

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

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

9

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

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

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

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,  
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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. \_\_\_\_\_, 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.

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

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By: \_\_\_\_\_  
Kristen A. Jensen  
Deputy City Attorney

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