



SAN FRANCISCO PLANNING DEPARTMENT

July 13, 2010

Ms. Amy Brown
Director of Real Estate
San Francisco Real Estate Department
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

Re: Case Number 2009.0291R
Ordinance approving a Conditional Land Disposition and Acquisition Agreement with the San Francisco Museum of Modern Art for conveyance by the City to the Museum of real property located at 676 Howard Street, San Francisco (Fire Station No. 1) and all of that portion of Hunt Street within Block 3722, collectively, in exchange for conveyance by the Museum to City of a parcel of real property located at 935 Folsom Street and a new fire station to be constructed by or on behalf of Museum on such parcel

Dear Ms. Brown:

The Department received your request on July 12, 2010 for a General Plan Referral as required by Section 4.105 of the San Francisco Charter, and Section 2A.53 of the San Francisco Administrative Code.

Project Description

The San Francisco Museum of Modern Art (Museum) is cooperating with the City to construct a new wing for the Museum's current building on Third Street, to house the Fisher Art Collection and for other purposes. The Museum intends to raze two buildings on Howard Street, including the City's Fire Station #1, at 676 Howard Street, and develop a new wing for the museum, connecting to the rear of the existing museum building.

The Museum and the City have negotiated an arrangement wherein the City will convey to the Museum Fire Station #1, as well as a portion of the Hunt Street right-of-way directly behind the fire station. In return, the Museum has purchased a parcel at 935 Folsom Street, will build a new fire station for the city on a portion of this parcel at no cost to the City and will convey the new parcel and the underlying land to the City at no cost. The combined value of the land at 935 Folsom Street and the new fire station considerably exceeds the value of the existing fire station and the portion of the Hunt Street right-of-way behind it.

BY AS

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1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479
Reception:
415.558.6378
Fax:
415.558.6409
RECEIVED
BUREAU OF
PLANNING
INFORMATION:
415.558.6377

Case Number 2009.0291R
SFMOMA CLDAA

The ordinance which is the subject of this General Plan Referral has the effect of approving a "Conditional Land Disposition and Acquisition Agreement" (CLDAA). The CLDAA is an agreement between the City and the Museum which sets out the terms for the above-described land transfer. The agreement is conditioned and contingent upon a number of other independent actions by the Board of Supervisors, the Planning Commission and other City decision-making bodies to take place in the future. These include, but are not limited to certification of an environmental impact report, rezoning of properties subject to the CLDAA and approval of the new museum wing and new fire station.

Environmental Review

As noted above, the ordinance which is the subject of this General Plan Referral approves the CLDAA subject to the satisfaction of express conditions, including completion of environmental review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 *et seq.*), the CEQA Guidelines (California Code of Regulations, title 14, Sections 15000 *et seq.*), and Chapter 31 of the San Francisco Administrative Code and the City making certain environmental findings at the conclusion of and based on the analysis provided by the Environmental Review.

Staff has determined that the Project is consistent with the Eight Priority Policies of the Planning Code Section 101.1 (see attachment).

Staff has determined that the project is, on balance, IN CONFORMANCE with the General Plan.

Please note that some or all of the future actions noted above may require subsequent General Plan Referrals.

Sincerely,



John Rahaim
Director of Planning

Attachments:

1. General Plan Case Report
2. Eight Priority Policies Findings- Planning Code Section 101.1

Case Report

Attachment 1

Case No: 2009.0291R
SFMOMA CLDAA

Staff reviewer: Ken Rich
Date: 7/13/10

General Plan Policy Findings

Note: General Plan Objectives are in **BOLD CAPS**, and Policies are in **bold font**, General Plan text is in regular font, and staff comments are in *italic font*.

ARTS ELEMENT

OBJECTIVE I-2

INCREASE THE CONTRIBUTION OF THE ARTS TO THE ECONOMY OF SAN FRANCISCO.

POLICY

I-2.2

Continue to support and increase the promotion of the arts and arts activities throughout the City for the benefit of visitors, tourists, and residents.

OBJECTIVE

III-2

STRENGTHEN THE CONTRIBUTION OF ARTS ORGANIZATIONS TO THE CREATIVE LIFE AND VITALITY OF SAN FRANCISCO

POLICY

III-2.2

Assist in the improvement of arts organizations' facilities and access in order to enhance the quality and quantity of arts offerings.

Comment: The proposed land conveyances will support these policies by enabling the SFMOMA to significantly expand its facilities and incorporate an extremely significant modern and contemporary art collection.

PUBLIC FACILITIES ELEMENT

OBJECTIVE 5

DEVELOPMENT OF A SYSTEM OF FIREHOUSES WHICH WILL MEET THE OPERATING REQUIREMENTS OF THE FIRE DEPARTMENT IN PROVIDING FIRE PROTECTION SERVICES AND WHICH WILL BE IN HARMONY WITH RELATED PUBLIC SERVICE FACILITIES AND WITH ALL OTHER FEATURES AND FACILITIES OF LAND DEVELOPMENT AND TRANSPORTATION PROVIDED FOR A OTHER SECTIONS OF THE GENERAL PLAN

The following principles are an integral and basic part of the Fire Facilities Section:

1. In general, firehouses should be distributed throughout the city so that each firehouse has a primary service area extending within a radius of one-half mile. This spacing should vary in relation to population densities, building intensities and types of construction, the pattern of trafficways, and with the relative degree of fire hazard.
2. Firehouses should be located on streets close to and leading into major or secondary thoroughfares.
3. Firehouses should be so located that no topographic barriers require time-consuming detours within the primary service area of each firehouse.

Comment: The replacement of an outdated fire house with a new, state of the art facility, in a less congested location will support this objective.

URBAN DESIGN ELEMENT

OBJECTIVE 2

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

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.

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.

POLICY

2.10

Permit release of street areas, where such release is warranted, only in the least extensive and least permanent manner appropriate to each case.

In order to avoid the unnecessary permanent loss of streets as public assets, methods of release short of total vacation should be considered in cases in which some form of release is warranted. Such lesser methods of release permit later return of the street space to street purposes, and allow imposition of binding conditions as to development and use of the street area.

Mere closing of the street to traffic should be used when it will be an adequate method of release. Temporary use of the street should be authorized when permanent use is not necessary. A revocable permit should be granted in preference to street vacation. And sale or lease of air rights should be authorized where vacation of the City's whole interest is not necessary for the contemplated use. In any of these lesser transactions, street areas should be treated as precious assets which might be required for unanticipated public needs at some future time.

Comment: The vacation of the remaining portion of Hunt Street is contemplated in the CLDAA. An analysis of the guidance provided under policies 2.8 and 2.9 of the Urban

Design Element indicates that vacation of Hunt Street for the purposes of expansion of the SFMOMA can be supported under the by the General Plan.

Planning Code Section 101.1(b) Priority Policies Findings

Attachment 2

Case Number 2009.0291R

SFMOMA CLDAA

The following Priority Policies are hereby established. They shall be included in the preamble to the General Plan and shall be the basis upon which inconsistencies in the General Plan are resolved:

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

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 have no adverse effect on existing housing and 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 services or overburden our streets or neighborhood parking;

The Project is not in conflict with this policy. The project will not create a significant number of new commute trips.

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 have no adverse effect on industrial or service sectors.

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

The new wing of the museum would be designed to meet all seismic safety codes. The establishment of a new Fire Station 1 would improve the City's ability to respond to disasters.

7. That landmarks and historic buildings be preserved; and

The project would have no adverse effect on landmarks or historic buildings.

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 or open space.