



# SAN FRANCISCO PLANNING DEPARTMENT

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## General Plan Referral

*Date:* September 11, 2013  
*Case No.* Case No. 2013.0475R  
Twin Peaks Blvd Street Vacation

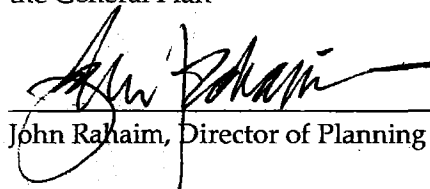
*Block/Lot No.:* 2720/004  
*Project Sponsor:* Javier Rivera  
San Francisco Department of Public Works  
1155 Market Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103

*Applicant:* Same as Above

*Staff Contact:* Neil Hrushowy – (415) 558-6471  
[neil.hrushowy@sfgov.org](mailto:neil.hrushowy@sfgov.org)

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

*Recommended  
By:*

  
John Rahaim, Director of Planning

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Suite 400  
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CA 94103-2479

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### PROJECT DESCRIPTION

The project sponsor proposes to purchase a piece of land owned by the City, AB/2720/004, and install stepped retaining walls, new landscaping, a publicly accessible stairway and viewing deck, as well as new public benches. The City property is a piece of a paper street that was never built as part of the development of the neighborhood. Rather, the property was left as a triangular piece of open land between two converging streets. Roughly 2500 square feet in size, the property is unlikely to be developed as a residential parcel because of its odd triangular shape, which while sufficient in size, does not have the dimensions suitable for a building, as well as the substantial grade change across the property. The Department of Public Works is responsible for the property and has not reported any problems or issues related to its maintenance or soundness. 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.

## SITE DESCRIPTION AND PRESENT USE

The project sponsor has proposed turning the open piece of land into a private garden attached to his adjacent residential property. 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 the Planning Department against any closure 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, attached.)

## ENVIRONMENTAL REVIEW

On May 29, 2013, the Environmental Planning Division of the Planning Department determined that the "right-of-way vacation" is Categorically Exempt from Environmental Review as Categorical Exemption Class 12 as defined by CEQA, per Guidelines Section 15312: Surplus Government Property Sales. All future projects related to physical improvements to the property will require their own CEQA review.

## GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The Project is to construct a new driveway to provide vehicular access to a recently constructed residential building. 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 is, on balance, **in-conformity** with the following Objectives and Policies of the General Plan:

## URBAN DESIGN ELEMENT

### City Pattern

#### OBJECTIVE 1

**EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.**

#### 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 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 stairways to improve pedestrian access, stepped retaining walls, landscaping and installation of a public access area, including publicly-accessible benches and a viewing deck.*

## **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 improve the visual quality of the project site through new landscaping, new public access and new public seating. These improvements are consistent with General Plan policies.*

**TRANSPORTATION ELEMENT**

**General**

**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.**

*As proposed, a new publicly-accessible stairway will be installed that will improve pedestrian access through the site.*

**RECREATION AND OPEN SPACE ELEMENT**

**Citywide System**

**POLICY 2.2**

**Preserve existing public open space.**

San Francisco's public open space system is fairly extensive. It ranges from large parks to undeveloped street rights-of-way.

*Currently this portion of the undeveloped public street provides little public benefit beyond general greening in the neighborhood. The proposed site design will provide new public access to the lot through the installation of a new publicly-accessible stairway and viewing deck, which will include new public seating.*

**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 be not be negatively affected*

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 20-30 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. If the City purchases or leases the site for use by the Department of Technology, no new structures would be added to the site*

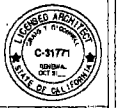
<b>RECOMMENDATION:</b>	<b>Finding the Project, on balance, in-conformity with the General Plan</b>
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**Attachments:**  
Proposed Design

cc: Javier Rivera, SFDPW  
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WALKER  
 301 TWIN PEAKS BLVD  
 SAN FRANCISCO, CA

REVISIONS		
No.	Description	Date

Plans

Project number: 1

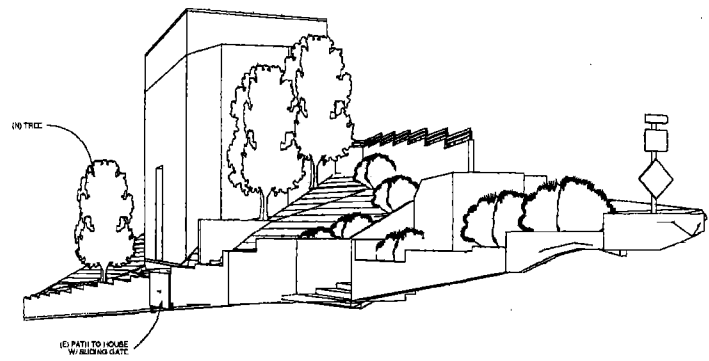
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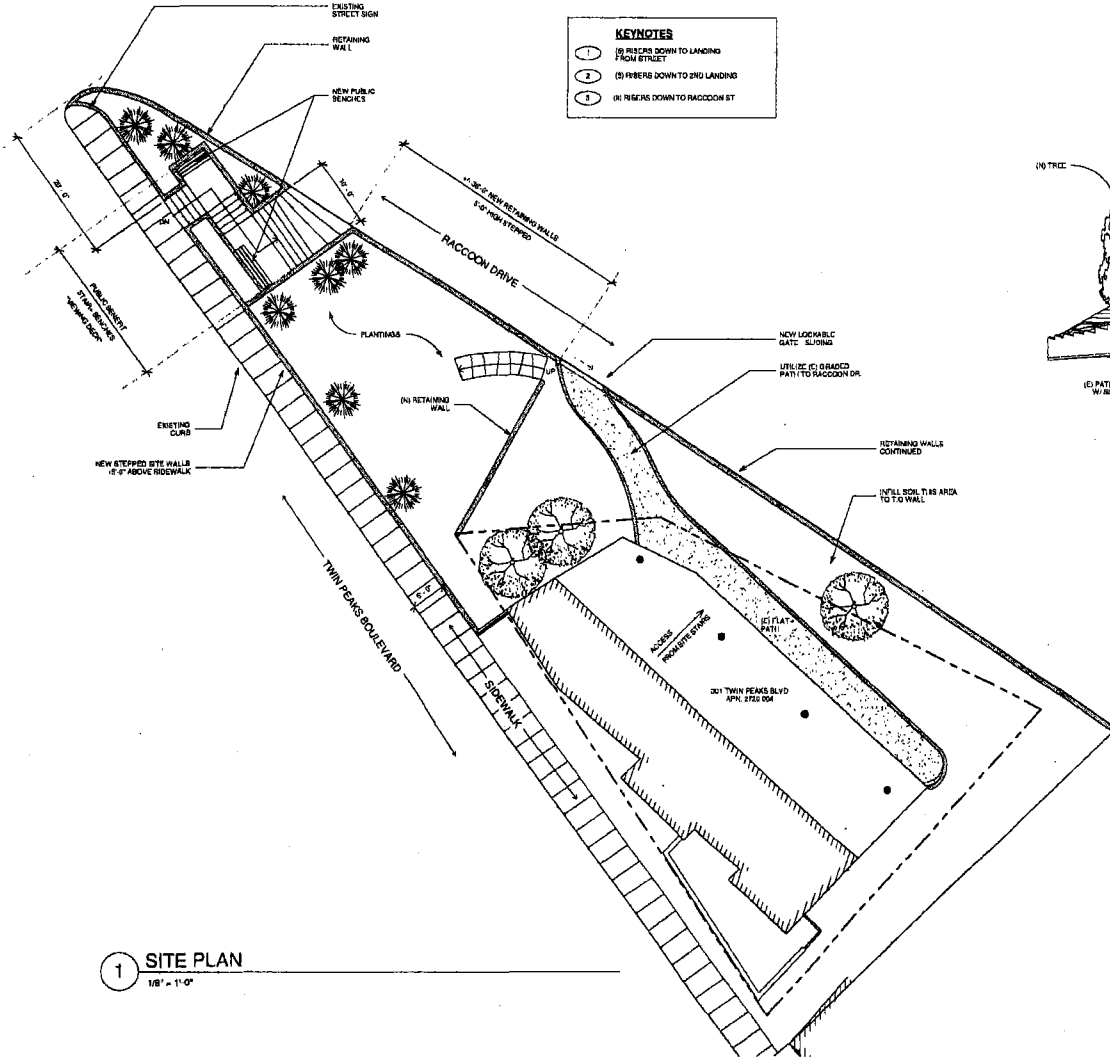
Checked by: \_\_\_\_\_

**A101**

Scale: AS SHOWN



2 SITE-1 VIEW



1 SITE PLAN  
 1/8" = 1'-0"