



SAN FRANCISCO PLANNING DEPARTMENT

General Plan Referral

Date: October 27, 2015
Case No. Case No. 2015-011384GPR
**Coit Tower Lease Agreement and
Paper Street Vacation (Greenwich Street)**

Block/Lot No.: 0086/012
Project Sponsor: Cassandra Costello
501 Stanyan Street,
San Francisco, CA 9417

Applicant: Same as Above

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

*Recommended
By:* 
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PROJECT DESCRIPTION

The project seeks to amend an existing lease agreement between Coit Tower LLC and the City and a possible street vacation (pending future action by the Board of Supervisors).

The proposed lease amendment will allow for a number of modifications to the existing Coit Tower lease including authorization to sell refreshments in a refreshment kiosk near Coit Tower, a mural protection staffing credit, the ability to sell elevator tickets and mural tour tickets online, and **authorization to install a refreshment kiosk on the west side of the parking lot.**

The proposed location for the refreshment kiosk is in the paper street portion of the Greenwich Street. Although, the site is technically in the public right-of-way it has never been developed as a street and has been functioning as ground cover in Pioneer Park and is aesthetically indistinguishable from the surrounding Recreation and Parks Department-owned property that surrounds it. The siting of the proposed kiosk location was chosen through an extensive public process that included public meetings with the surrounding community and a hearing at the Recreation and Parks Commission in February 2015. To legally sell food and beverages from the

kiosk at the proposed kiosk location the paper street portion of Green Street will need to be vacated and the property ownership transferred to the Recreation and Parks Department.

Because the street vacation for this site will be legislated at later date, the lease agreement includes a provision stipulating that the ability to sell food at this location is contingent upon a street vacation being approved by the Board of Supervisors. Should the street vacation be approved, the refreshment kiosk will be installed in the vacated portion of Greenwich Street. Should the street vacation be denied, the Department will work with the lessee, the Commission and the community to identify an alternative location.

Both amendments to lease agreements held by City agencies and street vacations require General Plan Referrals.

This General Plan Referral covers both the provisions in the lease that are non-street vacation related and the potential street vacation that is required for the Kiosk installation to move forward should the Board of Supervisors decide to approve it. The submittal is for a General Plan Referral to recommend whether the Project is in conformity with the General Plan, pursuant to Section 4.105 of the Charter, and Section 2A.52 and 2A.53 of the Administrative Code.

If the Board of Supervisors chose to reject the proposed street vacation (the vote of which will likely transpire after they've voted on the lease amendment), the Recreation and Parks Department will be unable to use Greenwich site for their kiosk. The Recreation and Parks Department will need to choose a different location outside of the Greenwich Street right-of-way for the proposed food and beverage kiosk. Because this new potential site is not covered by this General Plan Referral, **the Recreation and Parks Department will also need to seek a separate general plan referral for the new kiosk location if the street vacation is rejected by the Board.**

ENVIRONMENTAL REVIEW

On 10/26/15, the Environmental Planning Division of the Planning Department determined that the project is categorically exempt from environmental review under Classes 1 and 3 (Planning Record No. 2015-005093ENV).

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The project seeks to amend an existing lease agreement between Coit Tower LLC and the City and a possible street vacation (pending future action by the Board of Supervisors). The Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this letter and is, on balance, in-conformity with the following Objectives and Policies of the General Plan:

Authorization to sell refreshments in a refreshment kiosk near Coit Tower

This provision in the lease agreement is consistent with Policies in the Recreation and Open Space Element because a portion of the profits generated by the refreshment kiosk will fund park maintenance. The Recreation and Parks Department went through an extensive public process to ensure the public was well notified about the addition of the proposed refreshment kiosk to Pioneer Park.

RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 1. Ensure a well-maintained, highly utilized, and integrated open space system

Policy 1.1: Encourage the dynamic and flexible use of existing open spaces and promote a variety of recreation and open space uses, where appropriate.

OBJECTIVE 6. Secure long-term resources and management for open space acquisition, and renovation, operations, and maintenance of recreational facilities and open space

POLICY 6.1. Pursue and develop innovative long-term funding mechanisms for maintenance, operation, renovation and acquisition of open space and recreation.

Establishing a mural protection staffing credit

This provision in the lease agreement will ensure better maintain the City's park system.

RECREATION AND OPEN SPACE ELEMENT

POLICY 1.2. Prioritize renovation in highly-utilized open spaces and recreational facilities and in high needs areas.

POLICY 1.4. Maintain and repair recreational facilities and open spaces to modern maintenance standards.

POLICY 1.7. Support public art as an essential component of open space design.

Authorizing the sale of elevator tickets and mural tour tickets online

This provision in the lease agreement will improve access to and provide a funding stream to better maintain the City's park system.

RECREATION AND OPEN SPACE ELEMENT

POLICY 2.2. Provide and promote a balanced recreation system which offers a variety of high quality recreational opportunities for all San Franciscans.

OBJECTIVE 6. Secure long-term resources and management for open space acquisition, and renovation, operations, and maintenance of recreational facilities and open space

POLICY 6.1. Pursue and develop innovative long-term funding mechanisms for maintenance, operation, renovation and acquisition of open space and recreation.

Authorization to install a refreshment kiosk on the west side of the parking lot.

The Recreation and Parks Department went through an extensive public process to ensure the public was notified about new provisions in the modified lease agreement and in selecting a site for the refreshment kiosk. This process included a hearing at the Recreation and Park Board who endorsed the lease agreement modifications and proposed kiosk location. The Planning Department's Historic Preservation Division, worked closely with Recreation and Parks staff to ensure the design and siting of the refreshment kiosk are compatible with historic Coit Tower through the environmental review process.

RECREATION AND OPEN SPACE ELEMENT

POLICY 1.12. Preserve historic and culturally significant landscapes, sites, structures, buildings and objects.

POLICY 1.13. Preserve and protect character-defining features of historic resources in City parks, when it is necessary to make alterations to accommodate new needs or uses.

POLICY 5.1. Engage communities in the design, programming and improvement of their local open spaces, and in the development of recreational programs.

Potential Future Street Vacation

The General Plan typically does not support vacating public rights-of-way unless there are substantial public benefits to be gained from doing so. Two of the criteria suggested by the General Plan for street vacations include maintaining the public rights-of-ways for public uses, and converting unimproved rights-of-ways (called paper streets) into open space. In this case the proposed segment of Greenwich Street to be vacated has been effectively functioning as part of Pioneer Park for decades. Should the Board of Supervisors choose to convert the Greenwich Street to Recreation and Parks property the action would be compliant with the General Plan because Greenwich Street would maintain its status as public open space in perpetuity, and enable the Recreation and Parks Department to better maintain and manage the City's park system.

RECREATION AND OPEN SPACE ELEMENT

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.

POLICY 3.1. Creatively develop existing publicly-owned right-of-ways and streets into open space.

URBAN DESIGN ELEMENT

POLICY 2.9. Review proposals for the giving up of street areas in terms of all the public values that streets afford.

PROPOSITION M FINDINGS – PLANNING CODE SECTION 101.1

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project, demolition

and replacement of the Chinese Recreation Center, is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

Eight Priority Policies Findings

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

The proposed project is found to be consistent with the eight priority policies of Planning Code Section 101.1 in that:

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 have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses. The proposed project complies with this policy because it provides for a local small business to offer food and beverages to the guests to Pioneer Park and visitors to Coit Tower. Additionally, a portion of the items proposed for the food and beverage kiosk will be provided by businesses in the adjacent North Beach neighborhood, thus complimenting and enhancing neighborhood-serving retail uses and resident employment.

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

The Project would have no adverse effect on the City's housing stock or on neighborhood character. The existing housing and neighborhood character will be not be negatively affected. The proposed project would enhance the economic diversity of the neighborhood by creating a space for an additional small business to operate in the neighborhood.

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

The Project would have no adverse effect on the City's supply of 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's transit service, overburdening the streets or altering current neighborhood parking.

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 residential employment and ownership in these sectors be enhanced.

The Project would enhance this priority as it employs residents of the City for the operation of the kiosk and enhances the business of the small business operator who runs Coit Tower. The proposed project will not harm, displace or affect industrial or service sectors.

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

The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake. It would improve the City's ability to respond to injuries caused by earthquakes and other emergencies.

7. That landmarks and historic buildings be preserved.

The proposed project would preserve adjacent historic landmarks. The proposed project kiosk is in Pioneer Park, surrounding Coit Tower. It falls outside of the landmark boundary of Coit Tower. The refreshment kiosk is designed to complement Coit Tower and its surroundings.

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

The proposed project would not negatively impact access to sunlight in parks and open space, nor would it impact views and vistas. The proposed kiosk is approximately 9'x12' in a small portion of Pioneer Park adjacent to the parking lot in front of Coit Tower. The proposed kiosk will not intrude on views of the city or block sunlight. It is surrounded by existing foliage. Additionally, the proposed project is consistent with the Recreation and Open Space Element (ROSE), specifically as it relates to policy 1.1 "Encourage the dynamic and flexible use of existing open spaces and promote a variety of recreation and open spaces uses where appropriate.

RECOMMENDATION:

Finding the Project, on balance, in-conformity with the General Plan

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