

1 [Street Vacation - Resolution of Intention - Joe DiMaggio Playground Master Plan - Mason
2 Street]

3 **Resolution declaring the intention of the Board of Supervisors to vacate the one block**
4 **portion of Mason Street between Lombard Street and Columbus Avenue for purposes**
5 **of the North Beach Public Library and Joe DiMaggio Playground Master Plan, subject**
6 **to certain conditions; and setting the hearing date for June 7, 2011, at 3:00 p.m. for all**
7 **persons interested in the proposed vacation of said public right-of-way.**

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9 WHEREAS, This vacation proceeding for the one block portion of Mason Street
10 between Lombard Street and Columbus Avenue (the "Vacation Area"), is conducted under the
11 general vacation procedures of the Public Streets, Highways and Service Easements
12 Vacation Law (California Streets and Highways Code Sections 8300 et seq.); and

13 WHEREAS, Section 787(a) of the San Francisco Public Works Code provides that the
14 street vacation procedures for the City and County of San Francisco (the "City") shall be in
15 accordance with the applicable provisions of the California Streets and Highways Code and
16 such rules and conditions as are adopted by the Board of Supervisors; and

17 WHEREAS, The location and extent of the Vacation Area is more particularly described
18 on the Department of Public Works' SUR Map No. 3011, dated February 10, 2011, a copy of
19 which is on file with the Clerk of the Board of Supervisors in File No. 110314 and incorporated
20 herein by reference; and

21 WHEREAS, The vacation of the Vacation Area is necessary for the implementation of
22 the North Beach Public Library and Joe DiMaggio Playground Master Plan. A copy of said
23 Plan is on file with the Clerk of the Board of Supervisors in File No. 110314 and is
24 incorporated herein by reference; and

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1 WHEREAS, On April 21, 2011, the Planning Commission adopted Motion No. 18323,
2 making findings of consistency with the General Plan and the eight priority policies of Planning
3 Code Section 101.1 for the proposed Street Vacation contemplated in companion legislation
4 on file with the Clerk of the Board of Supervisors in File No. 110316. A copy of this Planning
5 Commission Resolution is on file with the Clerk of the Board of Supervisors in File No. 110314
6 and is incorporated by reference as though fully set forth herein; and

7 WHEREAS, On April 25, 2011, the San Francisco Public Library Commission, at a duly
8 noticed public hearing, adopted Resolution No. 2011-03, recommending the street vacation
9 among other actions. A copy of said Resolution is on file with the Clerk of the Board of
10 Supervisors in File No. 110314 and is incorporated by reference herein; and

11 WHEREAS, On April 25, 2011, the San Francisco Recreation and Park Commission, at
12 a duly noticed public hearing, adopted Resolution No. 1104-023, recommending the street
13 vacation among other actions. A copy of said Resolution is on file with the Clerk of the Board
14 of Supervisors in File No. 110314 and is incorporated by reference herein; and

15 WHEREAS, In DPW Order No. 179,289, dated April 21, 2011, the Director of the
16 Department of Public Works ("DPW Director") determined: (i) the Vacation Area is
17 unnecessary for the City's present or prospective public street purposes, subject to
18 satisfaction of the condition specified below; (ii) the Vacation Area should be conditionally
19 vacated so that it is not deemed final and effective until the same time as the City issues a site
20 or building permit for the new North Beach Public Library to be constructed partially on the
21 Vacation Area; (iii) until the time that the condition specified in Subsection (ii) is satisfied,
22 Mason Street shall remain a dedicated public street; (iv) the interdepartmental transfer of the
23 Vacation from the jurisdiction of the Department of Public Works to the Recreation and Park
24 Department will further a proper public purpose by preserving the subject area for park and
25 recreational purposes, including construction of a library; (v) the interdepartmental transfer

1 shall occur simultaneously with the street vacation being final and effective; and (vi) there are
2 no physical public and private utilities affected by the vacation of the Vacation Area except as
3 stated below. A copy of the DPW Order is on file with the Clerk of the Board of Supervisors in
4 File No. 110314 and is incorporated herein by reference; and

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

17 WHEREAS, The DPW Director also recommended that the public interest,
18 convenience, and necessity require that, except as specifically provided above, no other
19 easements or other rights should be reserved for any public or private utilities or facilities that
20 are in place in such Vacation Area and that any rights based upon any such public or private
21 utilities or facilities should be extinguished; and

22 WHEREAS, Pursuant to the Streets and Highways Code Section 892, the DPW
23 Director also found that the Vacation Area is unnecessary for non-motorized transportation as
24 there are multiple streets surrounding that Vacation Area that remain available for such
25 transportation and those members of the public availing themselves of non-motorized

1 transportation will not be inconvenienced by the proposed street vacation. In addition, the
2 Vacation Area, pursuant to the North Beach Public Library and Joe DiMaggio Playground
3 Master Plan, will remain available for passive recreational use, including some forms of non-
4 motorized transportation; now, therefore, be it

5 RESOLVED, That under California Streets and Highway Code Sections 8320 et seq.,
6 the Board of Supervisors hereby declares that it intends to order the vacation of the Vacation
7 Area, as shown on SUR Map No. 3011, and adopt the recommendations of the DPW Director;
8 and, be it

9 FURTHER RESOLVED, That notice is hereby given that on the 7th day of June, 2011,
10 beginning at approximately 3:00 P.M. in the Legislative Chambers of the Board of
11 Supervisors, all persons interested in or objecting to the proposed vacation will be heard; and,
12 be it

13 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
14 to transmit to the Department of Public Works a certified copy of this Resolution, and the
15 Board of Supervisors urges the Director of Public Works to publish and post this Resolution
16 promptly in the manner required by law and to give notice of the hearing of such contemplated
17 action in the manner required by law.

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