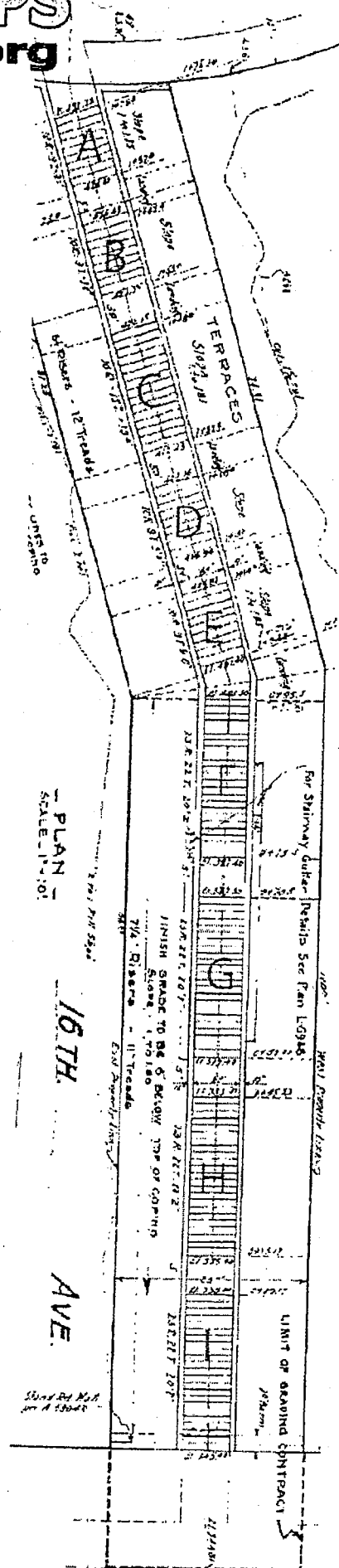
ING 16th AVENUE STEPS FROM THIS,



THIS! (16th AVE. STEPS PROPOSED TILE)



Sponsor a tile at



KIRKHAM ST



HIDDEN GARDEN STEPS



Multi-Tile Elements The 16th Avenue and Kirkham Steps

Team up with friends, family, and neighbors in our community to purchase a vibrant multi-tile element such as an airborne dragonfly or an eye-popping Diablo Fairy Lantern that will cascade the length of several steps. Multi-tiled elements are priced from \$5,000-\$15,000.

Your choice of 25 elements:

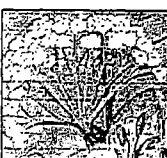
- | | |
|------------------------------------|----------|
| 1. SALAMANDER (26 steps) | \$15,000 |
| 2. PASSIONFLOWER (14 steps) | \$12,000 |
| 3. QUEEN ANNE'S LACE (9 steps) | \$10,000 |
| 4. THISTLE (11 steps) | \$10,000 |
| 5. TIBURON MARIPOSA (12 steps) | \$10,000 |
| 6. DANDELION (10 steps) | \$10,000 |
| 7. CALIFORNIA POPPY (11 steps) | \$10,000 |
| 8. BLUE CAP (10 steps) | \$8,000 |
| 9. BUTTERFLY (7 steps) | \$8,000 |
| 10. SISKIYOU PINK (8 steps) | \$8,000 |
| 11. FERN (16 steps) | \$8,000 |
| 12. INDIAN PIPE (7 steps) | \$6,500 |
| 13. SNAIL (7 steps) | \$6,500 |
| 14. MOTH (9 steps) | \$6,500 |
| 15. SHOOTING STAR (9 steps) | \$6,500 |
| 16. FOXGLOVE (10 steps) | \$6,500 |
| 17. INDIAN PAINTBRUSH (10 steps) | \$6,500 |
| 18. DRAGONFLY (5 steps) | \$6,500 |
| 19. INDIAN PINK (8 steps) | \$5,000 |
| 20. GRASSHOPPER (5 steps) | \$5,000 |
| 21. BEES (4 steps) | \$5,000 |
| 22. DIABLO FAIRY LANTERN (7 steps) | \$5,000 |



1



2



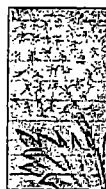
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4



5



6



7



8



9



10



11



12



13



14



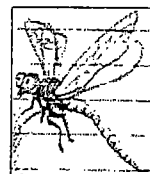
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16



17



18



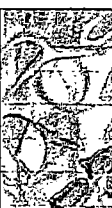
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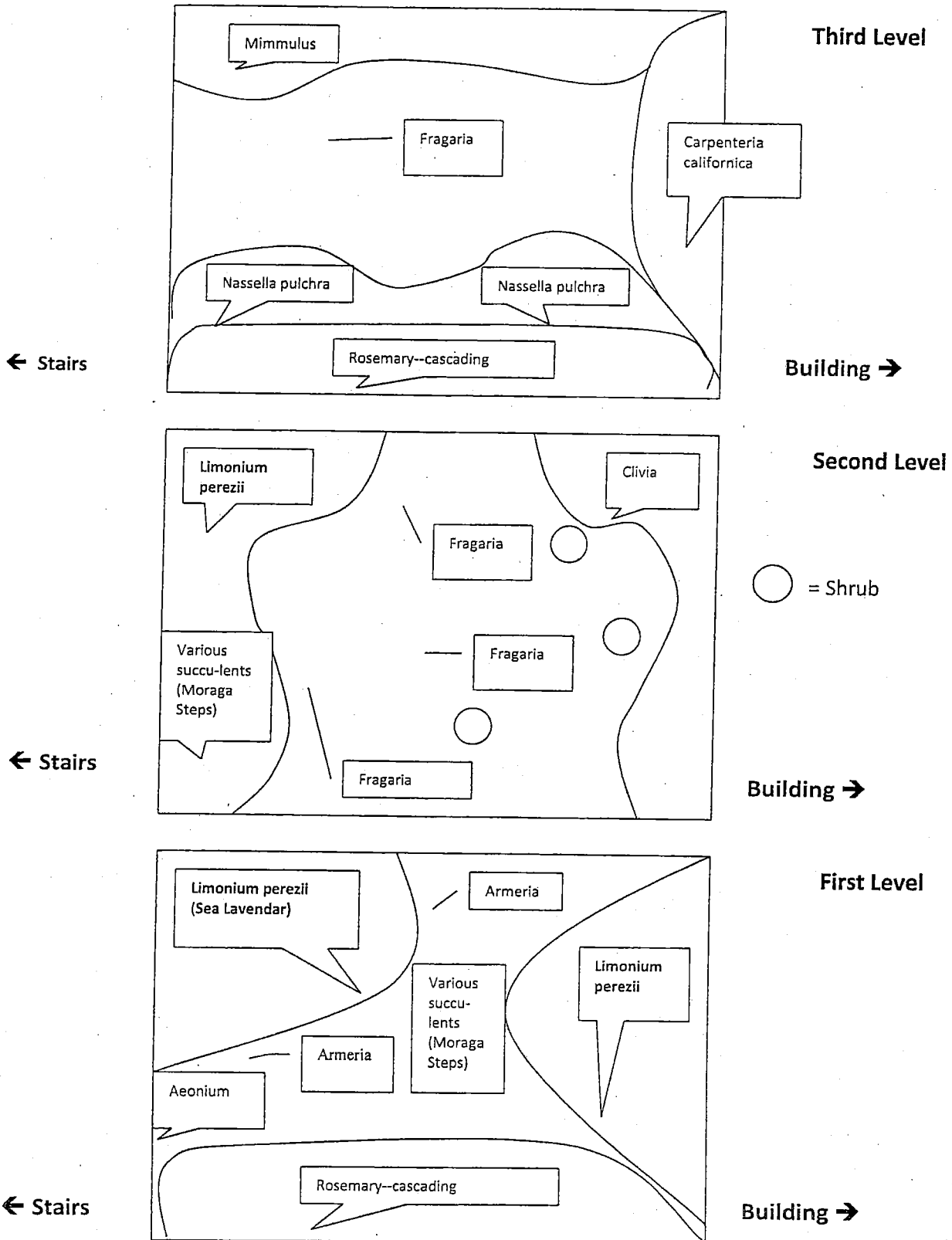


22

Hidden Garden Steps

Plant Sketches

April 15, 2011

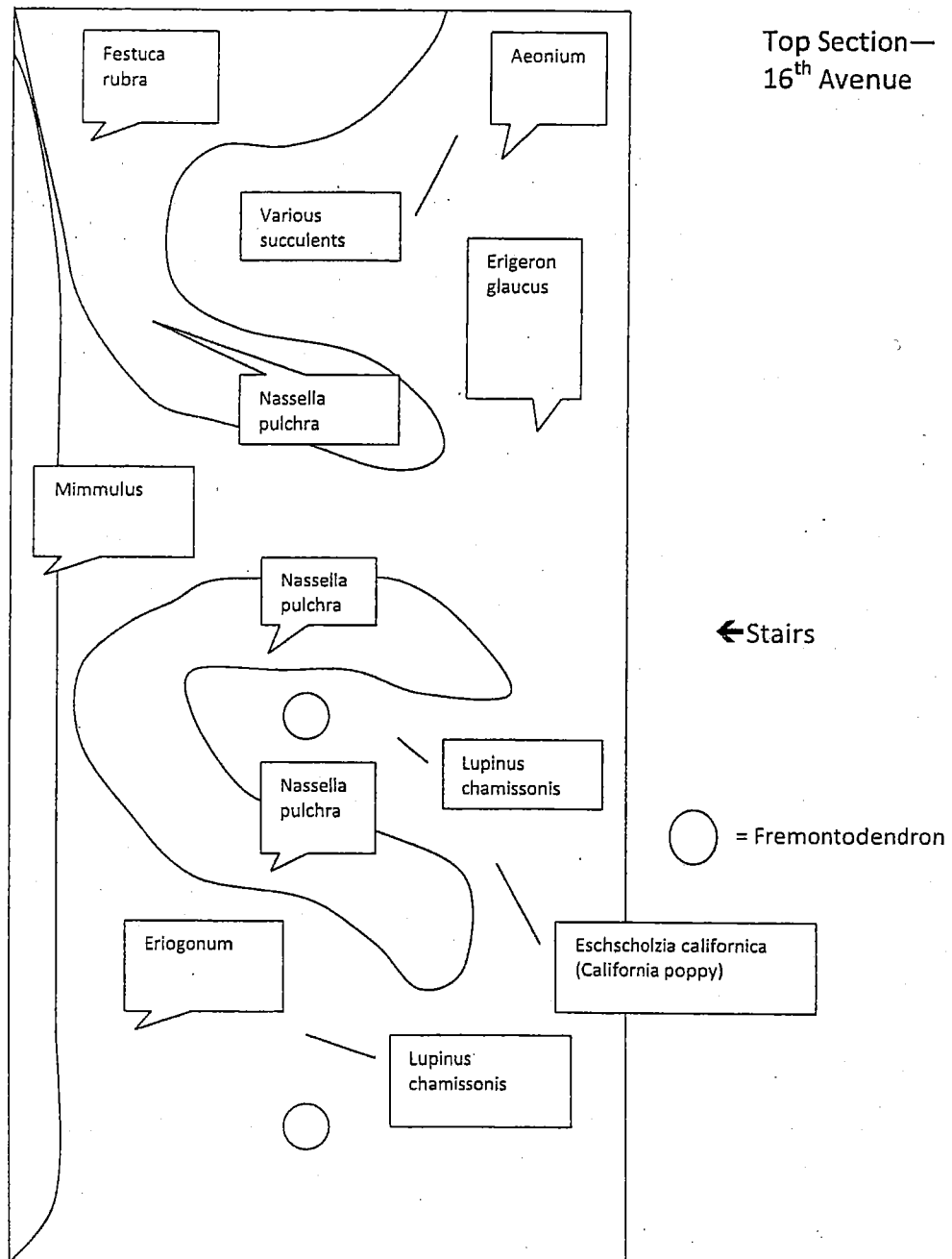


Hidden Garden Steps

Plant Sketches

April 15, 2011

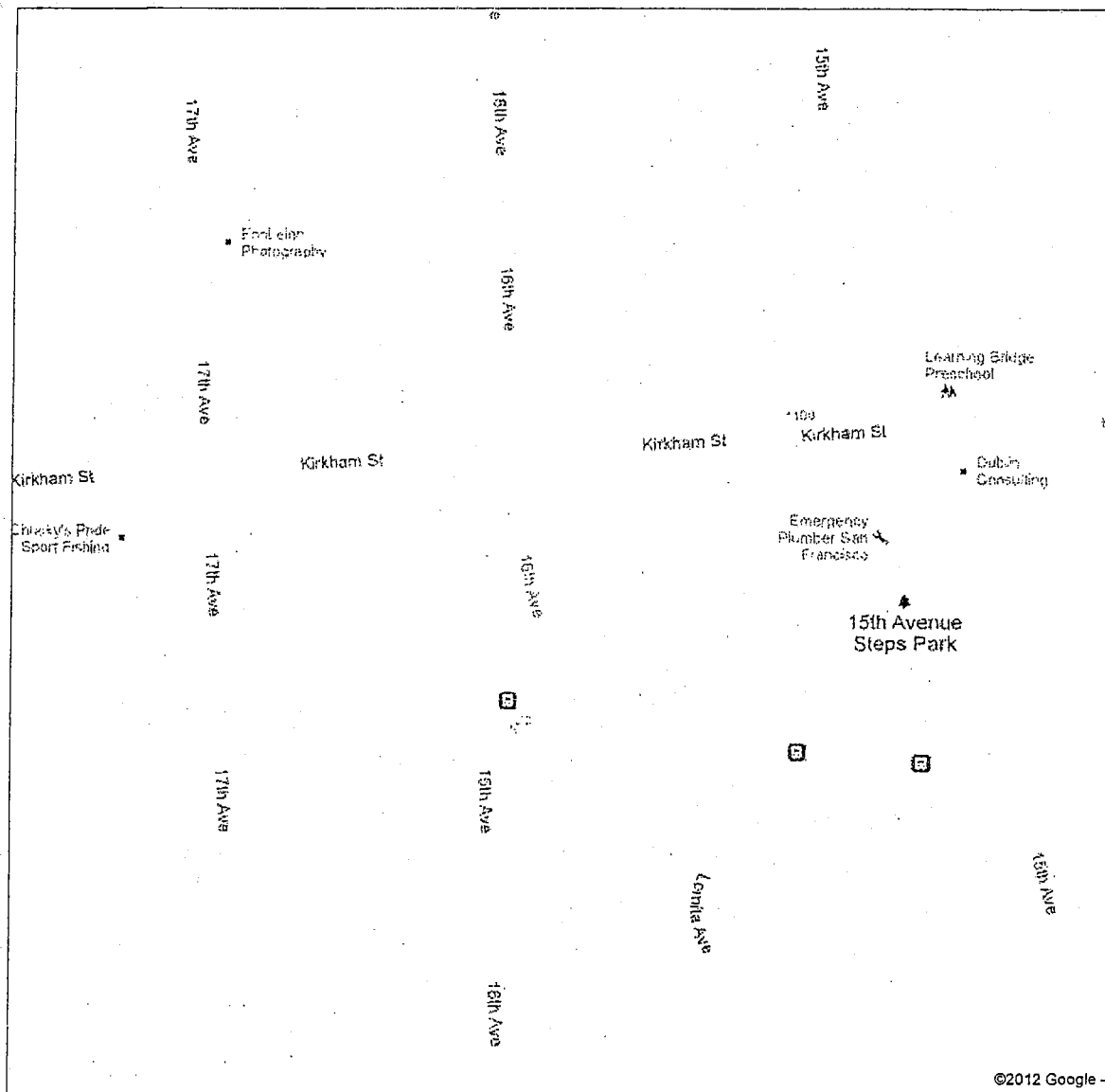
The Wong's home



Hidden Garden Steps

- *Aeonium arborium* and various succulent cuttings from the Moraga Steps
- *Armeria maritima*s
- *Carpenteria californica*
- *Clivia*
- *Dudleya farinosa*
- *Erigeron glaucus*
- *Eriogonum*
- *Eschscholzia californica* (California poppy)
- *Festuca rubra*
- *Fragaria chilensis*
- *Fremontodendron*
- *Limonium perezii* (Sea Lavendar)
- *Lupinus chamissonis*
- *Mimulus aurantiacus*
- *Nassella pulchra*
- Rosemary (cascading)

Hidden Garden Steps Site
Inner Sunset District
San Francisco (16th Avenue, between
Kirkham and Lawtons streets)

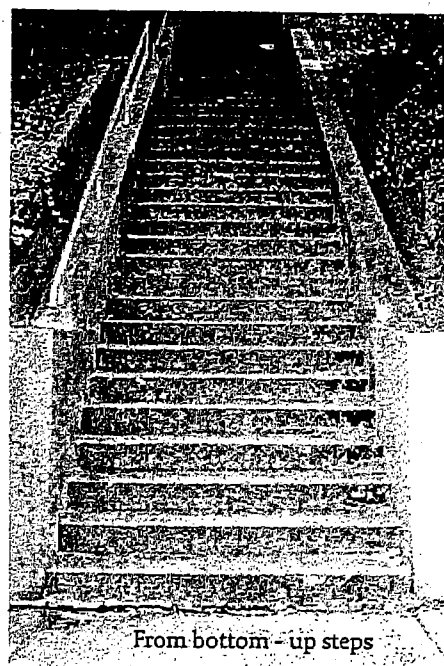




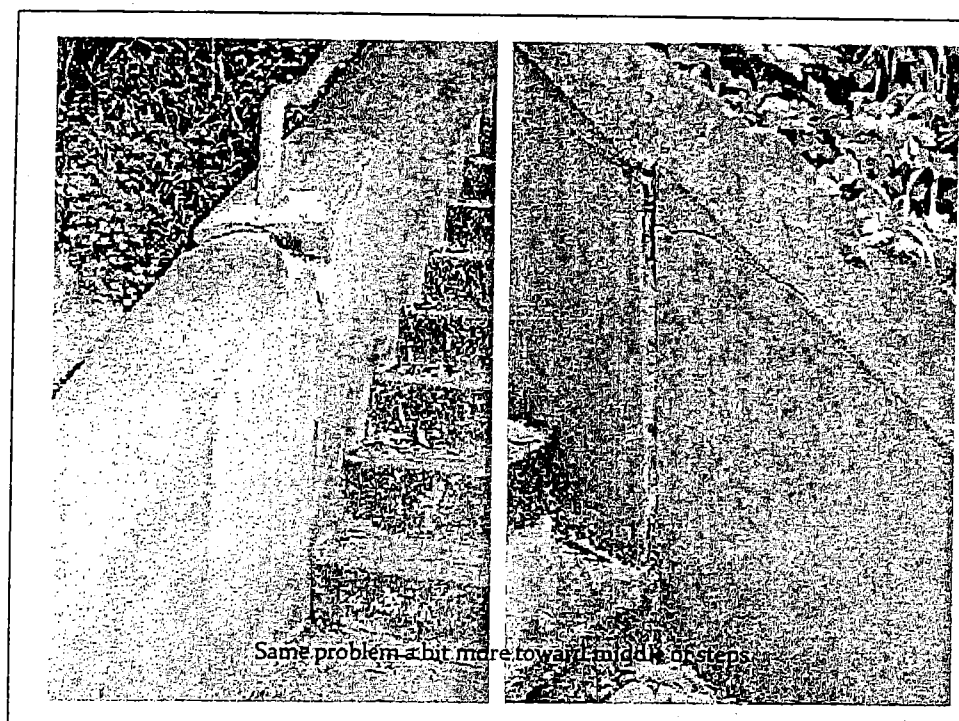
Bottom of the steps between Kirkham and Lawton

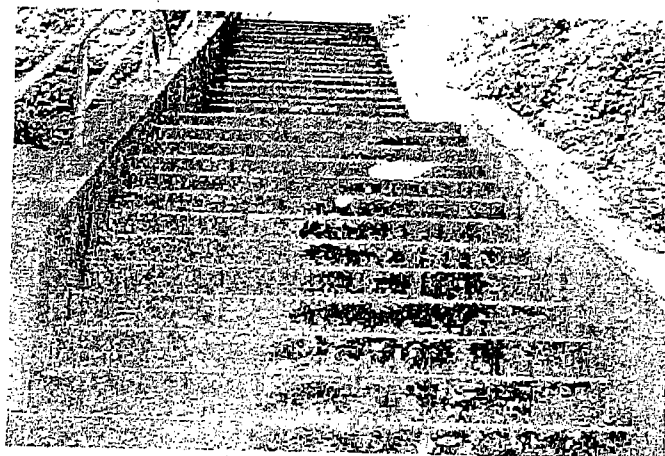


From top - down steps

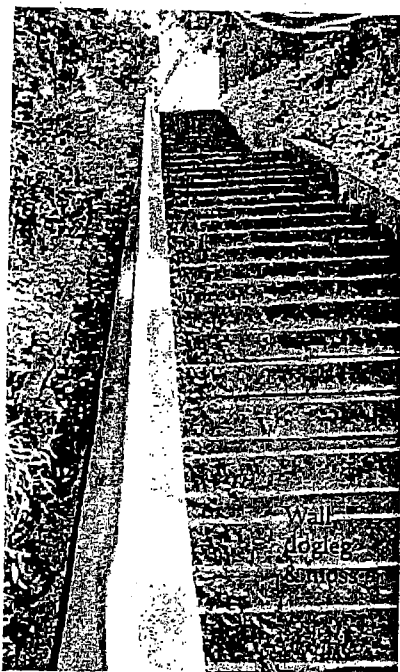


From bottom - up steps

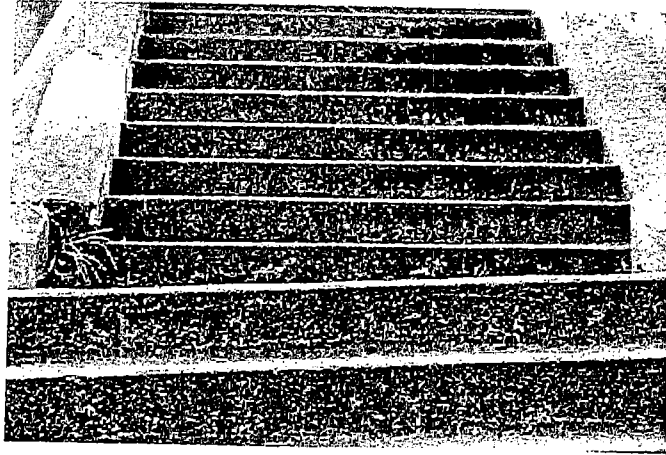




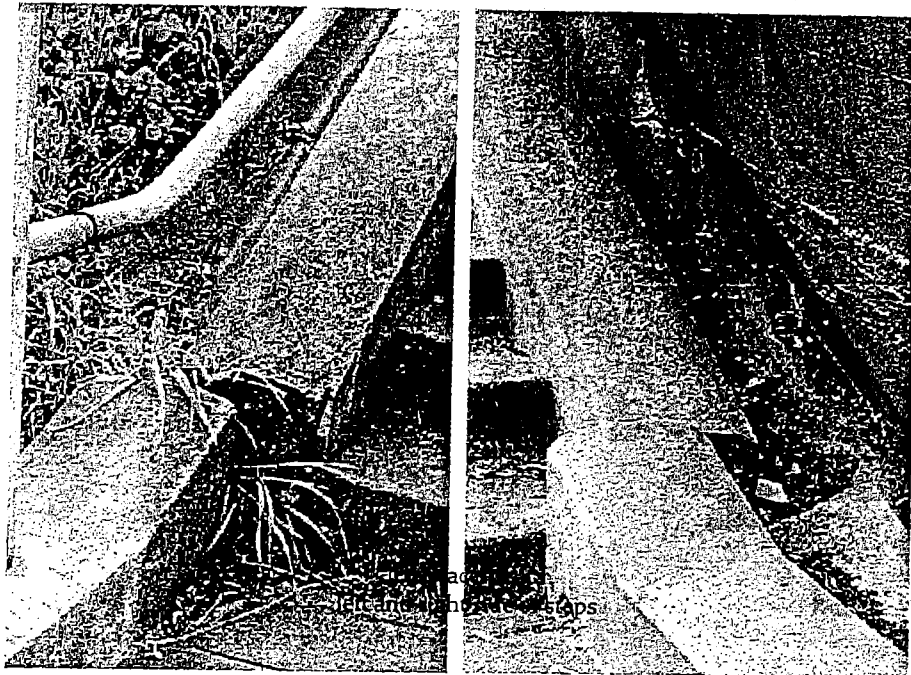
Some of the risers have chips, as does this

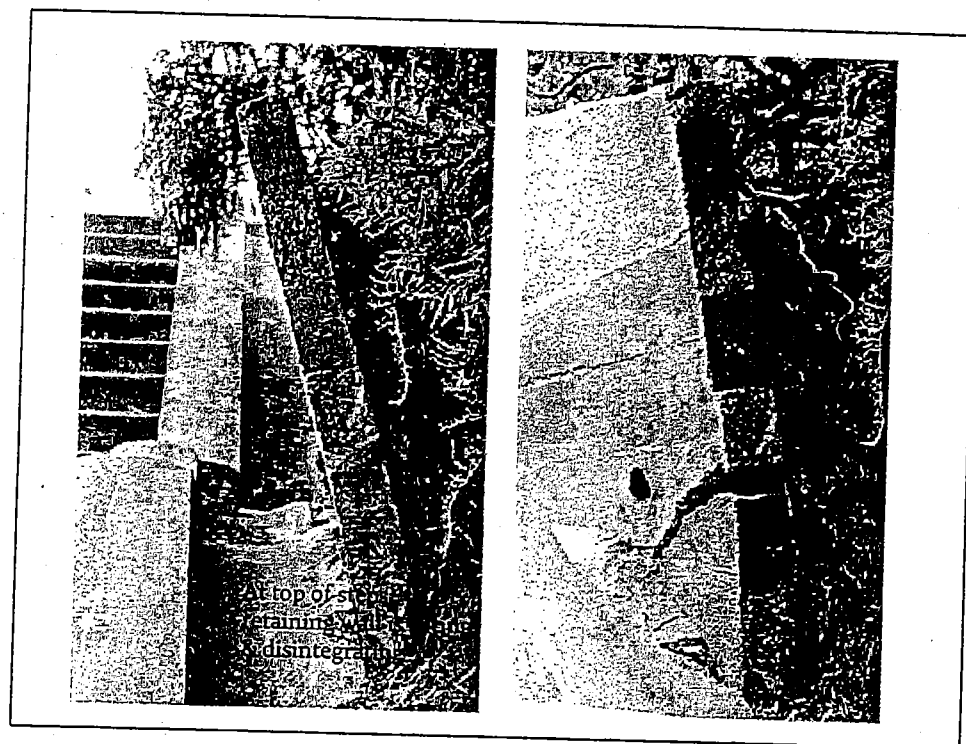


Graffiti &
Overgrown
run-off
channels



Section near top is displaced and tilted, due to a tree root.
The city removed the tree about 10 years ago.





A Project of the San Francisco Parks Alliance & the Department of Public Works "Street Parks" Program

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April 14, 2011 - Opening the Tree Cover on the Steps

Casper Curto, a landscape consultant, donated his time
and so did the Tree Shapers, LLC and these wonderful workers:

Tighe O'Shannon

Luis Carvajal

Lemon DeGeorge

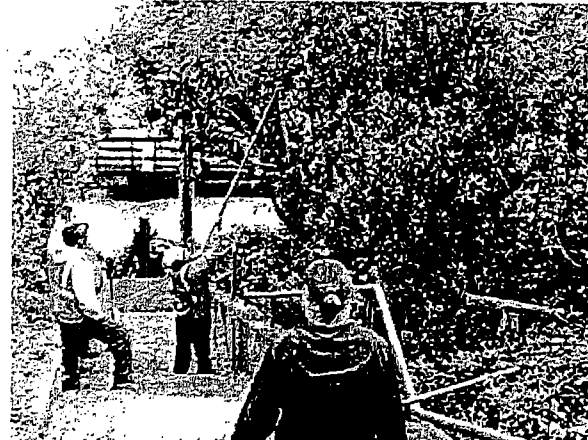
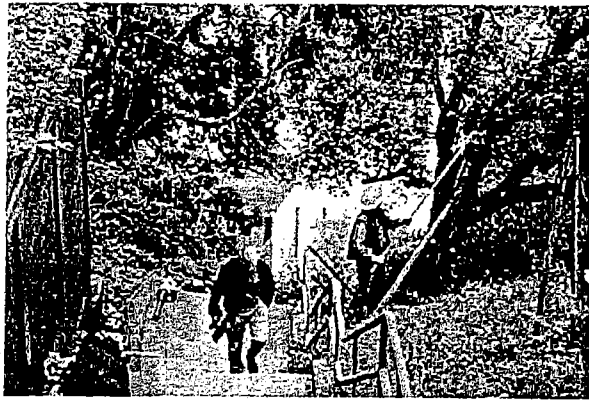
Cornelio Cruz

Genaro Jimenez

Sean McCosh

Hugh Yerburch.

They spent the whole morning pruning back the trees over the steps,
to open the area, decrease the leaf deposits, and make the steps more inviting.



Before they came...

and after they left!!!



**In-kind services make a huge difference to
the Hidden Garden Steps project & to the steps users.
A great big thank-you to Casper and Tree Shapers, LLC!**

Follow the project here:



YouTube



WordPress

Modified: 10/18/2012

A Project of the San Francisco Parks Alliance & the Department of Public Works "Street Parks" Program

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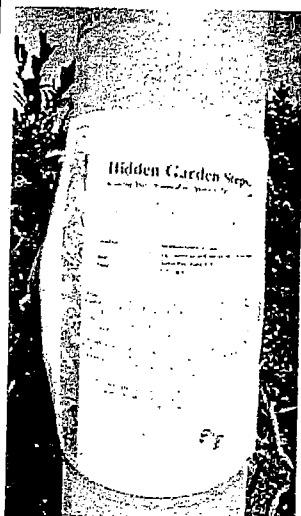
[Outreach](#)

[Thanks!](#)

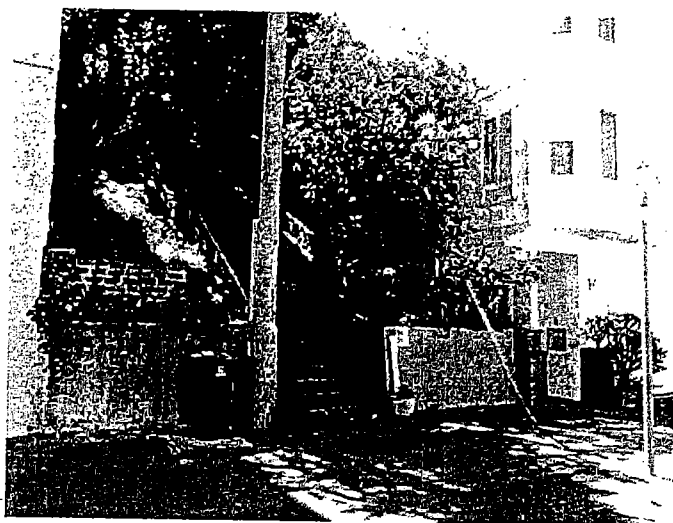
[Contact Us](#)

First Clean-Up on our Steps, April 9, 2011

The flyer on a pole



Before, at the bottom of the steps



There were lots of us, including about ten Tri Beta students from the University of San Francisco.



And we had loads of graffiti on the big wall, which the Tri Beta students got rid of!







**First clean up of the Hidden Garden Steps ...
great volunteers and wonderful weather. Thanks to all!**

Nancy Wong of San Francisco's Department of Public Works wrote:

"Your volunteers did an awesome job in sprucing up the Hidden Garden Steps."

We are delighted to partner with both the San Francisco Parks Trust and DPW's Street Parks Program.

Follow the project here:     WORDPRESS

Modified: 10/18/2012

A Project of the San Francisco Parks Alliance & the Department of Public Works "Street Parks" Program

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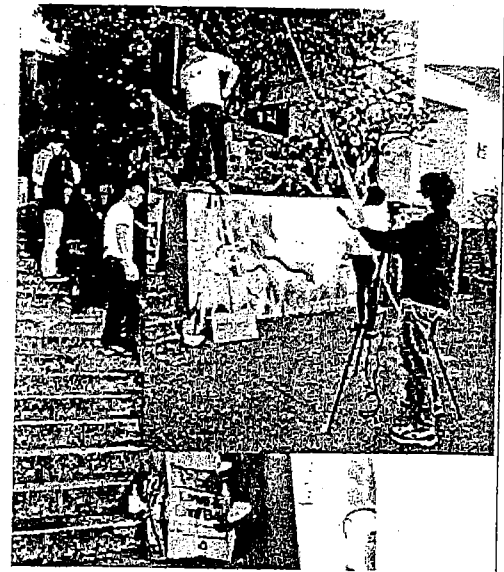
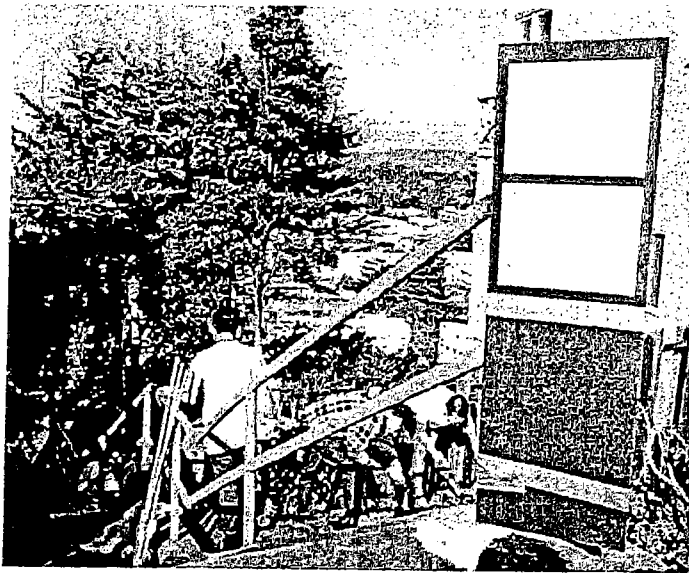
[Thanks!](#)

[Contact Us](#)

Steps Clean-Up: George Washington HS Key Club

January, 2012





A link to the
[video](#)
[on](#)
[volunteering](#)
that Sherry
shot that day

February, 2012



**A great big thank you to the George Washington HS Key Club
from the folks at the Hidden Garden Steps Project.**

Follow the project here:



YouTube



WordPress

Modified: 10/18/2012

A Project of the San Francisco Parks Alliance & the Department of Public Works "Street Parks" Program

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[Organizers](#)

[Outreach](#)

[Thanks!](#)

[Contact Us](#)

Steps Clean-Up: October 13, 2012

**The George Washington High School Key Club came through again
along with our regular volunteers!**





**Thanks to all our volunteers
from the folks at the Hidden Garden Steps Project.**

Follow the project here:     WORDPRESS

Modified: 10/18/2012

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- ☐ 2. Request for next printed agenda without reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning "Supervisor [] inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No. [] from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File No. []
- ☐ 9. Request for Closed Session (attach written motion).
- ☐ 10. Board to Sit as A Committee of the Whole.
- ☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

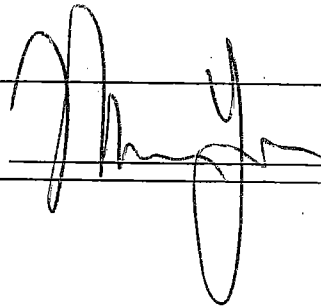
Supervisor Norman Yee

Subject:

Encroachment Permit for the Hidden Garden Tiled Steps Project at 16th Avenue between Kirkham and Lawton Streets.

The text is listed below or attached:

Signature of Sponsoring Supervisor:



For Clerk's Use Only:

130979