




GENERAL PLAN REFERRAL

March 10, 2022

Case No.: 2022-001339GPR
Block/Lot No.: 5215-022 and 5215-021
Project Sponsor: Law Office of George P. Eshoo
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Daniel A. Sider
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Recommended By: Daniel A. Sider, AICP
for Rich Hillis, Director of Planning

Recommendation: Finding the project, on balance, is **in conformity** with the General Plan

Project Description

The project sponsor, the Law Office of George P. Eshoo, is conducting a settlement agreement (the Project) on behalf of the property owner of 1650 and 1680 Davidson Avenue. The property, 1650-1680 Davidson Avenue, is approximately 2.42 acres and consists of a paved yard that is used for light industrial parking and storage use, including fleet parking for school buses, via an existing long-term lease for those uses. The property includes a portion of former Custer Avenue.

The property owner claims clear title to the entire subject lot, including a portion of the lot that had once been a segment of Custer Avenue, since vacated. In connection with title work conducted for a proposed sale, the Port of San Francisco (“Port”) and the State of California have asserted public trust and ownership claim over the former segment of Custer Avenue, which is now a portion of the subject property.

The settlement and property transaction are intended to settle these disputed claims regarding property ownership and will include the following elements:

- (1) The City and County of San Francisco (“City”), acting by and through the Port, will quitclaim any title interest in approximately 2,364 square feet of former Custer Avenue to the property owner pursuant to existing legislative authority under SB 815. The Port will enter into a Purchase and Sale Agreement with the property owner that will govern the conveyance of the former Custer Avenue parcel from the City to the property owner for its appraised value.
- (2) The City, acting by and through the Port, the State Lands Commission, and the property owner will enter into a Title Settlement and Trust Exchange Agreement that will provide title to the property, free of the public trust, except for a strip of land within the northern area of the property. This strip of land is along the water and will be subjected to a public trust easement in favor of the State or granted to the City, acting by and through the Port. The property owner will also make a payment into a State fund to account for any deficit in the square footage of land exchange.

This settlement agreement includes: (1) approval by the Port Commission of the Purchase and Sale Agreement and Trust Agreement, pursuant to its authority under Charter Appendix B, (2) approval by the Board of Supervisors of the sale of City property under Charter Section 9.118(c) and to authorize the City’s acceptance of the public trust easement, if applicable, and (3) approval by the State Lands Commission of the Trust Agreement and adoption of findings related to the sale of a portion of former Custer Avenue under SB 815.

The project sponsor requests this General Plan Referral to be granted for the settlement agreement of 1650-1680 Davidson Avenue.

Environmental Review

On 2/16/2022, the Planning Department determined that the subject settlement agreement is statutorily exempt from CEQA under Public Resources Code §21080.11 (Case No. 2022-001339PRJ).

General Plan Compliance and Basis for Recommendation

As described below, the Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 and is, on balance, in conformity with the Objectives and Policies of the General Plan.

Note: General Plan Objectives are shown in **BOLD UPPER CASE** font; Policies are in **Bold** font; staff comments are in *italic* font.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

POLICY 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project is a settlement agreement with no change of use. The property is zoned for PDR and is a paved yard that is used for light industrial parking and storage use, including a fleet of school busses.

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

POLICY 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

The Project is a settlement agreement with no change of use. The property is zoned for PDR and is a paved yard that is used for light industrial parking and storage use, including a fleet of school busses.

Planning Code Section 101 Findings

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The Project would not have a negative effect on existing neighborhood-serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail. The Project, a settlement agreement, has no change of use.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The Project would not have a negative effect on housing or neighborhood character. The Project, a settlement agreement, has no change of use.

3. That the City's supply of affordable housing be preserved and enhanced;

The Project would not have an adverse effect on the City's supply of affordable housing. The property is not zoned for housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The Project would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking. There are no public streets within the property.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The Project would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired. The property is currently zoned for PDR uses and will remain as such.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The Project would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake. The Project, a settlement agreement, has no change of use.

7. That the landmarks and historic buildings be preserved;

The Project would not have an adverse effect on the City's Landmarks and historic buildings. There are no buildings on this property.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The Project would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas. The Project, a settlement agreement, will include the creation of a public trust easement as described above.

Recommendation: Finding the project, on balance, is in conformity with the General Plan

Attachments:

None