

GENERAL PLAN REFERRAL

April 29, 2021

Case No.: 2021-003355GPR

Block/Lot No.: N/A – unimproved land in Alameda County

SF PUC **Project Sponsor:**

Applicant: Anthony Bardo – (415) 250-8582

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San Francisco Public Utilities Commission

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Recommended By:

Rich Hillis, Director of Planning

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

Project Description

The City of San Francisco, under the management of the San Francisco Public Utilities Commission (SF PUC), owns land outside of the City of San Francisco for the purpose of water delivery and water quality management. This includes land around the town of Sunol and in Niles Canyon between Sunol and Fremont, in southern Alameda County.

The State of California, acting by and through its Department of Transportation ("Caltrans"), proposes to construct roadway safety improvements at spot locations along SR-84 (Niles Canyon Road) in Niles Canyon and on Paloma Way between State Route 238 and Interstate 680 in southern Alameda County ("Project"). As a component of the Project, Caltrans desires to (1) acquire certain portions of City's PUC-managed Real Property in fee; (2) obtain a temporary construction easement for the construction, installation, removal, and relocation of certain improvements along SR-84, including vehicular and pedestrian access to the Project area; and (3) acquire a public utility easement for Pacific Gas & Electric Company ("PG&E") to accommodate the relocation of PG&E electrical utilities within the Project area.

Caltrans has the authority to exercise the power of eminent domain and compel City to sell portions of City's Real Property. Caltrans and the City recognize the expense, time, effort, and risk to both parties in determining the compensation for acquiring City's Real Property by eminent domain litigation. To avoid such litigation, the parties have proposed to enter into an Agreement for Sale of Real Estate.

The parcels proposed to be sold are narrow slivers of roadway-adjacent property, and the actual amount of land small in relation to the large PUC land holdings in the area. Of the 49.52-acre holding of parcel 63663-1, less than 0.5 acres would be sold. Of the 49.52-acre holding of parcel 63653-1, less than 0.25 acres would be sold. The primary reason for PUC ownership of land in this area and these specific parcels - to preserve long-term water quality or otherwise support nearby Hetch Hetchy water delivery infrastructure or facilities - would not be likely to be impacted in any significant way by these land sales.

Environmental Review

The proposed real estate transaction would not be defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

General Plan Compliance and Basis for Recommendation

As described below, the proposed PUC land sale to Caltrans 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.

ENVIRONMENTAL PROTECTION ELEMENT

OBJECTIVE 1

ACHIEVE A PROPER BALANCE AMONG THE CONSERVATION, UTILIZATION, AND DEVELOPMENT OF SAN FRANCISCO'S NATURAL RESOURCES.

Policy 1.1

Conserve and protect the natural resources of San Francisco.

Conserving and protecting the natural resources of San Francisco requires ownership of land outside of San Francisco related to long-term water quality protection and drinking water delivery. The primary purpose of the PUC and City's large land holdings in Niles Canyon is for supporting this water delivery infrastructure. The proposed sale to Caltrans of small pieces of this land that directly adjoins SR-84 is not likely to materially impact the purpose of the PUC's land ownership and management responsibilities in the Niles Canyon area, and the important natural resources of San Francisco will continue to be conserved and protected.



OBJECTIVE 2

IMPLEMENT BROAD AND EFFECTIVE MANAGEMENT OF NATURAL RESOURCES.

Policy 2.1

Coordinate regional and local management of natural resources.

The proposed project demonstrates the practical coordination of state and local management of water and transportation infrastructure, which must be balanced in Niles Canyon. The narrow slivers of PUC-owned land Caltrans seeks to acquire are intended to improve roadway safety in Niles Canyon, and will not materially impact the purpose of the PUC's land ownership on this area. Since Caltrans would have been likely to initiate eminent domain proceedings to acquire this land, this land sale agreement is a practical solution that avoids an extended and resource-intensive legal process that would serve no beneficial public purpose.

OBJECTIVE 5

ASSURE A PERMANENT AND ADEQUATE SUPPLY OF FRESH WATER TO MEET THE PRESENT AND FUTURE NEEDS OF SAN FRANCISCO.

Policy 5.2

Exercise controls over development to correspond to the capabilities of the water supply and distribution system.

The proposed sale to Caltrans of small pieces of public land that directly adjoins SR-84 will not affect the PUC's ability to assure a permanent and adequate supply of fresh water to San Francisco now and in the future. PUC's land ownership and management responsibilities in the Niles Canyon area will continue without material impact, and the important natural resources of San Francisco will continue to be conserved and protected. The development controls in this area that support San Francisco's water supply and distribution system will remain in place. PUC's staff resources will not have to be dedicated to a protracted and complex eminent domain proceeding with Caltrans, and staff can remain focused on their fundamental work related to public water supply and delivery.

RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 4

PROTECT AND ENHANCE THE BIODIVERSITY, HABITAT VALUE, AND ECOLOGICAL INTEGRITY OF OPEN SPACES AND ENCOURAGE SUSTAINABLE PRACTICES IN THE DESIGN AND MANAGEMENT OF OUR OPEN SPACE SYSTEM

Policy 4.1

Preserve, protect and restore local biodiversity.

Policy 4.2

Establish a coordinated management approach for designation and protection of natural areas and watershed lands.



The proposed real estate sale would not impact PUC's ability to preserve, protect, and restore local biodiversity in Niles Canyon. The sale demonstrates that the value of a coordinated management approach for protection of natural areas and watershed lands which balances needs of many users.

TRANSPORTATION ELEMENT

OBJECTIVE 4

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.

Policy 1.6

Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

The proposed improvements to SR-84 in Niles Canyon are intended to improve safety for drivers and bicyclists in a corridor where few other transportation choices are available. As such, these improvements are appropriate for Niles Canyon, and the proposed land sale would support this goal with little to no impact on PUC's water supply and delivery.

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 proposed land sale by SFPUC is located within the County of Alameda, and would not affect existing neighborhood-serving retail uses in San Francisco.
- 2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;
 - The proposed land sale by SFPUC is located within the County of Alameda, and would not affect existing housing and neighborhood character in San Francisco.
- 3. That the City's supply of affordable housing be preserved and enhanced;
 - The proposed land sale by SFPUC is located within the County of Alameda, and would not affect San Francisco's supply of affordable housing.
- 4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;



The proposed land sale by SFPUC is located within the County of Alameda, and would not affect commuter traffic, MUNI transit service 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 proposed land sale by SFPUC is located within the County of Alameda, and would not affect the City's industrial and service sectors, or future employment opportunities for residents.

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

The proposed land sale by SFPUC would not affect the City's preparedness against injury and loss of life in an earthquake. The purpose of the SFPUC's ownership of land in the area – preserving land important for the City's long term water quality, which helps ensure access to fresh water is available to all residents at all times, including in the immediate aftermath or an earthquake or other natural disaster – would not be materially impacted by the sale of these small parcels of roadway-adjacent land.

7. That the landmarks and historic buildings be preserved;

The proposed land sale by SFPUC is located within the County of Alameda, and would have no 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 proposed land sale by SFPUC is located within the County of Alameda, and would have no effect on San Francisco's parks and open space and their access to sunlight and vistas.

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

Attachments:

Map of the Project Site, showing PUC-owned property to be sold









