

1 [Allowing Playground Structures in Certain Portions of Sue Bierman Park]

2

3 **Ordinance amending the conditions previously placed on portions of Sue Bierman Park**  
4 **and authorizing the construction of playground structures, and making CEQA findings.**

5 NOTE: Additions are *single-underline italics Times New Roman*;  
6 deletions are ~~*strike-through italics Times New Roman*~~.  
7 Board amendment additions are double-underlined;  
8 Board amendment deletions are ~~strike-through normal~~.

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

9 Section 1. This Section is uncodified. The Board of Supervisors of the City and  
10 County of San Francisco hereby makes the following findings:

11 A. Pursuant Board of Supervisors Ordinance No. 109-01, adopted on May 7, 2001,  
12 and signed by the Mayor on May 18, 2001, the City transferred from the Department of Public  
13 Works to the Recreation and Park Department certain real property comprised of Assessor's  
14 Block 202, Lots 6, 14 and a portion of 15 ("Lot 15"), and a portion of Assessor's Block 203, Lot  
15 14, as more particularly described by the legal descriptions on file with the Clerk of the Board  
16 of Supervisors in File No. 010620 (collectively, the "Property").

17 B. The Recreation and Park Commission has jurisdiction within the meaning of San  
18 Francisco Charter Section 4.113 over Assessor's Block 202, Lot 18, as more particularly  
19 described by the legal description on file with the Clerk of the Board of Supervisors in File No.  
20 010620 ("Lot 18"), which adjoins the Property.

21 C. The Property and Lot 18 are zoned "P" under Planning Code Section 234, which  
22 includes open space.

23 D. The height and bulk designation for the Property and Lot 18 is "OS" (Open Space),  
24 for which Planning Code Section 290 provides that "no building or structure or addition shall  
25 be permitted [in an OS district] unless in conformity with the Master [General] Plan." Section

1 290 further provides that “the inclusion of land in [OS] Districts is intended to indicate its  
2 principal or exclusive purpose as open space, with future development of any character  
3 strictly limited.”

4 E. On November 4, 1996, the Board of Supervisors adopted Resolution No. 1022-96,  
5 which endorsed the urban design concepts of the Mid-Embarcadero Roadway project.  
6 Resolution No. 1022-96 limited “improvements’ on the Property to “landscape improvements  
7 until such time as additional public uses that may be proposed in the future are further  
8 analyzed by the Planning Commission and the Board of Supervisors.”

9 F. Ordinance No. 109-01, among other things, found that the public would substantially  
10 benefit if no building, improvement or structure is constructed on the surface of the Property  
11 and Lot 18. The Ordinance listed a number of landscape and other improvements that would  
12 not be prohibited. Playground structures were not included among those that would not be  
13 prohibited.

14 G. The Board now finds that the public will substantially benefit if playground  
15 structures are allowed on the Property and Lot 18.

16  
17 Section 2. As of the date hereof, and for so long as the Property, excluding the  
18 subsurface of Assessor’s Block 202, Lots 6, 14 and 15, and Lot 18 are held by the City,  
19 playground structures may be constructed on the surfaces of the Property and Lot 18, in  
20 conformance with San Francisco Charter Section 4.113.

21  
22 Section 3. Environmental Findings. The Planning Department has determined that the  
23 actions contemplated in this Ordinance are in compliance with the California Environmental  
24 Quality Act (California Public Resources Code section 21000 et seq.). Said determination is  
25

1 on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is  
2 incorporated herein by reference.

3

4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By: \_\_\_\_\_  
7 VIRGINIA DARIO ELIZONDO  
8 Deputy City Attorney

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25