



GENERAL PLAN REFERRAL

April 28, 2023

Case No.: 2021-006620GPR

Block/Lot No.: Easement Across Lot 022 in Assessor’s Block 2781 to serve Lot 002 in Assessor’s Block 2724

Project Sponsor: Midtown Lands, LLC
c/o Justin A. Zucker
Reuben, Junius & Rose, LLP
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(415) 567-9000

Applicant: Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94103
c/o Burt Hirschfeld

Staff Contact: Mat Snyder 628-652-7460
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Recommended By: 
AnMarie Rodgers, Director of Citywide Policy for
Rich Hillis, Director of Planning

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

Project Description

The proposal is to establish an access and utility easement (“Easement”) across Lot 022 in Assessor’s Block 2781 (“RPD Lot”), a 50-foot-deep parcel owned by the San Francisco Recreation and Parks Department (“RPD”). The RPD Lot is one of several that serve as buffers between Clarendon Avenue and Palo Alto Avenue (shown on some maps as La Avandanza Street) and private residential lots. These buffer lots are adjacent to a larger network of RPD natural areas in and around Twin Peaks and Mount Sutro, referred to as the Interior Green Built. The location of the Easement is on the south side of Palo Alto Avenue east of Delbrooke Avenue. The easement would serve a private lot (Lot 002 in Assessor’s Block 2724, “Development Lot”), a vacant landlocked parcel zoned RH-1(D) (Residential One-House, Detached).¹ The proposed easement would enable access from the Development Lot to Palo Alto Avenue and measure 50-feet along the street by 50-feet deep. A 1957 Conveyance

¹ The Development Lot, previously referred to as “0 Palo Alto Avenue” was recently approved to be subdivided into two separate lots under case no. 2021-006620SUB.

Agreement provided the owner of the Development Lot with a right to a 50-foot-wide easement across the RPD lot, but without specifics to its location or design.

There are currently no applications for actual buildings or other improvements for the Development Lot nor for the Easement. Design for such improvements will be subject to its own review when such entitlement and/or building applications are submitted.

Establishing the subject easement requires an Easement Agreement approval by the Recreation and Parks Commission and the Board of Supervisors, which in turn, requires this General Plan Referral.

Environmental Review

The project was determined to be exempt under CEQA Guidelines Section 15061(b)(3) on 7/8/2021 (Planning Case No. 2021-006620ENV)

General Plan Compliance and Basis for Recommendation

As described below, the proposed ballot box installation is consistent with the Eight Priority Policies of Planning Code Section 101.1 and is, on balance, in conformity with 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.

HOUSING ELEMENT

OBJECTIVE 4.C.

EXPAND AND DIVERSIFY HOUSING TYPES FOR ALL.

Policy 33

Prevent the outmigration of families with children and support the needs of families to grow.

Policy 36

Maximize the use of existing housing stock for residential use by discouraging vacancy, short-term use, and speculative resale.

Establishing the roadway and utility easement for the Development Lot would enable the lot to be developed for residential use suitable for families. It would enable an unused residential parcel to be developed for much needed housing by enabling access to it.

The City has recently updated its Housing Element through which it is targeting the creation of 82,000 units within the next eight years. As a first step to creating these units, the Planning Department identified all underutilized parcels, including the subject parcel, as a potential source for new residential development. By creating an easement for the Development Lot, the parcel can be developed for much needed housing and help the City to meet its housing production target.

RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 1

ENSURE A WELL-MAINTAINED, HIGHLY UTILIZED, AND INTEGRATED OPEN SPACE SYSTEM

POLICY 1.3

Preserve existing open space by restricting its conversion to other uses and limiting encroachment from other uses, assuring no loss of quantity or quality of open space.

The proposed easement would encroach onto the RPD lot, which is designated as natural open space. To assure that the easement will not unduly impact that natural characteristic of the RPD lot, the Project Sponsor will enter into an Easement Agreement with the City for which RPD will be a signatory; Recreation and Park Commission and Board of Supervisors approval is also required. The easement, among other provisions, will include assurances that improvements on the easement will meet RPD design standards for the natural area's setting and that vegetation on the easement and nearby will be properly maintained on an ongoing basis.

TRANSPORTATION ELEMENT

OBJECTIVE 1

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

By creating the easement across the RPD Lot, the Development Lot will be accessible to and from the City's right-of-way network of streets and transportation amenities.

URBAN DESIGN ELEMENT

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.1

Preserve in their natural state the few remaining areas that have not been developed by man.

POLICY 2.2

Limit improvements in other open spaces having an established sense of nature to those that are necessary, and unlikely to detract from the primary values of the open space.

As described above, the RPD Lot is part of a network of natural open space areas in and around Twin Peaks and Mount Sutro. The Development Lot, however, is a privately owned lot zoned for residential development and is not public land. To assure the natural open space quality of the RPD Lot is maintained, the Project Sponsor will be

required to enter into an Easement Agreement with the Recreation and Parks Department that will, among other provisions, assure that the area of the easement and surrounding area will be designed and maintained pursuant to RPD natural areas standards.

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

POLICY 4.5

Provide adequate maintenance for public areas.

As noted above, the draft Easement Agreement would require the Project Sponsor to manage the easement and adjacent land according to Recreation and Parks Department’s policies and procedures, thereby assuring the area’s ongoing natural characteristic.

RESILIENCE AND COMMUNITY SAFETY ELEMENT

OBJECTIVE 3.2.

NEW BUILDINGS. MAXIMIZE THE SAFETY, ENVIRONMENTAL PERFORMANCE, AND CLIMATE ADAPTABILITY OF ALL NEW DEVELOPMENT.

New development on the Development Lot -- along with roadway and utility access between it and Palo Alto Avenue -- will be constructed pursuant to City codes, including those that address safety, resilience, and sustainability. Construction of improvements on the easement will enable residents to egress from the property in cases of emergency.

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;

Residential development on the Development Lot and the subject easement would not have an adverse 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.

- 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 existing housing or neighborhood character in San Francisco. At least two additional units could be constructed that would positively add to the City’s housing

stock.

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 proposed easement would enable new residential development on vacant land and would not have any adverse effect on existing affordable 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 in San Francisco.

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 enable residential development in a residential context and thereby 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 for San Francisco.

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. Improvements to the Development Lot and the subject easement would require to be constructed to current seismic standards, among other safety standards.

7. That the landmarks and historic buildings be preserved;

The project would enable residential development on a vacant lot, which does not contain a City Landmark or historic building. The Project would not have an adverse effect on the City's Landmarks and historic buildings.

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

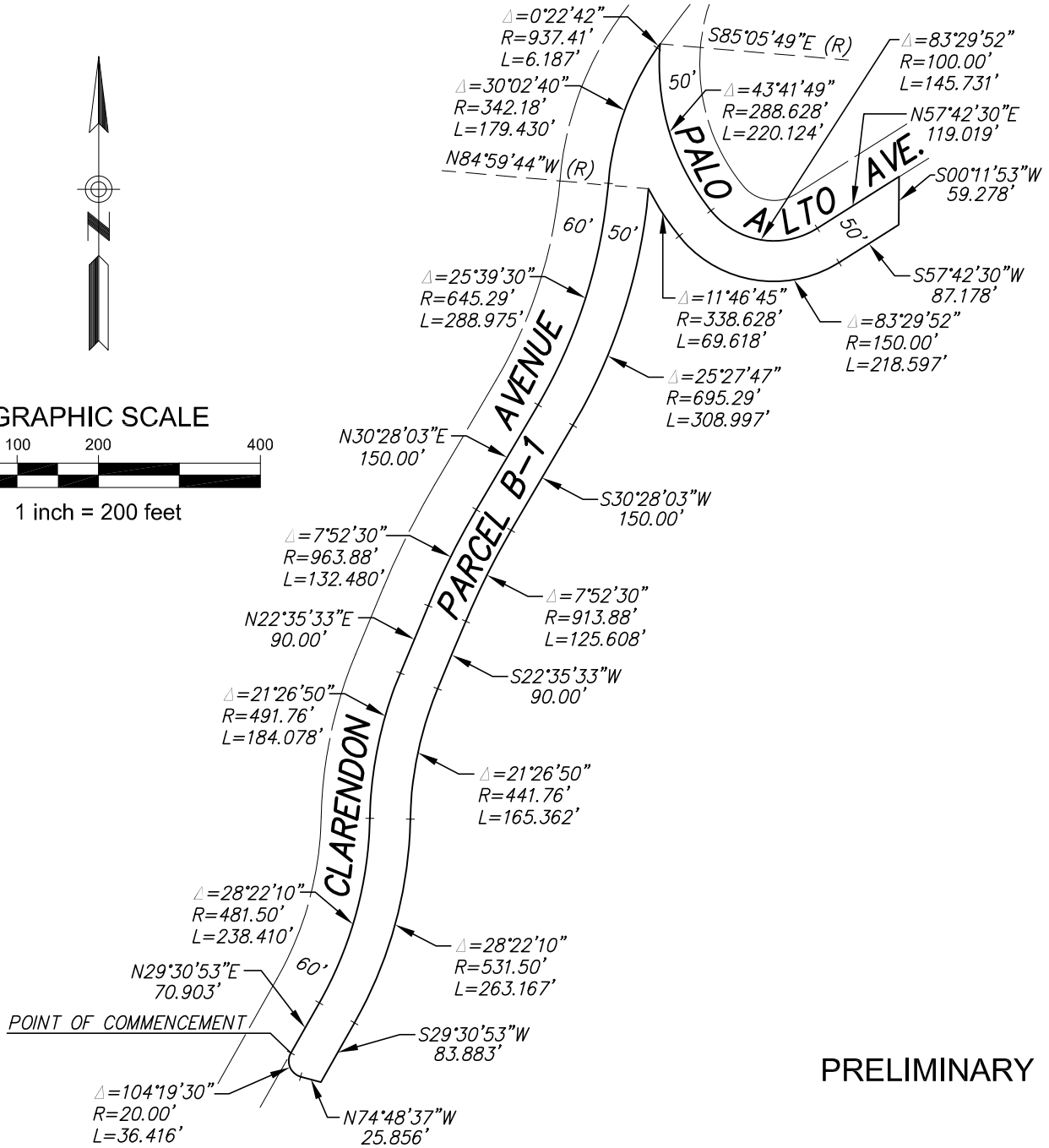
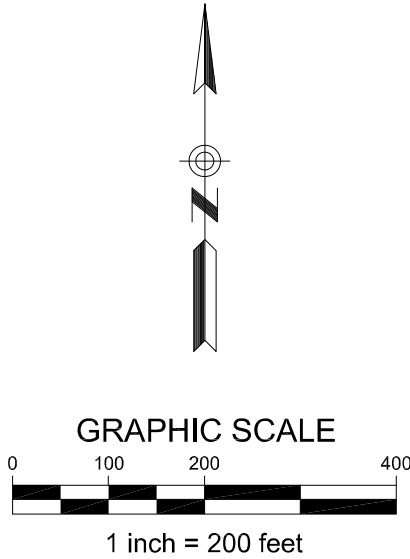
The Project would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas. While the land for which the easement is proposed is a designated natural area owned by RPD, the required Easement Agreement would assure that the easement area and area nearby would be maintained pursuant to Recreation and Parks Department policy and would retain its public open

space nature.

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

Attachments:

Plat Maps of RPD and Development Lots



PRELIMINARY

ABBREVIATIONS

R RADIUS
 (R) RADIAL
 Δ DELTA
 L LENGTH

LEGEND

————— PARCEL B-1 LINE
 - - - - - RIGHT OF WAY LINE

NOTES

1. ALL DEFLECTION ANGLES HEREON ARE 90 OR 45 DEGREES UNLESS EXPRESSLY OTHERWISE INDICATED.
2. ALL MEASURED DISTANCES ARE SHOWN HEREON IN FEET AND DECIMALS THEREOF. ALL OTHERS ARE SHOWN AS PER RECORDS AND NOTED AS SUCH.

Approved by:



TRANSAMERICAN ENGINEERS

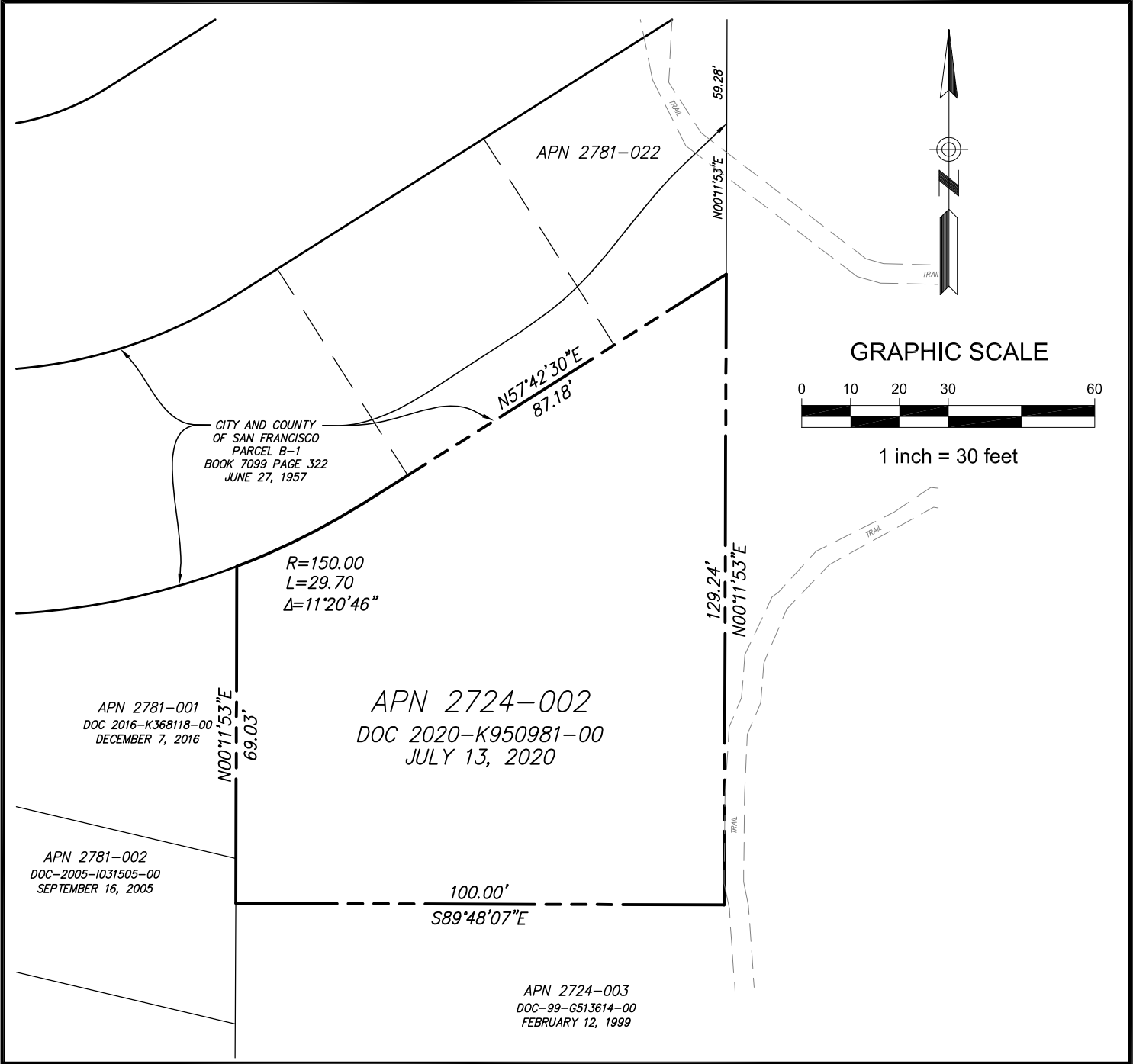
1390 Market Street, Suite 201 San Francisco, CA. 94102
 Tel: 415-553-4099 Fax: 415-553-4071 Email: info@transamericanengineers.com

EXHIBIT "B"
PLAT TO ACCOMPANY LEGAL DESCRIPTION
PARCEL B-1
BOOK 7099, PAGE 322, OFFICIAL RECORDS

SAN FRANCISCO

CALIFORNIA

Job No.	6965
Date:	OCTOBER 2022
Surveyed by:	DP/MM
Drawn by:	LF
Checked by:	BP
Scale:	AS SHOWN
Sheet No.	1 OF 1



ABBREVIATIONS	LEGEND	NOTES
AB ASSESSOR'S BLOCK APN ASSESSOR'S PARCEL NUMBER DOC DOCUMENT	RIGHT OF WAY LINE ADJACENT LOT LINE	1. ALL DEFLECTION ANGLES HEREON ARE 90 OR 45 DEGREES UNLESS EXPRESSLY OTHERWISE INDICATED. 2. ALL MEASURED DISTANCES ARE SHOWN HEREON IN FEET AND DECIMALS THEREOF. ALL OTHERS ARE SHOWN AS PER RECORDS AND NOTED AS SUCH.

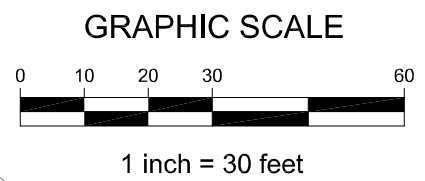
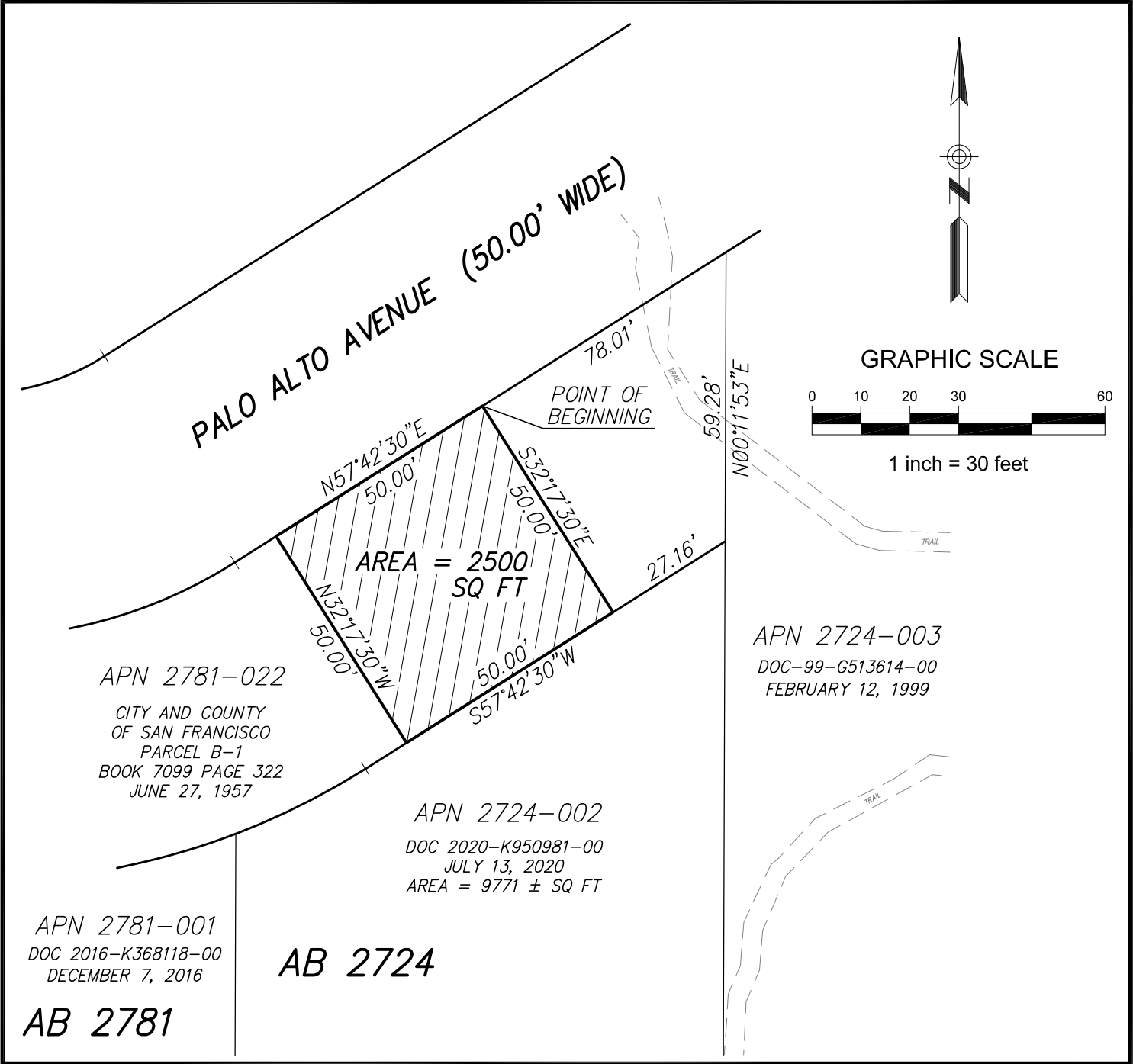
Approved by:

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EXHIBIT "B"
PLAT TO ACCOMPANY
LEGAL DESCRIPTION
APN 2724-002

SAN FRANCISCO CALIFORNIA

Job No.	6965
Date:	OCTOBER 2022
Surveyed by:	DP/MM
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APN 2781-022
 CITY AND COUNTY
 OF SAN FRANCISCO
 PARCEL B-1
 BOOK 7099 PAGE 322
 JUNE 27, 1957

APN 2724-003
 DOC-99-G513614-00
 FEBRUARY 12, 1999

APN 2724-002
 DOC 2020-K950981-00
 JULY 13, 2020
 AREA = 9771 ± SQ FT

APN 2781-001
 DOC 2016-K368118-00
 DECEMBER 7, 2016

AB 2724

AB 2781

ABBREVIATIONS	LEGEND	NOTES
AB ASSESSOR'S BLOCK APN ASSESSOR'S PARCEL NUMBER DOC DOCUMENT	_____ RIGHT OF WAY LINE _____ ADJACENT LOT LINE	1. ALL DEFLECTION ANGLES HEREON ARE 90 OR 45 DEGREES UNLESS EXPRESSLY OTHERWISE INDICATED. 2. ALL MEASURED DISTANCES ARE SHOWN HEREON IN FEET AND DECIMALS THEREOF. ALL OTHERS ARE SHOWN AS PER RECORDS AND NOTED AS SUCH.

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EXHIBIT "C"
PLAT TO ACCOMPANY
LEGAL DESCRIPTION
APN 2781-022

SAN FRANCISCO CALIFORNIA

Job No.	6965
Date:	OCTOBER 2022
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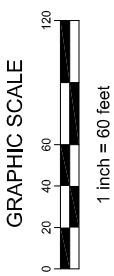
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EXHIBIT D
 APN 2724-002

APN No.	6885
Sheet No.	1
Of	1
Date:	02/28/2022
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Checked by:	CP/AM
Scale:	AS SHOWN



- LEGEND**
- PROPERTY LINE
 - - - ADJACENT PARCEL LINES
 - RIGHT OF WAY LINE

ABBREVIATIONS

- AB ASSESSOR'S BLOCK
- APN ASSESSOR'S PARCEL NUMBER
- (E) EXISTING

