

252-07

FILE NO. 071343

ORDINANCE NO.

1 [Street encroachment sensu sculpture as a gateway icon for Japantown on Webster Street.]

2
3 **Ordinance granting revocable permission to the Japanese Cultural and Community**
4 **Center of Northern California to occupy a portion of the public right-of-way for the**
5 **installation of a sensu sculpture on the median of Webster Street between Geary**
6 **Boulevard and Post Street in the Japantown neighborhood; waiving permit and right-**
7 **of-way occupancy assessment fees; and making environmental findings and findings**
8 **of consistency with the General Plan and the priority policies of Planning Code Section**
9 **101.1.**

10
11 Note: Additions are single-underline italics Times New Roman;
12 deletions are ~~strikethrough italics Times New Roman~~.
13 Board amendment additions are double underlined.
14 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, Japanese
17 Cultural and Community Center of Northern California (JCCCNC), requested permission to
18 occupy a portion of the public right-of-way to install a sensu sculpture on the Webster Street
19 median between Geary Boulevard and Post Street, 72' south of the Post Street end of the
20 median, as an iconographic gateway to Japantown neighborhood. The encroachment is a
21 three dimensional free-standing sculpture that consists of an 8' 9 1/2" tall replica of a sensu or
22 Japanese folding fan made of powder-coated aluminum supports with decorated porcelain
23 enamel on steel panels forming the fan blades, that is 13' at its widest point and mounted on a
24 5' 9 1/2" powder coated aluminum pedestal base. The encroachment and related construction
25 are shown on plans filed with the Department of Public Works. Copies of such plans are on
file with the Clerk of the Board of Supervisors in File No. 071343.

1 (a) The Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), at
2 its meeting of August 9, 2007, recommended the proposed encroachment for approval.

3 (b) The Planning Department by letter dated August 15, 2007, found the proposal to
4 be consistent with the General Plan. This letter also includes a determination relating to the
5 encroachment pursuant to the California Environmental Quality Act (California Public
6 Resources Code sections 21000 et seq.). A copy of said letter is on file with the Clerk of the
7 Board of Supervisors in File No. 071343, and is incorporated herein by reference.

8 (c) The San Francisco Art Commission reviewed and approved the sensu sculpture
9 encroachment on August 6, 2007 after completion of the 3-phase review process of the
10 Commission's Civic Design Review Committee.

11 (d) After duly noticed public hearing on Sept. 26, 2007, the Department of
12 Public Works recommended approval of the proposed encroachment as set forth in DPW
13 Order No. 177086, approved Aug. 29, 2007. A copy of said DPW Order is on file
14 with the Clerk of the Board of Supervisors in File No. 071343, and is incorporated
15 herein by reference. The Department determined that the permit and associated street
16 encroachment agreement, which are incorporated herein by reference and are on file with the
17 Clerk of the Board of Supervisors in File No. 071343, shall be subject to the following
18 conditions:

19 (1) The permit shall not become effective until:

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

22 (ii) Permittee delivers to the City Controller a policy of insurance provided
23 for in said agreement and the Controller shall have had approved the same as complying with
24 the requirement of said agreement. The Controller may, in his discretion, accept, in lieu of
25

1 said insurance policy, the certificate of an insurance company certifying to the existence of
2 such a policy; and,

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

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

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

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

16 (3) 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 (4) No structure shall be erected or constructed within said street right-of-way
20 except as specifically permitted in the Departmental approval.

21 (5) 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.

24 Section 3. Board of Supervisors Approval.
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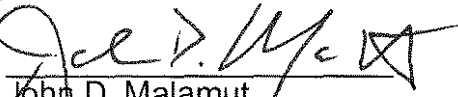
1 (a) Pursuant to Public Works Code Section 786, the Board of Supervisors hereby
2 grants revocable permission to the Japanese Cultural and Community Center of Northern
3 California) to occupy a portion of the public right-of-way to install the sensu sculpture
4 described above on the Webster Street median between Geary Boulevard and Post Street,
5 subject to the conditions and findings set forth above.

6 (b) That the Board adopts as its own the findings of consistency with the General Plan
7 and Planning Code Section 101.1 as set forth in the Planning Department letter dated August
8 15, 2007, and affirms the environmental determination contained in said letter.

9 (c) The Board finds and determines that this encroachment will benefit the citizens of
10 San Francisco and its visitors because it will help to establish and identify this important and
11 dynamic neighborhood as a cultural and historic destination. Therefore, notwithstanding
12 Public Works Code Section 786, the Board finds that a benefit will accrue to the public from
13 this proposed encroachment and hereby waives the public right-of-way occupancy
14 assessment fee as set forth in Public Works Code Section 786.7.

15
16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By:


19 John D. Malamut
20 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: 071343

Date Passed:

Ordinance granting revocable permission to the Japanese Cultural and Community Center of Northern California to occupy a portion of the public right-of-way for the installation of a sensu sculpture on the median of Webster Street between Geary Boulevard and Post Street in the Japantown neighborhood; waiving right-of-way occupancy assessment fees; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

November 6, 2007 Board of Supervisors — PASSED ON FIRST READING

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

November 13, 2007 Board of Supervisors — FINALLY PASSED

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

File No. 071343

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 13, 2007 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

11-14-07

Date Approved



Mayor Gavin Newsom