

File No. 110316

Committee Item No. 2
Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date April 25, 2011

Board of Supervisors Meeting

Date 6/14/11

Cmte Board

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

OTHER

(Use back side if additional space is needed)

Completed by: Alisa Somera **Date:** April 22, 2011
Completed by: Alisa Somera **Date:** June 2, 2011

An asterisked item represents the cover sheet to a document that exceeds 25 pages.

The complete document can be found in the file.

1 [Street Vacation Order - Joe DiMaggio Playground Master Plan - Mason Street]

2

3 **Ordinance ordering the vacation of the one block portion of Mason Street between**

4 **Lombard Street and Columbus Avenue for purposes of the North Beach Public Library**

5 **and Joe DiMaggio Playground Master Plan, subject to certain conditions; accepting a**

6 **Department of Public Works work order; approving an interdepartmental transfer of the**

7 **area to be vacated from the Department of Public Works to the Recreation and Park**

8 **Department at the time the vacation is final and effective; making environmental**

9 **findings and findings of consistency with the City's General Plan and Planning Code**

10 **Section 101.1; and authorizing official acts in connection with this Ordinance.**

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

17 (a) On May 3, 2011, the Board of Supervisors adopted Resolution No. 190-11, a copy
18 of which is on file with the Clerk of the Board of Supervisors in File No. 110314, being a
19 Resolution declaring its intention to order the vacation of the one block portion of Mason
20 Street between Lombard Street and Columbus Avenue (the "Vacation Area"). The location
21 and extent of the Vacation Area is shown on the Department of Public Works' SUR Map No.
22 3011, dated February 10, 2011. A copy of said map is on file with the Clerk of the Board of
23 Supervisors in File No. 110316 and incorporated herein by reference.

(b) The Clerk of the Board of Supervisors did transmit to the Director of the Department of Public Works a certified copy of the Resolution of Intention, and the Director of the Department of Public Works did cause notice of adoption of such Resolution to be posted and published in the manner required by law.

(c) When such matter was considered as scheduled by the Board of Supervisors at its regular meeting held in the City Hall, San Francisco, on June 7, 2011, beginning at approximately 3:00 P.M., the Board heard all persons interested in such vacation.

(d) The vacation of the Vacation Area is necessary for the implementation of the North Beach Public Library and Joe DiMaggio Playground Master Plan. A copy of said Plan is on file with the Clerk of the Board of Supervisors in File No. 110316 and is incorporated herein by reference.

(e) As part of its adoption of various actions relating to the North Beach Public Library and Joe DiMaggio Playground Master Plan Project, the Board of Supervisors, in Ordinance No. _____, adopted environmental findings in compliance with the California Environmental Quality Act ("CEQA") (California Public Resources Code sections 21000 et seq.) and local law. A copy of said Ordinance and supporting materials, including the environmental findings, are in the Clerk of the Board of Supervisors File No. _____. For purposes of this Ordinance, the Board relies on such findings.

(f) On April 21, 2011, the Planning Commission adopted Motion No. 18323, making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1 for the actions contemplated herein. A copy of this Resolution is on file with the Clerk of the Board of Supervisors in File No. 110316 and is incorporated by reference as though fully set forth herein. The Board of Supervisors adopts as its own said consistency findings.

Mayor Lee, Supervisor Chiu
BOARD OF SUPERVISORS

(g) On April 25, 2011, the San Francisco Public Library Commission, at a duly noticed public hearing, adopted Resolution No. 2011-03, recommending the street vacation among other actions. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 110316 and is incorporated by reference herein.

(h) On April 25, 2011, the San Francisco Recreation and Park Commission, at a duly noticed public hearing, adopted Resolution No. 1104-023, recommending the street vacation among other actions. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 110316 and is incorporated by reference herein.

(i) In DPW Order No. 179,289, dated April 21, 2011, the Director of the Department of Public Works ("DPW Director") determined: (i) the Vacation Area is unnecessary for the City's present or prospective public street purposes, subject to satisfaction of the condition specified below; (ii) the Vacation Area should be conditionally vacated so that it is not deemed final and effective until the same time as the City issues a site or building permit for the new North Beach Public Library to be constructed partially on the Vacation Area; (iii) until the time that the condition specified in Subsection (ii) is satisfied, Mason Street shall remain a dedicated public street; (iv) the interdepartmental transfer of the Vacation from the jurisdiction of the Department of Public Works to the Recreation and Park Department will further a proper public purpose by preserving the subject area for park and recreational purposes, including construction of a library; (v) the interdepartmental transfer shall occur simultaneously with the street vacation being final and effective; and (vi) there are no physical public and private utilities affected by the vacation of the Vacation Area except as stated below. A copy of the DPW Order is on file with the Clerk of the Board of Supervisors in File No. 110316 and is incorporated herein by reference.

(j) The DPW Director further recommended that the Board acknowledge the transfer of jurisdiction of the Vacation Area to the Recreation and Park Department is subject to: (1) the right of the San Francisco Public Utilities Commission (the "PUC") to have continued access to the Vacation Area for purposes of maintaining its facilities, (2) Pacific Gas and Electric ("PG&E"), depending on its future assessment of service provision, may require an easement or similar right to have continued access to the Vacation Area for purposes of maintaining its facilities, (3) the public interest, convenience and necessity require that prior to the final and effective date of the Street Vacation, the Recreation and Park Department and the PUC enter into a memorandum of understanding concerning access to and maintenance of said PUC facilities and the City's Division of Real Estate, if necessary, enter into an easement or other document with PG&E concerning access to and maintenance of said PG&E facilities.

(k) The DPW Director also recommended that the public interest, convenience, and necessity require that, except as specifically provided above, no other easements or other rights should be reserved for any public or private utilities or facilities that are in place in such Vacation Area and that any rights based upon any such public or private utilities or facilities should be extinguished.

(I) Pursuant to the Streets and Highways Code Section 892, the DPW Director also found that the Vacation Area is unnecessary for non-motorized transportation as there are multiple streets surrounding that Vacation Area that remain available for such transportation and those members of the public availing themselves of non-motorized transportation will not be inconvenienced by the proposed street vacation. In addition, the Vacation Area, pursuant to the North Beach Public Library and Joe DiMaggio Playground Master Plan, will remain available for passive recreational use, including some forms of non-motorized transportation.

(m) The vacation of the Vacation Area is being taken pursuant to California Streets and Highways Code Sections 8300 et seq. and Public Works Code Section 787(a).

(n) From all the evidence submitted at the public hearing noticed in the Resolution No. 190-11 and the associated materials on file with the Clerk of the Board in File No. 110314, the Board of Supervisors adopts the findings of the DPW Director in DPW Order No. 179,289 and determines that the Vacation Area, as described in said Resolution, is unnecessary for present or prospective public use, subject to the conditions described in this Ordinance.

(o) Pursuant to the Streets and Highways Code Section 892, the Board hereby finds and determines that the Vacation Area is unnecessary for non-motorized transportation, and therefore has no use for a non-motorized transportation facility.

(p) With the exception of the PUC and PG&E rights described above, the public interest, convenience and necessity require that no other easements or other rights be reserved for any public or private utilities or facilities that are in place in the Vacation Area and that any rights based upon any such public or private utilities or facilities are extinguished.

(q) The public interest and convenience require that the vacation be done as declared in this Ordinance.

Section 3. The Vacation Area, as shown on SUR Map No. 3011, is hereby ordered conditionally vacated pursuant to California Streets and Highways Code Sections 8300 et seq. and Public Works Code Section 787(a), subject to the following condition: the order of vacation shall be deemed final and effective simultaneous with the City's issuance of a site or building permit for the new North Beach Public Library to be constructed partially on the Vacation Area. Until the time that this condition is satisfied, Mason Street shall remain a dedicated public street.

1 Section 4. Notwithstanding the provisions of Administrative Code Chapter 23, the
2 Board of Supervisors hereby: (a) approves an interdepartmental transfer of the Vacation Area
3 from the Department of Public Works to the Recreation and Park Department; provided,
4 however, that such transfer shall not occur until the Street Vacation is final and effective as
5 set forth in this Ordinance and (b) delegates authority to the Director of the Division of Real
6 Estate, in consultation with the City Attorney's Office, to enter into an easement or other
7 agreement with PG&E, if necessary, concerning access to and maintenance of PG&E
8 facilities in the Vacation Area as set forth in this Ordinance.

9 Section 5. The Board of Supervisors hereby directs the Clerk of the Board of
10 Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance so
11 that this Ordinance may be recorded or officially lodged together with the other documents
12 necessary to effectuate the interdepartmental transfer of the Vacation Area.

13 Section 6. All actions heretofore taken by the officers of the City with respect to this
14 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
15 Director of the Division of Real Estate, County Surveyor, and Director of Public Works are
16 hereby authorized and directed to take any and all actions which they or the City Attorney may
17 deem necessary or advisable in order to effectuate the purpose and intent of this Ordinance
18 (the filing of the Ordinance in the Official Records of the City and County of San Francisco,
19 designating the Recreation and Park Department as the City department with jurisdiction over
20 the Vacation Area, and entering into an easement or other agreement with PG&E, if
21 necessary, concerning access to and maintenance of PG&E facilities in the Vacation Area as
22 set forth in this Ordinance).

1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3 By: 
4 John D. Malamut
5 Deputy City Attorney

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Mayor Lee, Supervisor Chiu
BOARD OF SUPERVISORS

LEGISLATIVE DIGEST

[Joe DiMaggio Playground Master Plan – Street Vacation Order for Mason Street]

Ordinance ordering the vacation of the one block portion of Mason Street between Lombard Street and Columbus Avenue for purposes of the North Beach Public Library and Joe DiMaggio Playground Master Plan, subject to certain conditions; accepting Department of Public Works Order No. 179,289; approving an interdepartmental transfer of the area to be vacated from the Department of Public Works to the Recreation and Park Department at the time the vacation is final and effective; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

Existing Law

California Streets and Highways Code Sections 8300 et seq. and Public Works Code Section 787(a) govern the process for the vacation of streets.

Amendments to Current Law

This legislation would vacate a one block portion of Mason Street between Lombard Street and Columbus Avenue for purposes of the Joe DiMaggio Playground/ North Beach Public Library Master Plan, subject to certain conditions, and approve an interdepartmental transfer of the underlying property from the jurisdiction of the Department of Public Works (DPW) to the Recreation and Park Department. The conditions include delaying the occurrence of the street vacation until building permits have been issued for the North Beach Library and reserving rights, as needed, for Pacific Gas & Electric and Public Utilities Commission underground facilities. Mason Street will remain a dedicated public street until the conditions precedent to the street vacation occur. The interdepartmental transfer would be simultaneous with the effectiveness of the street vacation. The Ordinance would adopt the determination of the DPW Director along with maps showing the area to be vacated and authorize related official acts. This legislation also would make certain findings related to the legislation, including findings concerning the street vacation, environmental findings, and findings that the legislation is consistent with the General Plan and the priority policy of the Planning Code Section 101.1.

Background

This Ordinance will facilitate expansion of the Joe DiMaggio Playground and construction of the new North Beach Library in accordance with the Joe DiMaggio Playground/North Beach Public Library Master Plan.

JOE DiMAGGIO PLAYGROUND AND
NORTH BEACH PUBLIC LIBRARY
MASTER PLAN REPORT

OCTOBER 2008

Prepared by:
LEDDY MAYTUM STACY



O|CB

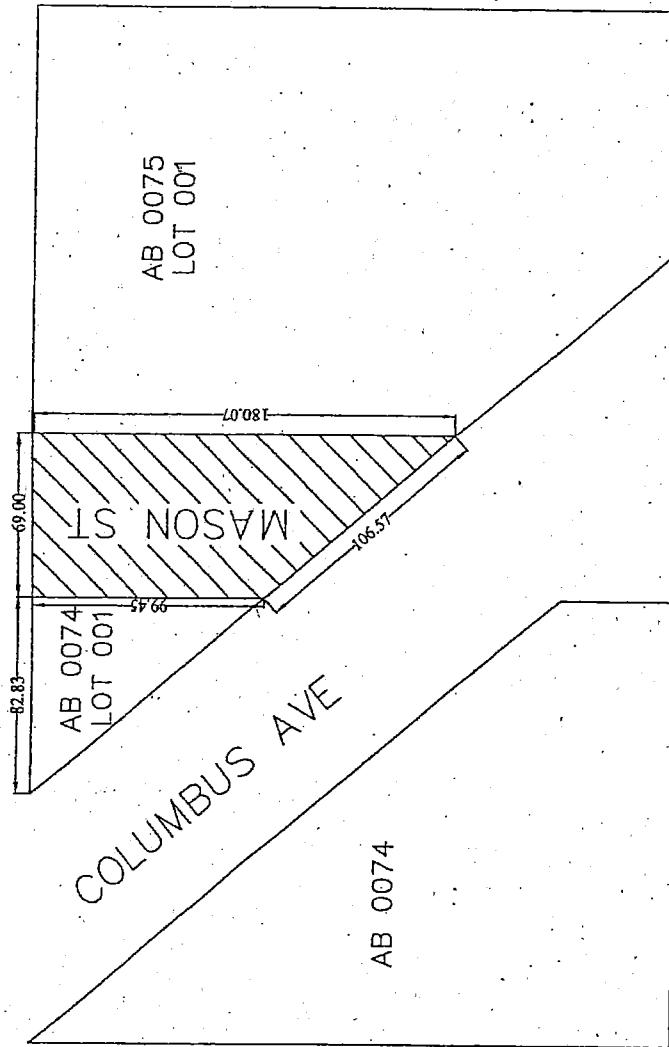
OFFICE of CHERYL BARTON
146 ELEVENTH STREET SAN FRANCISCO, CA
415.551.0060 415.552.0932 www.ocbcb.com



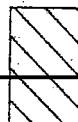
San Francisco
Branch Library
Improvement Program



LOMBARD ST



PROPOSED AREA TO BE
VACATED



CITY AND COUNTY OF SAN FRANCISCO			
DEPARTMENT OF PUBLIC WORKS			
BLOCK 50 VARA BLK. 152	APPROVED: J. R. STORRS CITY & COUNTY SURVEYOR	BY 3/3/2011 DATE CK APP	DATE 02/10/11 DRW J.R FILE SUR: 3011 SHEET: 1 OF 1 SCALE: 1:50 CHANGE
BLOCK 50 VARA BLK. 179	DIAGRAM 0075, BLK. 152		
BLOCK 50 VARA BLK. 179	DIAGRAM 0074, BLK. 179		



Department of Public Works

BUREAU OF STREET-USE & MAPPING

875 Stevenson Street, Room 410, S.F., CA 94103

Bruce R. Storrs, City and County Surveyor

Edwin M. Lee, Mayor

Edward D. Reiskin, Director

DPW Order No: 179,289

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

Re: Determination to vacate a one block portion of the public right-of-way on Mason Street between Lombard Street and Columbus Avenue pursuant to California Streets and Highways Code Sections 8300 et seq. and Section 787(a) of the San Francisco Public Works Code.

WHEREAS, Public streets and sidewalks are owned by the City and County of San Francisco as a public right-of-way; and

WHEREAS, On February 8, 2011 the staff for the Recreation and Parks Department and the DPW Project Management Bureau on behalf of the San Francisco Public Library submitted a request to the Department of Public Works to vacate one block portion of the public right-of-way on Mason Street between Lombard Street and Columbus Avenue (the "Vacation Area") to enable construction of the new North Beach Library and expansion of the Joe DiMaggio Playground onto to the former street area; and

WHEREAS, The Vacation Area is specifically shown on the attached draft SUR Map No. 3011, dated March 31, 2011; and

WHEREAS, Pursuant to the California Streets and Highway Code, the Department has initiated the process to vacate the Vacation Area; and

WHEREAS, In the attached Motion No. _____ dated April 21, 2011, the Planning Commission determined that the proposed vacation and other actions contemplated herein are consistent with the General Plan and the eight priority policies of Planning Code Section 101; and

WHEREAS, On February 10, 2011 the Department sent notice of the proposed street vacations, SUR drawings, a copy of the petition letter, and a DPW referral letter to the Department of Telecommunications, MUNI, Pacific Bell, San Francisco Fire Department, San Francisco Water Department, Pacific Gas and Electric ("PG&E"), Bureau of Light, Heat and Power, Bureau of Engineering, Department of Parking and Traffic, Utility Engineering Bureau, Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), and the Public Utility Commission ("PUC"). No utility company or agency objected to the proposed vacations; however, the PUC and PG&E have existing facilities in the Vacation Area. As set forth in this Order, the PUC has agreed to enter into a subsequent agreement with the Recreation and Park Department concerning access to and maintenance of PUC facilities. PG&E has informed the Department that, depending on its future decision for service provision, it is not certain whether it will continue to need any facilities in the Vacation Area; and

WHEREAS, The Vacation Area has no adjoining property owners other than the Recreation and Park Department, on behalf of the City and County of San Francisco, so no notices were sent to private property owners; and

WHEREAS, In a memorandum dated April 5, 2011 the PUC agreed to enter into a subsequent agreement with the Recreation and Park Department prior to the effectiveness of the street vacation that would provide for access to and maintenance of PUC facilities in the Vacation Area. A copy of this authorization is on file with the Department; and

WHEREAS, Pursuant to the Streets and Highways Code Section 892, the Department determines that the Vacation Area is unnecessary for non-motorized transportation as there are multiple streets surrounding that Vacation Area that remain available for such transportation and those members of the public availing themselves of non-motorized transportation will not be inconvenienced by the proposed street vacation. In addition, the Vacation Area, pursuant to the North Beach Public Library and Joe DiMaggio Playground Master Plan, will remain available for passive recreational use, including some forms of non-motorized transportation; and

WHEREAS, In a memorandum dated April 18, 2011, from the City's Director of Property to the Recreation and Park Department, the Director of Property determined that an interdepartmental transfer of the Vacation Area from the Department to the Recreation and Park Department was acceptable for the reasons set forth in the proposed Street Vacation Ordinance; and

WHEREAS, The Recreation and Park Department has requested that the Mason Street should remain under its current active street use status until the San Francisco Public Library begins construction of the new North Beach Library; and

WHEREAS, The Director of Public Works for the City and County of San Francisco has determined the following:

1. The vacation is being carried out pursuant to the California Streets and Highways Code sections 8300 et seq.
2. The vacation is being carried out pursuant to section 787(a) of the San Francisco Public Works Code.
3. The Vacation Area to be vacated is shown on the draft SUR Map No. 3011.
4. The Vacation area is necessary for the construction of the new North Beach Library and expansion of the Joe DiMaggio Playground pursuant to the North Beach Public Library and Joe DiMaggio Playground Master Plan.
5. The Vacation Area is unnecessary for the City's present or prospective public street, sidewalk, or public service easement purposes as described herein.
6. Pursuant to the Streets and Highways Code Section 892, the Vacation Area is not necessary for non-motorized transportation for the reasons set forth herein, and therefore has no use for a non-motorized transportation facility.
7. The interdepartmental transfer of the Vacation Area from the Department to the Recreation and Park Department, as confirmed by the Director of the Real Estate Division, serves the public purposes as set forth in the proposed Street Vacation Ordinance.
8. There are no physical public or private utilities or utility facilities within the Vacation Area except for PG&E for power and gas transmission purposes, and PUC for sanitary sewer purposes.
9. The public interest, convenience and necessity require the City to recognize: (a) the right of the PUC to have continued access to the Vacation Area for purposes of maintaining its facilities, (2) PG&E, depending on its future assessment of service provision, may require an easement or similar right to have continued access to the Vacation Area for purposes of maintaining its facilities, (3) the public interest, convenience and necessity require that prior to the final and effective date of the Street Vacation, the Recreation and Park Department and the PUC enter into a memorandum of understanding concerning access to and maintenance of said PUC facilities and the City's Division of Real Estate, if necessary, enter into an easement or other document with PG&E concerning access to and maintenance of said PG&E facilities.
10. The public interest, convenience and necessity require that, except as provided in this Order, no other easements or other rights be reserved for any public or private utility or facilities that are in place in such Vacation area and that any rights based upon any such public or private utilities or facilities may be extinguished.
11. The Vacation Area is unnecessary for the City's present or prospective public street purposes, subject to satisfaction of the condition specified below: (a) the Vacation Area should be conditionally vacated so that it is

not deemed final and effective until the same time as the City issues a site or building permit for the new North Beach Public Library to be constructed partially on the Vacation Area; (b) until the time that the condition specified in Subsection (a) is satisfied, Mason Street shall remain a dedicated public street; (c) the interdepartmental transfer of the Vacation from the jurisdiction of the Department of Public Works to the Recreation and Park Department will further a proper public purpose by preserving the subject area for park and recreational purposes, including construction of a library; (d) the interdepartmental transfer shall occur simultaneously with the street vacation being final and effective; and (e) there are no physical public and private utilities affected by the vacation of the Vacation Area except as stated above.

NOW THEREFORE BE IT ORDERED THAT,

The Director approves all of the following documents attached hereto:

1. Ordinance to vacate Mason Street between Lombard Street and Columbus Avenue;
2. Vacation Area SUR Map No. 3011

The Director further recommends the Board of Supervisors move forward with the legislation to vacate said Street.

The Director recommends the Board of Supervisors approve all actions set forth herein and heretofore taken by the Officers of the City with respect to this vacation. The Director further recommends the Board of Supervisors authorize the Mayor, Clerk of the Board, Director of the Division of Real Estate, County Surveyor, and Director of Public Works to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this Ordinance (the filing of the Ordinance in the Official Records of the City and County of San Francisco, designating the Recreation and Park Department as the City department with jurisdiction over the Vacation Area, and entering into an easement or other agreement with PG&E, if necessary, concerning access to and maintenance of PG&E facilities in the Vacation Area as set forth in this Ordinance).

Attachments:

1. SUR Map No. 3011, dated March 31, 2011.
2. Planning Commission Motion No. _____, dated April 21, 2011.
3. Memo from Director of Property to Director of Public Works concerning the vacation and interdepartmental transfer, dated April 18, 2011.

Edward D. Reiskin
Director of Public Works

RECOMMENDED:

Bruce R. Storrs
City and County Surveyor
Bureau of Street-Use and Mapping

Fuad S. Sweiss
City Engineer & Deputy Director for Engineering

cc.

Board of Supervisors (signed)
Ed Harrington, PUC
John Malamut, City Attorney's Office
Jerry Sanguinetti, DPW-BSM
Bruce Storrs, County Surveyor
John Updike, DRE

APPROVED: April 21, 2011

Edward D. Reiskin

 Click here to sign this section

4/21/2011

 Bruce R. Storrs

Signed by Storrs, Bruce [View details](#)
on Thursday, April 21, 2011 3:32 PM (Pacific Daylight Time)

4/21/2011

 Fuad Sweiss, City Engineer

Signed by Sweiss, Fuad [View details](#)
on Thursday, April 21, 2011 4:12 PM (Pacific Daylight Time)

