

1 [Authorizing the Use of Real Property Located at 701 Lombard Street - Joe DiMaggio
2 Playground Master Plan Project]

3 **Resolution authorizing the use of real property located at 701 Lombard Street**
4 **(Assessor's Block No. 0074, Lot No. 001) for purposes consistent with the Joe**
5 **DiMaggio Playground/North Beach Library Master Plan Project; adopting**
6 **environmental findings and findings of consistency with the General Plan and City**
7 **Planning Code Section 101.1.**

8
9 WHEREAS, On February 10, 2004, the Board of Supervisors adopted Resolution No.
10 106-04 authorizing the acquisition of Lot 001 of Assessor's Block 0074, commonly known as
11 701 Lombard Street, San Francisco, which is more particularly described in Exhibit A and
12 shown in Exhibit B, (the "Property"). A copy of said Resolution is on file with the Clerk of the
13 Board in File No. 031551. Copies of Exhibits A and B are on file with the Clerk of the Board of
14 Supervisors in File No. 110667. Said Resolution and Exhibits are incorporated herein by
15 reference; and,

16 WHEREAS, Resolution No. 106-04 authorized the acquisition of the Property "for the
17 development and maintenance of open space under the Neighborhood Park Bond and Open
18 Space Programs" and,

19 WHEREAS, The Joe DiMaggio Playground/North Beach Library Master Plan area
20 encompasses 701 Lombard Street, on the southeast corner of Lombard Street and Columbus
21 Avenue (Assessor's Block 0074, Lot 001); Mason Street between Lombard Street and
22 Columbus Avenue; and the entire block bounded by Lombard, Powell, and Greenwich Streets
23 and Columbus Avenue, known as 2000 Mason Street (also known as 661 Lombard Street),
24 (Assessor's Block 0075, Lot 001) (the "Project Area"). A copy of the Master Plan is on file
25

1 with the Clerk of the Board of Supervisors in File No. 110316 and is incorporated herein by
2 reference; and,

3 WHEREAS, Implementation of the Joe DiMaggio Playground/North Beach Master Plan
4 Project (the "Project") involves a full street vacation of a 195-linear-foot portion of Mason
5 Street; interdepartmental transfer of the former street area to the Recreation and Park
6 Department; landscaping improvements in the former Mason Street right-of-way; construction
7 of an 8,500-square-foot branch library on 701 Lombard Street parcel and a portion of the
8 former right-of-way; demolition of the existing branch library at 2000 Mason Street;
9 excavation, renovation and reorganization of the playground features pursuant to the Master
10 Plan; rezoning of 701 Lombard Street to Public Use and Open Space Height and Bulk district;
11 and other related actions; and,

12 WHEREAS, On April 21, 2011, at a duly noticed hearing, the San Francisco Planning
13 Commission adopted Motion No. 18323, finding that the Project was consistent, on balance,
14 with the City's General Plan and priority policies of Planning Code Section 101.1. Said
15 Motion, including the Commission's findings in support of the Project, is in Clerk of the Board
16 of Supervisors File No. 110312 and is incorporated herein by reference. This Board adopts
17 the findings of the Planning Commission as its own for purposes of the action contemplated in
18 this Resolution; and,

19 WHEREAS, On April 25, 2011, at a duly noticed joint public hearing, the San Francisco
20 Public Library Commission ("SFPL"), in Resolution No. 2011-03, approved those portions of
21 the Project within its jurisdiction, including the demolition of the existing branch library at 2000
22 Mason Street and construction of a new North Beach Library in the Project Area. Said
23 Resolution, including the Commission's findings in support of the Project, is in Clerk of the
24 Board of Supervisors File No. 110312 and is incorporated herein by reference; and,
25

1 WHEREAS, On April 25, 2011, at a duly noticed joint public hearing, the San Francisco
2 Recreation and Park Commission ("SFRPC"), in Resolution No. 1104-023, approved those
3 portions of the Project within its jurisdiction, including, but not limited to, approval of the
4 Master Plan and authorization to the SFPL to demolish the existing branch library and
5 construct a new North Beach Library in the Project Area. Said Resolution, including the
6 Commission's findings in support of the Project, is in Clerk of the Board of Supervisors File
7 No. 110312 and is incorporated herein by reference; and,

8 WHEREAS, As part of San Francisco Recreation and Park Commission Resolution No.
9 1104-023, the Commission also incorporated the Property (701 Lombard Street) and the
10 portion of Mason Street to be vacated into the Joe DiMaggio Playground; and,

11 WHEREAS, As set forth above, SFPL and SFRPC propose to use the Project Area,
12 including the Property, for the public purpose of increasing open space, expansion,
13 improvement and reorganization of the playground features and recreational facilities at the
14 Joe DiMaggio Playground, demolishing the North Beach Branch Library and constructing a
15 new library, and related actions; and,

16 WHEREAS, The Project will provide a new North Beach Branch Library commensurate
17 with other branch libraries in the San Francisco Public Library system coupled with an
18 increase in 3,200 square feet of library floor area, and increase onsite open space by 20
19 percent over existing conditions, or roughly 12,000 square feet of programmed recreational
20 open space in one of San Francisco's densest neighborhoods. The Project affirms the
21 neighborhood vision of a new library and expanded park developed through the involvement
22 of hundreds of neighborhood residents who participated in master plan meetings and
23 hearings. The Project provides a high quality civic and cultural space for the surrounding
24 community and members of the public through the configuration of the new library and the
25 playground features of Joe DiMaggio Playground with a connecting plaza visible with clear

1 sight lines and access between the parks recreational facilities. The Project also allows the
2 new library project to proceed independent of the timing or availability of funding for the park
3 renovation portion of the Master Plan; and,

4 WHEREAS, The Project provides many benefits to the public and improvements to the
5 public facilities including, but not limited to:

6 (a) Adds needed open space to North Beach and Chinatown communities, an identified
7 "high needs area" for the addition of Open Space in the City's General Plan. As discussed in
8 the Master Plan Environmental Impact Report, the area around the park is estimated to have
9 approximately 0.45 acres of open space per 1000 residents, 95 percent below the city-wide
10 average of 9 acres per 1000 residents. Many residents live in multi-unit buildings with limited
11 or no open space such as yards and rely heavily or exclusively on public amenities such as
12 parks. A copy of said Environmental Impact Report is on file with the Clerk of the Board of
13 Supervisors in File No. 110614 and incorporated herein by reference;

14 (b) Increases over-all park open space to accommodate an expanded and improved
15 children's play area which will meet new safety and ADA requirements, add new features
16 such as games and picnic tables, and provide additional landscaping and seating throughout
17 the expanded park;

18 (c) Increases park safety through a unified site design, by placing the children's
19 playground in a more central part of the park and moving it away from the street and
20 related-traffic at the park's edge, enhancing playground visibility and supervision from the
21 clubhouse and other park areas;

22 (d) Improves the design of the park facilities and their arrangement on the site. By
23 rearranging the bocce, tennis courts and the children's' play area and adjusting the grades in
24 these areas, the entire park is unified with improved site circulation, ADA accessibility and
25 visibility. This new park layout would strengthen connectivity, both visually and functionally;

1 (e) Preserves current park features during the construction of the new library and
2 allows for the reorganization of such features and uses in an optimal way once funding for
3 park improvements is available;

4 (f) Transforms one block of Mason Street from a street with vehicular traffic into public
5 park space.

6 (g) Strengthens the visual connection between the library and the park through the
7 creation of a new plaza open space on Mason Street; and

8 (h) Promotes Objective 2 of the Recreation and Open Space Element of the General
9 Plan (Policies 2.1, 2.2, 2.4) that aims to develop and maintain a diversified and balanced
10 citywide system of high quality public open space. The Master Plan increases public open
11 space and integrates park and library uses consistent with this objective; and,

12 WHEREAS, The Property, as described above, is required for the completion of the
13 Project; and,

14 WHEREAS, At the hearing before this Board on October 21, 2003, in support of this
15 Board's adoption of Resolution No. 106-04, the department heads of the City's Recreation and
16 Park Department and the SFPL testified that acquisition of the Property would facilitate the
17 City's efforts to increase green open space and enhance facilities at the Joe DiMaggio
18 Playground, as well as to expand the North Beach Branch Library; and,

19 WHEREAS, The former owners of the Property challenged the City's right to take the
20 Property in the City's lawsuit to condemn the Property, *City and County of San Francisco v.*
21 *Coyne, et al.*, San Francisco Superior Court No. 429018 (Eminent Domain Lawsuit); and,

22 WHEREAS, After a trial on the issue of the City's right to take the Property, the San
23 Francisco Superior Court issued its Statement of Decision, in which the court concluded that
24 the City had the right to acquire the Property through eminent domain, and that this Board's
25 decision to adopt Resolution No. 106-04 was supported by substantial evidence in the

1 administrative record, including evidence that acquiring the Property would provide additional
2 green space in Supervisorial District 3 and would help to expand the North Beach Branch
3 Library. A copy of the Statement of Decision is on file with the Clerk of the Board in File No.
4 110667 and is incorporated herein by reference; and,

5 WHEREAS, California Government Code Sections 37350.5, 37351, 37352, 38010 and
6 40404 and California Code of Civil Procedure Sections 1240.010 through 1240.050, inclusive,
7 authorize this Board to acquire any property necessary to carry out any of the powers or
8 functions of the City by eminent domain, including the power to acquire property by eminent
9 domain for open space, park and related uses; and,

10 WHEREAS California Code of Civil Procedure Section 1240.680 provides that
11 acquiring property for park, open space or recreation area use is a presumed to be
12 appropriation for "the best and most necessary public use;" and,

13 WHEREAS, As part of its adoption of various actions relating to the Project, this Board,
14 in Ordinance No. 102-11, adopted environmental findings in compliance with the
15 California Environmental Quality Act ("CEQA") (California Public Resources Code sections
16 21000 et seq.) and local law. A copy of said Ordinance and supporting materials, including
17 the environmental findings, is in the Clerk of the Board of Supervisors File No. 110314. For
18 purposes of this Resolution, the Board relies on such findings; and

19 WHEREAS, This Board finds and determines that each person who is entitled to notice
20 has been given such notice and a reasonable opportunity to appear and be heard on this date
21 on the matter referred to in California Code of Civil Procedure Section 1245.245 in
22 accordance with California Code of Civil Procedure sections 1245.235 and 1245.245(c); now,
23 therefore, be it

24 RESOLVED, That this Board Finds that based on the findings set forth herein that the
25 use of the Property for the Project is consistent with the purposes set forth in Resolution No.

1 106-04 and as evidenced in the administrative record before this Board when it adopted
2 Resolution No. 106-04; and, be it

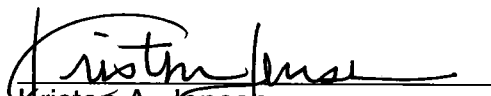
3 FURTHER RESOLVED, That, to the extent that the use of the Property for the Project
4 is in any way inconsistent with the purposes for which the Property was acquired pursuant to
5 Resolution No. 106-04, this Board authorizes the City's Recreation and Park Department and
6 the SFPL to use the Property for the public purpose of developing and implementing the
7 Project; and, be it

8 FURTHER RESOLVED, That by at least a two-thirds vote of this Board pursuant to
9 California Code of Civil Procedure Sections 1240.030 and 1245.230, this Board finds and
10 determines each of the following:

- 11 1. The public interest and necessity require the Project;
- 12 2. The Project is planned and located in the manner that will be most compatible with
13 the greatest public good and the least private injury; and
- 14 3. The Subject Property is necessary for the Project.

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

19 By:


20 Kristen A. Jensen
21 Deputy City Attorney



City and County of San Francisco

Tails

Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110667

Date Passed: June 28, 2011

Resolution authorizing the use of real property located at 701 Lombard Street (Assessor's Block No. 0074, Lot No. 001) for purposes consistent with the Joe DiMaggio Playground/North Beach Library Master Plan Project; adopting environmental findings and findings of consistency with the General Plan and City Planning Code Section 101.1.

June 07, 2011 Board of Supervisors - CONTINUED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

June 28, 2011 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110667

I hereby certify that the foregoing Resolution was ADOPTED on 6/28/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

6/29/11

Date Approved