



# SAN FRANCISCO PLANNING DEPARTMENT

## General Plan Referral

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

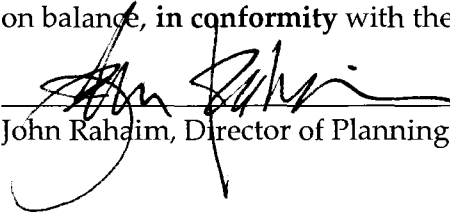
*Date:* September 9, 2014  
*Case No.* **Case No. 2014.0840R**  
**Panama Street Vacation**

*Block/Lot No.:* 7178/001  
*Project Sponsor:* Lee Yun Ling  
21 Cook Street  
San Francisco, CA 94118

*Applicant:* Walter Wong  
Jaidin Consulting Group, LLC  
205 13<sup>th</sup> Street  
San Francisco, CA 94103

*Staff Contact:* Claudia Flores – (415) 558-6473  
[claudia.flores@sfgov.org](mailto:claudia.flores@sfgov.org)

*Recommendation:* Finding the project with the listed public improvements is, on balance, **in conformity** with the General Plan.

*Recommended*  
*By:*   
John Rahaim, Director of Planning

### PROJECT DESCRIPTION

The project sponsor proposes to vacate a City-owned portion of Panama Street adjacent to AB 7178/001, and as part of the proposed street vacation the owner of 10 Niantic will construct the following public improvements in the right of way:

- Re-grind and re-pave of the east half of Panama Street from the beginning of the property line of block and lot 7178/001 on Panama Street to the intersection of Niantic.
- A sidewalk along Panama Street (under the bay windows) and curbing around the subject (10 Niantic) property to the Niantic Street side. The sidewalk dimensions should be 8 feet – the 3' closest to the 10 Niantic building should be landscaping and the remaining 5' should be paving (Panama Street should be a minimum of 14' wide). A raised crosswalk at the intersection of Panama Street with Niantic should also be provided (see attached site plan notes).

These improvements are in addition to the curb ramp and a 4'6" wide sidewalk starting at the intersection of Panama Street and Niantic Avenue to the intersection of Niantic Avenue and St. Charles Avenue that the project sponsor already constructed.

The property with address 10 Niantic is built over the City property due to a surveyor error. The encroachment and proposed street vacation is of a portion of the street 3' by 25' long. The Department of Public Works has jurisdiction over the property and has been working with the project sponsor to address the encroachment into the right of way to provide a safe path of travel for pedestrians and to protect the bay windows from vehicles. 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.

The Urban Design Element of the General Plan, written at a time when many public rights-of-way were being closed as part of development projects, contains clear language admonishing against any closure or vacating of a street if it contravenes one the 12 criteria listed *and* unless it fulfills one of the five listed criteria, including (relevant to this case) a clear, *significant* public benefit or if it is consistent with the public values of the Urban Design Element. (See Policy 2.9 of the Urban Design Element below.) The construction of private property and subsequent vacation of a portion of a public right of way is therefore, not an ideal scenario and not consistent with the General Plan unless a significant public benefit is provided. Therefore the outlined public improvements must be fully completed. Should the public improvements not be carried out there might also be a consideration of a structure modification to move the ground floor wall back to the property line, providing an architectural solution to the construction error.

## ENVIRONMENTAL REVIEW

On June 25, 2-14 the Environmental Planning Division of the Planning Department determined that the right-of-way vacation is not a project under CEQA Guidelines Section 15060.

## GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

With the listed right of way pedestrian improvements above, the Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this letter. The Project with the listed right of way pedestrian improvements above is, on balance, **in-conformity** with the following Objectives and Policies of the General Plan, given the provision of the public improvements to the right of way:

**URBAN DESIGN ELEMENT****POLICY 2.8**

**Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.**

**Street areas have a variety of public values in addition to the carrying of traffic. They are important, among other things, in the perception of the city pattern, in regulating the scale and organization of building development, in creating views, in affording neighborhood open space and landscaping, and in providing light and air and access to properties.**

**POLICY 2.9**

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

Every proposal for the giving up of public rights in street areas, through vacation, sale or lease of air rights, revocable permit or other means, shall be judged with the following criteria as the minimum basis for review:

a. No release of a street area shall be recommended which would result in:

1. Detriment to vehicular or pedestrian circulation;
2. Interference with the rights of access to any private property;
3. Inhibiting of access for fire protection or any other emergency purpose, or interference with utility lines or service without adequate reimbursement;
4. Obstruction or diminishing of a significant view, or elimination of a viewpoint; industrial operations;
5. Elimination or reduction of open space which might feasibly be used for public recreation;
6. Elimination of street space adjacent to a public facility, such as a park, where retention of the street might be of advantage to the public facility;
7. Elimination of street space that has formed the basis for creation of any lot, or construction or occupancy of any building according to standards that would be violated by discontinuance of the street;
8. Enlargement of a property that would result in (i) additional dwelling units in a multi-family area; (ii) excessive density for workers in a commercial area; or (iii) a building of excessive height or bulk;
9. Reduction of street space in areas of high building intensity, without provision of new open space in the same area of equivalent amount and quality and reasonably accessible for public enjoyment;

10. Removal of significant natural features, or detriment to the scale and character of surrounding development;
11. Adverse effect upon any element of the General Plan or upon an area plan or other plan of the Department of City Planning; or
12. Release of a street area in any situation in which the future development or use of such street area and any property of which it would become a part is unknown.

b. Release of a street area may be considered favorably when it would not violate any of the above criteria and when it would be:

1. Necessary for a subdivision, redevelopment project or other project involving assembly of a large site, in which a new and improved pattern would be substituted for the existing street pattern;
2. In furtherance of an industrial project where the existing street pattern would not fulfill the requirements of modern industrial operations;
3. Necessary for a significant public or semi-public use, or public assembly use, where the nature of the use and the character of the development proposed present strong justifications for occupying the street area rather than some other site;
4. For the purpose of permitting a small-scale pedestrian crossing consistent with the principles and policies of The Urban Design Element; or
5. In furtherance of the public values and purposes of streets as expressed in The Urban Design Element and elsewhere in the General Plan.

*The Project will include the construction of public improvements to improve vehicular and pedestrian access to mitigate the surveyor error but otherwise the vacation does not meet the necessary criteria for vacation of a street.*

## **Neighborhood Environment**

### **OBJECTIVE 4**

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

San Francisco draws much of its strength and vitality from the quality of its neighborhoods. Many of these neighborhoods offer a pleasant environment to residents of the city, while others have experienced physical decline and still others have never enjoyed some of the amenities common to the city as a whole. Measures must be taken to stabilize and improve the health and safety of the local environment, the psychological feeling of neighborhood, the

opportunities for recreation and other fulfilling activities, and the small-scale visual qualities that make the city a comfortable and often exciting place in which to live.

#### FUNDAMENTAL PRINCIPLES FOR NEIGHBORHOOD ENVIRONMENT

These fundamental principles and their illustrations reflect the needs and characteristics with which this Plan is concerned, and describe measurable and critical urban design relationships in the neighborhood environment:

4. Open space and landscaping can give neighborhoods an identity, a visual focus and a center for activity.

*The proposed Project will increase personal safety by providing better access for pedestrians and for safe vehicular movement. These improvements are consistent with General Plan policies.*

#### TRANSPORTATION ELEMENT

##### POLICY 1.2

**Ensure the safety and comfort of pedestrians throughout the city.**

Safety is a concern in the development and accommodation of any part of the transportation system, but safety for pedestrians (which includes disabled persons in wheelchairs and other ambulatory devices) should be given priority where conflicts exist with other modes of transportation.

##### **Pedestrian**

##### **OBJECTIVE 23**

**IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.**

*The public improvements will improve pedestrian access through the site.*

#### **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.*

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 not be negatively affected. The public improvements will improve the neighborhood character.*

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 not affect the existing economic base in this area.*

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.

*This site and building are not landmarks or of historic significance. The structure was constructed in the last 10 years.*

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

*The Project would have no adverse effect on parks and open space or their access to sunlight and vista.*

<b>RECOMMENDATION:</b>	<b>Finding the Project, on balance, in-conformity with the General Plan</b>
------------------------	---

**Attachments:**

Site Plan of Proposed Public Improvements

cc: Javier Rivera, SFDPW / BSM

*I:\Citywide\General Plan\General Plan Referrals\2014\2014.0840R Panama Street Vacation.doc*







