

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~~.

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

15 Section 1. Findings. (a) Pursuant to Public Works Code Section 786, Japanese  
16 Cultural and Community Center of Northern California (JCCCNC), requested permission to  
17 occupy a portion of the public right-of-way to install a sensu sculpture on the Webster Street  
18 median between Geary Boulevard and Post Street, 72' south of the Post Street end of the  
19 median, as an iconographic gateway to Japantown neighborhood. The encroachment is a  
20 three dimensional free-standing sculpture that consists of an 8' 9 1/2" tall replica of a sensu or  
21 Japanese folding fan made of powder-coated aluminum supports with decorated porcelain  
22 enamel on steel panels forming the fan blades, that is 13' at its widest point and mounted on a  
23 5' 9 1/2" powder coated aluminum pedestal base. The encroachment and related construction  
24 are shown on plans filed with the Department of Public Works. Copies of such plans are on  
25 file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

1 (b) On September 5, 2003, the California Resources Department, the administrator of  
2 funds for the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal  
3 Protection Act of 2002, awarded a grant of \$333,334 to the JCCCNC to develop and  
4 implement a project preserving and enhancing the significant cultural and historic aspects of  
5 San Francisco's Japantown.

6 (c) San Francisco was the initial point of entry of Japanese immigrants to the United  
7 States in the late 1800s and San Francisco's Japantown, established in the Western Addition  
8 after the 1906 Earthquake and Fire, is the oldest of only three historic Japantown communities  
9 in the United States. Japantown has continued to exist as an active neighborhood community  
10 after the unjust forced removal and internment of Japanese Americans during World War II.

11 (d) The JCCCNC selected a design team through a competitive design process in  
12 2004, selected the final design plan for the Japantown History Walk in 2005, authorized work  
13 to begin on the Japantown History Walk in 2006 and will install the Japantown History Walk  
14 elements in 2007.

15 (e) The Japantown History Walk is a self-guided tour based on 17 informational signs  
16 located throughout the central area of Japantown that will inform visitors, residents, and the  
17 general public about the history and culture of Japantown.

18 (f) The Japanese folding fan or sensu, as a symbol of beauty, culture, and the  
19 interrelationship of Japanese and Japanese American culture, was selected as the icon  
20 identifying the Japantown History Walk.

21 (g) The Japantown Sensu will serve as a gateway icon for Japantown, will beautify the  
22 area by adding a culturally relevant element that depicts both the past and present  
23 Japantown.

24 Section 2. Departmental Approvals and Conditions.  
25

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. \_\_\_\_\_, 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 \_\_\_\_\_, 2007, the Department of  
12 Public Works recommended approval of the proposed encroachment as set forth in DPW  
13 Order No. \_\_\_\_\_, approved \_\_\_\_\_, 2007. A copy of said DPW Order is on file  
14 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, 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. \_\_\_\_\_, 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.

25

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