

1 [Relocation of two statues of Juan Bautista de Anza and King Carlos III to the landscaped  
2 median strip on Dolores Street between 16<sup>th</sup> Street and Chula Lane.]

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4 **Resolution granting revocable permission to the San Francisco Arts Commission to**  
5 **relocate two (2) statues of Juan Bautista de Anza and King Carlos III from their former**  
6 **location at the south end of Justin Herman Plaza to the landscaped median strip on**  
7 **Dolores Street between 16<sup>th</sup> Street and Chula Lane, fronting Mission Dolores, and**  
8 **adopting findings pursuant to Planning Code Section 101.1.**

9  
10 WHEREAS, That pursuant to Public Works Code Section 786, permission, revocable at  
11 the will of the Board of Supervisors and automatically terminating upon failure to continue in  
12 force the provisions and requirements of the Street Encroachment Agreement hereafter  
13 referred to, was requested by the San Francisco Arts Commission to relocate two (2) statues  
14 of Juan Bautista de Anza and King Carlos III from their former location at the south end of  
15 Justin Herman Plaza to the landscaped median strip on Dolores Street between 16<sup>th</sup> Street  
16 and Chula Lane, fronting Mission Dolores, as shown on the plan a copy of which is on file in  
17 the office of the Clerk of the Board of Supervisors; and,

18 WHEREAS, The Planning Department, by letter dated March 7, 2000, declared that the  
19 proposed encroachments are in conformity with the Eight Priority Policies of Planning Code  
20 Section 101.1; in that:

- 21 1. The project is for the relocation of two statues from Justin Herman Plaza to the  
22 Dolores Street landscaped median between 16<sup>th</sup> Street and Chula Lane, and  
23 would have no adverse effect on neighborhood serving retail uses or  
24 opportunities for employment in or ownership of such businesses.

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- 1           2. The project would have no adverse effect on the City's housing stock or on  
2           neighborhood character.
- 3           3. The project would have no adverse effect on the City's supply of affordable  
4           housing.
- 5           4. The project would not result in commuter traffic impeding MUNI transit services  
6           or overburdening the streets or neighborhood parking.
- 7           5. The project would not adversely affect the industrial or service sectors or future  
8           opportunities for resident employment or ownership in these sectors.
- 9           6. The project would not adversely affect achieving the greatest possible  
10          preparedness against injury and loss of life in an earthquake.
- 11          7. The project would have no adverse effect on landmarks or historic buildings and  
12          the proposed location would benefit Mission Dolores, the Mission Dolores  
13          Basilica and the wall adjoining the two landmark structures.
- 14          8. The project would have no adverse effect on parks and open space or their  
15          access to sunlight and vistas. The project would relocate two sculptures from  
16          Justin Herman Plaza south of Market Street. This site is being utilized as a  
17          staging area for construction of the Embarcadero Roadway and will be  
18          reconfigured as the Mid-Embarcadero Open Space Urban Design; relocating the  
19          two sculptures will permit more flexible design of the new plaza. The  
20          monuments would provide an accent to the Dolores Street landscaped median,  
21          and the theme of the two sculptures, King Carlos III (of Spain), and Juan  
22          Bautista de Anza, a Spanish explorer of Alta California, the City and the Bay  
23          Area, would be consistent with the proposed location in front of Mission Dolores.  
24          The landscaped median at the proposed location can accommodate the two  
25          monuments; and,

1 WHEREAS, That this permit shall not become effective until:

2 There shall have been executed and acknowledged by the Director of Cultural  
3 Affairs, S.F. Arts Commission (Permittee) and the Director of Public Works a Street  
4 Encroachment Agreement, a copy of which is on file with the Clerk of the Board of  
5 Supervisors in File No. \_\_\_\_\_, which is hereby declared to be a part of this  
6 resolution as if set forth fully herein, and the copy of this resolution attached thereto  
7 as Exhibit A; and,

8 WHEREAS, The permittee, at the permittee's sole expense, and as is necessary as a  
9 result of this permit shall make arrangements:

10 [1] to provide for the support and protection of facilities belonging to the Department  
11 of Public Works, public utility companies, the San Francisco Water Department,  
12 the San Francisco Fire Department and other City Departments;

13 [2] to remove or change the location of such facilities and provide access to such  
14 facilities for the purpose of constructing, reconstructing, maintaining, operating,  
15 or repairing such facilities; and,

16 WHEREAS, 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, and pay the necessary permit fees and inspection fees before  
19 starting work; and,

20 WHEREAS, That the Board of Supervisors reserves the right to exact a permit fee, or  
21 rental, for the use of said street area for the purpose of performance of its governmental or  
22 proprietary activities, including the construction, reconstruction, maintaining, operating,  
23 repairing, removing, and use of public utilities located under, over or along said street area;  
24 and,

25

1           WHEREAS, That no structures shall be erected or constructed within said street right-  
2 of-way except as specifically permitted herein; and,

3           WHEREAS, That the Permittee shall assure all costs and maintenance and repair of  
4 the encroachments at no cost or obligation of any kind shall accrue to the City and County of  
5 San Francisco by reason of this permission granted; now, therefore, be it

6           RESOLVED, That pursuant to Public Works Code Section 786, permission, revocable  
7 at the will of the Board of Supervisors and automatically terminating upon failure to continue in  
8 force the provisions and requirements of the Street Encroachment Agreement hereafter  
9 referred to, is hereby granted to the San Francisco Arts Commission to relocate two (2)  
10 statues of Juan Bautista de Anza and King Carlos III from their former location at the south  
11 end of Justin Herman Plaza to the landscaped median strip on Dolores Street between 16<sup>th</sup>  
12 Street and Chula Lane, fronting Mission Dolores, as shown on the plan a copy of which is on  
13 file in the office of the Clerk of the Board of Supervisors

14  
15 RECOMMENDED:  
16  
17 \_\_\_\_\_  
18 Harlan L. Kelly, Jr.  
19 Deputy Director for Engineering  
20 and City Engineer  
21  
22  
23  
24  
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APPROVED:  
  
\_\_\_\_\_  
Edwin M. Lee  
Director of Public Works