

Coalition for San Francisco



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September 15, 2011

Christina Olague, President

San Francisco Planning Commission

San Francisco CA 94103

Re: Comments on the Revised Draft Recreation and Open Space Element.

Strongly urging 90-day continuance beyond October 20 of decision and adoption date.

Dear President Olague, Commissioners,

A revised draft Recreation and Open Space Element (ROSE) was released earlier this summer. The Commission is scheduled to adopt this revised draft ROSE next month. The Open Space Committee of the Coalition for San Francisco Neighborhoods (CSFN) has identified significant problems with the revised draft ROSE's compliance with California Government Codes 66560 through 66568.

We strongly urge you to continue any decision for 90 days or longer beyond your proposed adoption date of October 20, 2011 to allow for sufficient discussion and resolution of the fundamental flaws described below.

The revised draft ROSE does *not* follow state guidelines for an Open Space Element.

California Government Code Sec. 65563 states that: "every city and county shall prepare, adopt and submit ... a local open-space plan for the comprehensive and **long-range preservation and conservation of open-space land** within its jurisdiction." The revised draft ROSE, however, is not about preserving existing open space. Indeed, the revised draft ROSE does not even mention preserving existing open space until Policy 1.7, *after* policies intended to support public art and urban agriculture.

The revised draft ROSE allows future development on existing open space through a concept of "no net loss." Under this policy, for example, a building could be built on existing ground-level open space as long as it would have balconies and a rooftop garden on the building. Or a building could be built on existing open space as long as a few trees are planted along the street outside the building. These features are *not* adequate replacements for the lost ground-level open space, yet the revised draft ROSE implies they are equal. There is no way this can be construed as protecting existing open space as state guidelines require. We are concerned that the revised draft ROSE will not stand up in court, should it be challenged.

The revised draft ROSE is not consistent with the Environmental Protection Element and the Urban Design Element, which require that San Francisco protect its remaining natural resources from "misuse," any "further building," and "encroachment." This inconsistency leaves the revised draft ROSE vulnerable to a legal challenge.

In addition, **the definition of "open space" in the revised draft ROSE differs from that contained in California Government Code Sec. 65560.** The state code defines open space as: "any parcel or area of land or water that is essentially unimproved and devoted to an open-space use..." The revised draft ROSE includes developed plazas and courtyards in its definition of open space, along with privately owned spaces. Also, we find that sufficient protections for identifying open space through an "open space zoning ordinance" are not met as the state intended.